

# Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199  
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## Planning Board Minutes 8/25/2014

Planning Board  
Village of Tarrytown  
Regular Meeting  
August 25, 2014; 7:00 p.m.

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

ABSENT: Village Administrator Blau

Chairman Friedlander stated that the following applications were adjourned for this meeting:

- Continuation of a Public Hearing - Peter Bartolacci – 67 Miller Avenue
- Continuation of a Public Hearing – HKP Realty Inc. – 25 Main Street
- Continuation of a Public Hearing – Montefiore Medical Center – 555 S. Broadway
- Preliminary Presentation – Tarrytown Waterfront LLC – 5 Hudson View Way (Bldgs. 3A & 3B)
- Preliminary Presentation – Tarrytown Waterfront LLC – 1 Hudson View Way (Bldg. 5A)
- Preliminary Presentation – Ferry Landings LLC – 2 Division Street
- Preliminary Presentation – Edward D. Coco – 39-51 North Broadway

### APPROVAL OF THE MINUTES – July 28, 2014

Mr. Tedesco moved, seconded by Mr. Birgy, with Mr. Aukland abstaining, that the minutes of July 28, 2014, be approved as submitted. Motion carried.

### CONTINUATION OF PUBLIC HEARING–Toll Brothers–229 Wilson Park Drive (Lot 10)

Judson Siebert attorney with Keane and Beane on behalf of Toll Brothers reported on the status of the installation and completion of the remaining stormwater infrastructure work for the Wilson Park subdivision as stated in Jennifer Gray's letter to the Board dated August 15, 2014 (copy attached).

Mr. Siebert further stated that they have provided the board a letter from Douglas Carver of ESE Land Surveyors with a copy of the survey prepared by Ward Carpenter Engineers Inc. on behalf of Toll Brothers and a copy of the survey prepared by Thomas C. Merritts Land Surveyors, P.C. on behalf of the owner of 4 County House Road. Mr. Carver confirmed that after reviewing both surveys, the surveyors utilized identical metes and bounds descriptions for the common property line, which is also shown on the site plan for Lot 10 and the Subdivision Map prepared for Toll Land V Limited partnership, dated 9/30/10. He further stated that the common property line is also the municipal line between the Village of Tarrytown and the Village of Sleepy Hollow. (Copy of letter attached)

Chairman Friedlander asked Mr. McGarvey if that is satisfactory to him. Mr. McGarvey said yes; everything the attorney said is done. He spoke with Rob DiGiorgio today regarding the swale on the south side of the field. He plans to meet with Mr. DiGiorgio to see if it is needed. Casey Devlin agrees that whatever Rob DiGiorgio wants they will provide. They installed an 18" pipe from the convent parking lot down the south side of the field and along the

west side of the field into the pond in the northwest corner. He said he spoke to Casey Devlin about the netting and cover and Mr. Devlin said he is going to ask AYSO for suggestions. This pond will be drying out. They could not do it during construction but they will be drilling a 1 ½" hole in the larger retention pond in the northeast corner which will drain it slowly and most of the time it will be dry. Chairman Friedlander said that whatever they recommend they should go through Rob DiGiorgio because he has experience with this.

Counsel Shumejda said they are waiting for Lucille Munz final report regarding the trail.

Mr. Aukland asked if they are ok with the boundary issue. Counsel Shumejda said based on the documents, it is a non-issue. The issue is the location of the fence.

Mr. McGarvey said he spoke with Casey Devlin regarding a 2' high wall around the park. Casey Devlin said they would make a mock-up of the wall. Counsel Shumejda said the wall has to be approved; a 2' wall, 18" thick with footings except at the drip line of trees and it has to go before the Board of Trustees.

Mr. Siebert said he will speak with Counsel Shumejda about the bond language.

Robert Rosh, representing the owner of 4 County House Road which borders lot 10 on the northern property line, stated that he objects to the continuation of this hearing because the board stated it would not go forward until the property line dispute is resolved. Beristain and Bernacchia should be treated the same. His clients have no privacy for their pool; a stockade fence should be installed and paid for by Toll Brothers. The landscape plan is inadequate, only half of the property is enclosed.

Counsel Shumejda asked Mr. Rosh if he is saying that the metes and bounds are different than his client's surveyor. Mr. Rosh said no; the issue is where the northern boundary line of lot 10 meets the southern boundary line of the Bernacchia property. Counsel Shumejda asked Mr. Rosh if he agrees that the boundary line between the Village of Tarrytown and The Village of Sleepy Hollow is that property line. Mr. Rosh said he has not seen it. Counsel Shumejda asked Mr. Rosh to provide a full size copy of his client's survey.

Mr. McGarvey said to Mr. Rosh that you are saying there is a dispute but your client says there is none. Mr. Rosh said there is a 1' dispute between Ward Carpenter and Merritts.

Chairman Friedlander asked Mr. Rosh if there is a fence on his client's property now. Mr. Rosh said there is an aluminum fence put in by a contractor. Chairman Friedlander asked how the contractor knew where to put it. Mr. Rosh said he could not answer that. Chairman Friedlander said that is a very important question.

Mr. Rosh said there is an encroachment but Toll doesn't know where it begins or ends; the dispute is more than 1", it is at least a foot based on the survey.

Mr. Siebert said they have not resolved anything with the Bernacchias; only provided that the metes and bounds are the same. It is our private property issue, not this board's issue. The only issue that concerns this board is the trail and that been resolved by moving it. Mr. McGarvey said it is this board's issue if they don't meet the minimum criteria of lot size, which we don't know. Mr. Carver said it is a very small strip that will not affect the size of the lot. Mr. McGarvey said if they are right there could be a problem. Mr. Carver said the fence is not at the property line. Mr. McGarvey said he is talking about your stakes and Merritts stakes. Mr. Carver said Ward Carpenter did the original survey, not them.

Mr. Aukland said the site plan states the actual size of the property is 52,000 s.f., well over 40,000 s.f. so 1"-1' will not make a difference; but we cannot act until it is resolved. Mr. Siebert said the property line issue is not the prevue by law of the Planning Board.

Chairman Friedlander asked Mr. Rosh if he is addressing the fence replacement to the Village of Tarrytown or Toll Brothers.

Mr. Rosh said the landscape plan provided by Toll Brothers showed that there is no screening at all; they lost use of their pool for the entire summer. Mr. Tedesco said we will provide our landscape consultant with your concerns.

Mr. McGarvey said he is confused; why didn't your client look at this at the time of the purchase of the house. Mr. Rosh said at that time there was no proposal for a trail. Mr. McGarvey said yes there was right from the beginning and this subdivision has been around for a long time. He said he doesn't think your client can dictate what she wants. You can't come up here and tell the board what to do. Mr. Rosh said his client did not know there was going to be a trail; but if she did, she would expect that there would be screening between her property and the trail.

Ms. Raiselis said wouldn't it be a good investment to plant shrubs to provide privacy? Chairman Friedlander said a stockade fence would also diminish the value of the trail, making it look like a cattle run; plantings are much better.

Mark Fry, Lakes Committee said he agrees with the board's comments regarding the upper part of lot 10 where the easement is proposed to be moved. He understands that Mr. Beristain of 2 County House Road and Toll Brothers has come to an agreement of screening with plantings and feels Bernacchia should have agreement to same. He said regarding the soccer field netting that we have a very detailed plan which we should use. He is happy to see that the work is started.

Mr. Tedesco moved, seconded by Mr. Aukland to continue this application to the September 22, 2014 meeting. All in favor; motion carried.

#### CONTINUATION OF PUBLIC HEARING--Toll Brothers--112 Wilson Park Drive (Lot 2)

Judson Siebert of Keane and Beane on behalf of Toll Brothers reported that the erosion control measures are in place on lot 2; they are using a double silt fence.

Mr. Siebert said he spoke with Mr. Fry regarding the Brace Cottage. Mr. Fry indicated that Scott Monje, President of the Historical Society reached out to Bruce Toll regarding the preservation of the cottage; he said he received a response from Toll Group President Christopher Gaffney stating that he would look into it. This site has gone through a lengthy review including the SEQRA process and subdivision approval and we cannot keep the cottage, but we will allow items to be taken from it for historical preservation. Mr. Siebert said he has an e-mail from Mr. Gaffney stating that Mr. Fry's proposal cannot be entertained (e-mail attached).

Mark Fry said he would like to correct Mr. Siebert for the record and stated that Scott Monje did contact Bruce Toll and members of the Historical Society received an e-mail in response on August 5<sup>th</sup> from Mr. Gaffney and again today, August 25<sup>th</sup> they received his August 8<sup>th</sup> e-mail (letter & e-mails attached). Mr. Fry said he believes there are ways around the issues with keeping the cottage. He said Bruce Toll is interested in a favorable resolution. He asked that the board not approve this site plan until the Brace Cottage issue is fully resolved and also because he does not see the easement for access to the soccer field on the site plan and the existing structure is not on the site plan. Mr. Fry said that lot #2 is one acre and the Brace Cottage lot is ¼ acre; there is no reason why they both cannot share that space. He also said "they are very happy for the first time ever, ever to hear from Mr. Gaffney this afternoon" but will need more time for a resolution. At the time of the subdivision no one was aware of the history of this cottage; it can be used as an art studio or office, etc. Take no action tonight; give us 30 days.

Chairman Friedlander said that letter did not show any interest in saving the cottage. He asked Mr. Fry if they have a buyer for that lot; Mr. Fry said he is prepared to purchase the cottage but not lot 2. Chairman Friedlander said he is sympathetic but Toll has a client with a contract and they want to move forward. We do not have the grounds to continue to look into it. We are not in a position where we can do nothing.

Mr. Fry read Mr. Gaffney's e-mail into the record (attached).

Chairman Friedlander asked Ms. Raiselis the cost of moving the house. She said \$100,000 but it is a very difficult thing to do unless you move it just off the property to a piece of the park. She said moving it anywhere else is very difficult because of the roads, trees, hydrants, etc. Mr. Fry said they looked into that, moving it to the park. Chairman Friedlander said the only viable solution is if you have the money to move the house and you can get the approvals from the Board of Trustees; buy the house and move it.

Ms. Raiselis said there is the question of the easement not being shown on the site plan. Mr. Siebert said if you approve, we will provide plans showing the easement. Mr. McGarvey said the shared driveway between lot 1 and lot 2 is not shown going to the back.

Chairman Friedlander asked Mr. Siebert to bring a new site plan for the next meeting showing the easement and the shared driveway so that we can get this thing going.

Chairman Friedlander moved, seconded by Mr. Tedesco to continue the hearing at the September 22, 2014 meeting. All in favor; motion carried.

CONTINUATION OF PUBLIC HEARING – Split Development Corp. – 54 Gracemere

Jim Anniccharico with Cronin Engineering representative for Split Development Corp. said since last month they made a new submission with a pool directly behind the house. This revision has caused the proposed retaining wall to be moved a few feet back with slight grading; a 2:1 grade. He said they met with Ms. Munz and went over the Planning Board's concerns. They are happy to comply with her recommendations as per the attached report. At the site visit there were many trees to be removed but many were small saplings that don't meet the criteria to be saved. Ms. Raiselis said that Ms. Munz said it would be good to save some of those saplings; it would be nice to keep that wooded area.

Mr. Anniccharico said they have removed many of the ribbons on both the smaller and some larger trees; so they were able to save them.

Ms. Raiselis said so we don't have the updated landscape plan right now. Mr. Anniccharico said they just got it today but requested they approved based on her suggestions.

Chairman Friedlander said he would like to see a new landscape plan with Ms. Munz approval before they approve the site plan.

Mr. McGarvey said to show the protection around the drip line of these trees. Mr. DeNardo said they are too close to the house. Mr. McGarvey said there has to be some kind of happy medium so that a machine can get around and knows that it has to be protected.

Chairman Friedlander said it is a unique lot; would like to try to preserve as much as possible. Protection needs to be shown clearer. Mr. Anniccharico said they will show a circle around trees on the plan.

Mr. Tedesco moved, seconded by Ms. Raiselis to continue the hearing at the September 22, 2014 meeting. All in favor; motion carried.

NEW PUBLIC HEARING – Whisper Hills Homeowners - 32 Windle Park

The Chairman read the following Notice of Public Hearing:

*PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, August 25, 2014 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Whisper Hills Homeowners  
32 Windle Park  
Tarrytown, NY 10591*

*For site plan approval for property located at 32 Windle Park for the replacement of rotted wood retaining walls with interlocking block walls. The property is shown on the tax maps as Sheet 1.70, Block 32, Lot 5 and is in the M1 zoning districts.*

*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.*

*By Order of the Planning Board*

*Secretary*

*Dale Bellantoni,*

*DATED: August 15, 2014*

The certified mailing receipts were submitted and the sign was posted

Mr. Aukland recused himself for this application.

John Annunziata, Engineer, spoke on behalf of the applicant. He gave an overview of the project stating that they were replacing the decayed railroad tie walls on the property with stone walls. During the construction it was brought to their attention that there was an issue with steep slopes in the area they were working in and they were told they had to submit an application and appear before the Planning Board for a waiver to work in the steep slopes. During the planning board review, the fire road was brought up. After a review, the fire department requested that the road maintain a minimum of 11 feet in width, a maximum of 17% grade and be surfaced with grass pavers, all of which will increase responder safety and enable better emergency response access. Lastly because they had to cut down trees in order to replace the walls, the planning board requested a planting plan. Mr. Annunziata said we have addressed all of these issues.

Eric Schaum, President of the Board received Ms. Munz's report and said they don't have an issue with her suggestions; it was always their intention to plant trees. He said there is a planting list which they feel is appropriate for this area and climate. Ms. Raiselis asked if that planting list was established before or after Ms. Munz made the comments. Mr. Schaum said before. He said Ms. Munz suggested certain material that could be added, which they don't have a problem doing.

Mr. Schaum said the fire road was originally crushed stone which is what we prefer. Mr. McGarvey said he will have to bring it back to the fire department because they wanted it more stable. Mr. Schaum said recently they had a fire on the lower level and the fire department used the parking lot because that is the fastest and most efficient way to get to the residences on this side. He said we still have a pre-existing road which we will bring up to the 11' width required by the fire department but the cost of putting in the grass pavers is prohibitive. Counsel Shumejda asked the cost of the work. Mr. Schaum said they have not priced it out but at least \$10-\$20/square vs. crushed stone that was there previously. Mr. Schaum said in rebuilding the wall they did not disrupt the fire road at all and they had building permits to do that work.

Chairman Friedlander said the question is whether that road provides the protection needed for the complex. Mr. Schaum said for that last fire they did not use it; they used the driveway which provided sufficient protection. Mr. McGarvey asked if they hooked up to the fire hydrant that is back there. Mr. Schaum said no, they hooked to the one in the front. Ms. Raiselis said perhaps they were afraid to go up that road. Mr. Schaum said we can speculate; Ms. Raiselis said no, we can't; but we can go back to the fire department and ask them what has to be done. She said obviously they want to use it or that hydrant would not be there. Mr. Schaum said he believes they are asking for too much. Chairman Friedlander said it is a safety issue; we seem more concerned about the residents' safety then you do. Mr. Schaum said because you don't have to pay for it. Chairman Friedlander said no but I also don't have to live there. Mr. Annunziata said the cost will be approximately \$9,000 vs. \$1,500. Chairman Friedlander said lets round it up to \$2,000 dollars and down to \$8,000 which makes it a net increase of \$6,000 divided by 43 units is \$150 each.

Gideon Rabino, a board member said we want to work with the Village but are confused; we haven't heard from the fire department as to what material they want us to use; they are not saying we can't use the crushed stone. Mr. Schaum said can we ask the fire department if we can use the crushed stone. Mr. Rabino said we would like to move forward with this project, it's been eight months.

Mr. Tedesco asked Mr. McGarvey the stability of crush stone vs. grass-crete pavers. Mr. McGarvey said grass-crete pavers are more stable.

Counsel Shumejda said the price is an estimate. Chairman Friedlander said they will contact the fire department.

Counsel Shumejda said that Ms. Munz has to review the landscape plan.

Steve Weinstein, Unit 33A asked why this is an issue now. He has lived there since 1988 and there was no problem; why now. Counsel Shumejda said because you are before this board and we sent the application to the fire department. Mr. Tedesco said the trucks have changed. Ms. Raiselis said the fire department doesn't have the means to go to all properties to assess them. Chairman Friedlander said maybe they want to be more cautious than previously; times have changes. He said our concern is to provide for the safety of the residents.

Peter Bartolacci, 67 Miller Avenue, asked why this application is before the Planning Board. Mr. McGarvey said because they are disturbing steep slopes. Mr. Bartolacci said the steep slopes law does not give this board jurisdiction. Counsel Shumejda said if you have a question about this particular application, about the process we will certainly hear and answer your questions. If you are here to dispute the legal arguments you have raised in the

past, this is not the forum for that. Mr. Bartolacci said he is not here to raise legal arguments, he thinks it's a perfectly reasonable question; these people have a right to know. Mr. McGarvey said they are before this board because of the disturbance to steep slopes and because they were building the wall higher than it was before. Mr. Bartolacci asked what raising it higher has to do with it. Mr. McGarvey said because of the backfill behind the wall; he stated that the original plan did not show that it was going to be raised higher. Mr. Bartolacci proceeded to ask the applicant's engineer questions and called him up to the podium. Chairman Friedlander stopped Mr. Bartolacci and explained that he, Mr. Bartolacci, is not in charge of this meeting. Chairman Friedlander said to Mr. Bartolacci that he is only to address the board; he is not running this meeting. Mr. Bartolacci said that Mr. McGarvey just gave a false statement about the plans. Counsel Shumejda said the Mr. Bartolacci has foiled this application and has the documents; he can look at them himself. Mr. Bartolacci persisted. Chairman Friedlander said he was given an answer; he said it is before this board and the application that came before this board is for a higher wall that disturbed the steep slopes. Mr. Bartolacci feels the planning board does not have the jurisdiction to review steep slopes. Counsel Shumejda said the record speaks for itself; these are the issues that Mr. Bartolacci raised in his own application. Mr. Bartolacci persisted and Counsel Shumejda said he will not speak about his lawsuit.

Chairman Friedlander said we reviewed this application for health and safety reasons, which is in our prevue. You are trying to say we are doing something wrong when we are only concerned about the health and safety of the community. Let's move on. Mr. Bartolacci asked Chairman Friedlander if the wall changed from the original application. Chairman Friedlander said you already received my answer to that question; this is the only plan that has come before this board. Mr. Bartolacci then proceeded to ask the building inspector if the wall changed.

Chairman Friedlander interrupted him and said that he must address the board and they decide if it gets referred to the staff; we are in charge of this meeting, not the staff. Mr. Bartolacci persisted and was asked by Chairman Friedlander to leave the podium. Mr. Bartolacci turned and asked the applicant a question. Chairman Friedlander said they are not to respond to Mr. Bartolacci; he is out of order. Chairman Friedlander said I am the one who allows you to speak, this is a simple procedure. He said Mr. Bartolacci can ask another question and he will answer it to the best of his ability in good faith in trying to do the best for this community which he has always done. If Mr. Bartolacci wants to persist with his game, he does not have to put up with it. He said he is here trying to do the best for your building but Mr. Bartolacci is not, he has not asked one question relative to that; he has another agenda which I am not interested in. He asked Mr. Bartolacci if he has another question. Mr. Bartolacci said that Mr. McGarvey stated in the Zoning Board of Appeals meeting that the application was not sent to the planning board because the walls were being built in the same location and to the exact height, what changed. Chairman Friedlander said next question.

Mr. Bartolacci said you are not going to answer me. Chairman Friedlander said I already gave you my answer, this is the only plan that is before this board; move on.

Brenda Slate lives in the lower level of the building that had the fire which she was quite concerned about. She said the fire department had to come down two flights of stairs and throw their equipment down onto the deck because there was no other way to access the fire. It was very awkward. She said she is interested in the best and safest interest for the residents and now understands why it is taking so long. She is happy to see that this board is also interested in their safety but wishes that it could be resolved as quickly as possible with maximum safety for everyone involved.

Mr. Tedesco move, seconded by Ms. Raiselis to continue the public hearing to the September 22, 2014 meeting. Four in favor, one abstention; motion carried.

#### NEW PUBLIC HEARING – Wahnnon - 25 Cottontail Lane

Chairman Friedlander read the following public hearing notice:

***PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, August 25, 2014 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:***

***David Wahnnon  
25 Cottontail Lane  
Tarrytown, NY 10591***

***For site plan approval for property located at 25 Cottontail Lane for exterior renovations to a structure located in a high elevation. The property is shown on the tax maps as Sheet 1.270, Block 137, Lot 14 and is in the R-10 zoning districts.***

***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.*

*By Order of the Planning Board*

*Dale Bellantoni, Secretary*

*DATED: August 15, 2014*

The certified mailing receipts were submitted and the sign was posted.

Michael Lewis, Architect, said they are before this board because the proposed work is above elevation 300'. He said the changes to the footprint are very small and conforms to all zoning requirements.

Counsel Shumejda said the issue is not a hilltop issue. The Village Code 305-67A2C has a calculation for a hilltop and this does not meet a hilltop. The issue is elevation of 300' where there is another calculation for the decrease in density. He spoke with Mr. McGarvey today regarding this and he is in agreement that it is a non-issue. Mr. Lewis said there is no decrease in the density.

Ms. Raiselis said she is confused and asked for an explanation. Counsel Shumejda said a hilltop is 10'; this is 7.8'. It is just before this board for site plan review because of the 300' above sea level. Ms. Raiselis asked if the addition will go higher. Mr. Lewis said yes, 1' but not beyond zoning requirements.

Chairman Friedlander opened the hearing to the public. No one came forward.

Ms. Raiselis moved, seconded by Mr. Aukland, to close the public hearing. All in favor; motion carried.

Ms. Raiselis moved, seconded by Mr. Aukland, that the Planning Board declare itself Lead Agency for the proposed project. All in favor, motion carried.

Ms. Raiselis moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. All in favor; motion carried.

Ms. Raiselis moved, seconded by Mr. Aukland, to approve the addition to 25 Cottontail Lane subject to the following conditions:

- Approval by the Building Inspector/Village Engineer.
- Payment of any escrow/recreation fees prior to the granting of a building permit.
- Approval by the Architectural Review.
- Signing of the final site plan by the Planning Board Chair.

All in favor; motion carried.

**NEW PUBLIC HEARING – Crescent Associates LLC – 155 White Plains Road**

Chairman Friedlander read the following public hearing notice:

***PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, August 25, 2014 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:***

***Crescent Associates, LLC  
Silverman Realty Group  
237 Mamaroneck Avenue  
White Plains, NY 10605***

*For an amended site plan approval and lot line adjustment for property located at 155 White Plains Road, Tarrytown, New York for the construction of a 105 space parking lot to be used by a new tenant. The property is shown on the tax maps as Sheet 1.201, Block 121, Lot 5.11 and 5.12 and is in the OB zoning districts.*

*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.*

*By Order of the Planning Board*

*Dale Bellantoni, Secretary*

*DATED: August 15, 2014*

The certified mailing receipts were submitted and the sign was posted.

Don Walsh, Development Strategies on behalf of Crescent Associates explain that this property received approval for the development of an office building. This approval has been renewed twice. The owners have tried to sell or rent the back parcel but have no takers. In the last 3 ½ years an occupant went bankrupt and moved out of the existing 60,000 s.f. office space leaving approximately 22,000 s.f. of vacant space. Mr. Silverman now has a potential medical tenant to take over the space but needs more parking because their clients are non-ambulatory patients. They looked at the site to see where they could provide more parking and the only solution was to use the area which was approved for an office building. Mr. Silverman would like to give up his approval for an office building and use that space for parking for his new tenant. Mr. Walsh said they are back before this board for a new subdivision on the site and for site plan approval. They are going to use porous paving, a new concept. They will bring in extra screening and preserve the trees as shown on the original site plan. Mr. Walsh said they spoke with the neighbors who had some questions, one of which was are we going to do anything with the wall bordering the properties. He said that is not part of this project but we are going to have Stephan Yarabek look at it and will take care of it down the line a bit. They were also asked if we considered any egress or ingress from Martling Avenue and he said they are not considering that because there is no need.

Mr. Aukland asked if they are dissolving the original approval. Mr. Walsh said we are asking for two things, a new site plan with a parking lot instead of a building and we are also asking for the subdivision lines to be redrawn. Mr. Aukland said if the undeveloped lot in the future were to be used, you would probably have to subdivide again, why not just simplify that. Mr. Walsh said there is not a tremendous amount of usable land, about three acres.

Mr. Walsh introduced Rich Williams for Insite Engineering to discuss the engineering issues with this project.

Mr. Williams said they looked into porous pavement because of the previous application; this site has an approved SWPPP which means this site meets all of the stormwater regulatory requirements. He said porous pavers are more expensive but the owner is willing to do it. We have done soil testing and they are good for this type of pavement. Porous pavers look very similar to standard pavement. They allow water to seep right into the pavement; there is a 14"-26" of base. Mr. Williams said some of the benefits of porous pavers are:

- Reduces impact of impervious coverage.
- Serves to provide runoff reduction.
- Very effective in treating pollutants such as solids, metals, nutrients and hydrocarbons.

Ms. Raiselis said there will be a certain amount of absorption first and the rest will go into the system. Mr. Williams said that is correct.

Ginnie Hayes, Hitachi, said her concerns were the wall and the access road but those concerns were addressed. She did want to comment as a user of the facility, they do need more parking.

Stephan Yarabek showed the landscape plan which was the approved plan for the entire site but they added an alley of white pine trees along Martling Avenue. There are low utilities along the site which prevents the planting of meaningful street trees. They are maintaining the plantings around the perimeter and are putting native species.



There will be a tree island in the parking lot with a shade tree.

Ms. Raiselis said is this property adjacent to the aqueduct. Mr. Yarabek yes and the plan was approved by the OCA in the original approval.

Mr. McGarvey asked when they are going to repair the wall on Martling Avenue. Mr. Walsh said that is something that just came up two days ago and it will take some time but they will work with the Village on it. We will work up a plan and we plan to save as many of the original stones on the original line as possible; it cannot be done overnight.

Mr. McGarvey asked about the access that the fire department wants to get to Martling Avenue; is it going to be put in. Mr. Walsh said it was to provide fire protection for the building that was approved that will never be built. There will not be access through there.

Mr. Tedesco said that 196 parking spaces are required and presently you have 224, by adding 97 more you will have 321 spaces which is 125 spaces or 62.5% above the requirement. What is the rationale for all of these parking spaces? Mr. Williams said currently there are actually 193 spaces because we gave up 8 when the fire house was built. Mr. Walsh said the Tarrytown Code does not have parking requirements for medical offices so he is basing his number on Hastings requirements which are part of the code. He handed out a spread sheet showing the parking requirements. He said today's medical offices have changed; it is no long one doctor and a small staff. There are many doctors and a large staff as well as patients constantly coming in and out.

Mark Fry said the medical business has changed; offices have a much larger staff include many technical people.

Mr. Birgy said you are saying the lot is full most of the day. Mr. Fry said not now with 1/3 of the building empty but once the new tenant moves in it will be; when the building is full, the lot is full. Mr. Birgy said he is concerned that there will be a lot of unused paved area because the parking is too far from the building for this type of client. Is there a way we can make some of that unused area green, especially up in that north corner? Mr. Walsh said they made a deal with the Village to allow the fire department to use the parking in the east end of the lot for overflow parking when they have special events; he would not want to renege on that agreement. Mr. Birgy said he does not want to take away that parking. He was just saying if the space is not being used, can we put it to better use. Mr. Walsh said we can look into that for the future. Mr. Fry said there are some places on the site that can be redesigned to make more parking closer.

Mr. Birgy moved, seconded by Mr. Aukland, to close the public hearing. All in favor; motion carried.

Mr. Birgy moved, seconded by Mr. Aukland, that the Planning Board declare itself Lead Agency for the proposed project. All in favor, motion carried.

Mr. Birgy moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. All in favor; motion carried.

Mr. Birgy moved, seconded by Mr. Aukland, to approve the application for 155 White Plains Road subject to the following conditions:

- Approval by the Building Inspector/Village Engineer particular with regard to the adequacy of the stormwater drainage.
- Approval of the landscaping and screening plan by the Village's Landscape Consultant. Plants should be non-invasive native species or non-invasive ornamentals. If during the implementation of the approved landscape plan any changes or amendments are desired, such changes must be approved by the Planning Board.
- Payment of any outstanding escrow or recreation fees prior to the issuances of the building permit.
- Signing of the final site plan by the Planning Board Chair.

All in favor; motion carried.

PRELIMINARY PRESENTATION – Ridgcroft Estates Owners Inc. – 154 Martling Ave.

Les Maron of Maron & Mazzanti on behalf of Ridgcroft Estates Owners Inc. stated that Ridgcroft Estates is a 143 unit co-op with a front entrance on Martling Avenue and a rear entrance on White Plains Road. Mr. Marron said the complex was built in 1951 and they were unable to locate a final site plan. Many non-residents are using their private road as a cut-through and speeding through the complex. This has caused a detriment to the health and safety of the residents of the complex, in particular the children.

In an attempt to remedy the situation, they are proposing the installation of two Mega Arm Tower barrier arm units on their private roadway, 290' up from White Plains Road. The units will have back-up battery power in case of power outages and the ability for manual override by Ridgcroft's staff. Residents will be issued remote control units to open the gates and emergency vehicles will gain access by sounding a siren in close proximity to the gate. Signs will be posted advising emergency vehicles.

Delivery trucks and school buses will enter from Martling Avenue. The school buses have already been informed, emergency agencies including police, EMS and the fire department will be notified in writing no less than 14 days before the gates become operational; neighboring residential developments will be notified by mail and via handouts not later than 14 days before the gates become operational; signs will be posted.

Emergency agencies are encouraged to make an appointment to observe the operation of the gates. Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the September 22, 2014 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Cannavo - 17 North Washington Street

Stanley Lee, architect, on behalf of the applicant said he is before this board seeking permission to convert an existing 3-story building into two residential units and storage. He said there is parking in the rear and they are looking for an easement or access from the adjoining building which is also owned by Dr. Cannavo.

Mr. Lee said one residential unit will be on the third floor and the second in the rear portion of the building; both will be accessed by a common stairway and will exit onto North Washington Street.

They will be restoring the brick work and bring back it's character. They will upgrade the doors and windows.

Mr. Tedesco asked what it is used for now. Mr. Lee said it is used for the storage of Dr. Cannavo motorcycle collection.

Ms. Raiselis said this came before this board a few years ago; did that work ever happen? Mr. Lee said no. Mr. Lee introduced Rand Marshall, the owner's representative. He said they took it over from the previous architect, redesigned it and no work has been done at all. He said they are going to do a complete restoration and make it look like the old firehouse that it once was. They will be replacing all the wood floors and putting in steel members with a 5" concrete deck and in-floor heat.

Ms. Raiselis asked if it is going to be rental units. Mr. Marshall said yes.

Ms. Raiselis said are you going to leave it a little grubby. Mr. Marshall said we are going to make it look like the picture back in the 1800's.

Mr. Aukland said the last time this was brought up there was concern about the emergency egress. Mr. Lee said they are sensitive to that and occupancy load; he will work with Mr. McGarvey on that.

Mr. Lee said this is a private use and the zoning calls for about 12 parking spaces for the amount of storage they will have. He asked the board if they had any consideration with another load factor that we can use. Mr. McGarvey said

he will talk with him about that.

Mr. Birgy asked what it is zoned. Mr. Lee said GB, General Business, which allows for the mixed use.

Mr. Birgy asked what will the first floor be used for. Mr. Lee said the first floor will primarily be for parking and the second floor for storage.

Mr. Marshall said they will have a complete sprinkler system and a lift to get the motorcycles up to the second floor.

Mr. Birgy asked if they plan to use any energy measures. Mr. Lee said the biggest will be the most efficient HVAC system and upgrading the R rating of the building as well as energy efficient fixtures in the kitchens and bathrooms.

Ms. Raiselis asked if they thought about solar panels on the roof. Mr. Marshall said they want to save as much money on energy as possible.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the September 22, 2014 meeting; all in favor. Motion carried.

#### PRELIMINARY PRESENTATION –Irvington Restoration - 44 Lincoln Avenue

Mr. Birgy rescued himself from this application.

Dave Barbuti, architect, on behalf of Irving Restoration said they are before this board seeking site plan approval for a new one-family dwelling as follows:

- Single-family house
  - 2,700 s.f.
  - Two-story Colonial with a basement
  - Small open roofed porch on the right side

He said they provided landscape plans, stormwater plans, grading plans. He showed the board the streetscape and facade of the house.

Mr. Aukland asked if it complies with the zoning code other than the steep slopes question. Mr. Barbuti said no variances are required.

Mr. Tedesco said the site plan shows an asphalt driveway; have you considered a permeable surface. Mr. Barbuti said that they have not discussed that but will discuss it with his client.

Mr. Tedesco said for the public hearing you should consider adding some trees to the back yard. There are no trees in a rather large lawn area; some shade trees should be added.

Ms. Raiselis asked if the house is elevated because of the garage. Mr. Barbuti said there is rock below the surface and in order to eliminate as much chipping as possible, they tried to keep it as elevated as much as possible.

Ms. Raiselis asked what the foundation will be made of. Mr. Barbuti said most likely it will be poured concrete with a stucco finish over it.

Chairman Friedlander said for the public hearing you will provide information about the energy efficiency for this project. Mr. Barbuti said absolutely.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the September 22, 2014 meeting; all in favor. Motion carried.

#### PRELIMINARY PRESENTATION – Split Development Corp. – 60 Gracemere

Jim Anniccharico of Cronin said that this lot received site plan approval last year. The buyer would like a small indoor pool in the rear of the house in the southeast corner of the building. They are proposing a 17' x 31 ½' extension of the approved building for a small pool and spa; it will be one story and approximately 531 s.f. There will be no additional tree removed and no variances required. The FAR will be increased but it will still be within the zoning requirements.

Mr. Aukland said for the public hearing show before and after.

Ms. Raiselis said to show the elevations. She asked if the approved plan was modified any more. Mr. Anniccharico said this just comes out from the building; no other change to approved plan.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the September 22, 2014 meeting; all in favor. Motion carried

#### COMMENT:

Chairman Friedlander stated that the Station Project is going forward.

#### ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 10:30 p.m.

Dale Bellantoni  
Secretary

