

Village of Tarrytown, NY

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Planning Board Minutes 3/24/2014

Planning Board
Village of Tarrytown
Regular Meeting
March 24, 2014; 7:00 p.m.

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

ABSENT: Member Raiselis

Mr. Tedesco opened the meeting and chaired until Chairman Friedlander arrived at 7:15 p.m.

Mr. Tedesco reported that the following applications were adjourned:

67 Miller Avenue
229 Wilson Park Drive
1-7 Main Street
25 Main Street

120 Cobb Lane withdrew their application

APPROVAL OF THE MINUTES – February 24, 2014

Mr. Tedesco said before they approve the minutes there is a minor change on page 7, condition 3 of the approval for 65 Castle Heights Avenue. The approval states that the board approved a four-tiered wall with a 12' separation. He explained that originally the board approved a two-tier wall with a 12' separation, but when it changed to a 4-tier wall, the approval was for a 6' separation. The minutes should state a 6' separation.

Mr. Aukland moved, seconded by Mr. Birgy, and unanimously carried, that the amended minutes of February 24, 2014 be approved. Motion carried.

CONTINUATION OF A PUBLIC HEARING – EF International – 100 Marymount Avenue

Mr. Tedesco stated they received three letters regarding this application. He read the letter from Stephen A. Yarabek addressed to the Planning Board, dated March 3, 2014 (copy attached).

Mr. McGarvey read the letter addressed to him from U.S. Fire Training and Planning Services dated March 17, 2014 (copy attached) and his letter to the Planning Board dated March 13, 2014 (copy attached).

John Canning of VHB addressed the board on behalf of EF International. He discussed the two outstanding items from the last meeting.

Mr. Canning said they received a letter from the Fire Department at the last meeting. They have had a meeting with the fire chiefs and the board of fire wardens who requested a number of items which he has shown on the latest plan. They requested a fire hydrant be added adjacent to the northern portion of the access road. Mr. Canning stated that the plans show the addition of the fire hydrant with a connection to Neperan Road with a new water line.

Mr. Canning said they are also proposing that the existing hydrant, which is at the corner of the access road, be moved back about 20' further north on Irving Avenue so that it is out of the way for the fire department when they respond to that location. The fire department also expressed a concern about lighting in the roadway in front of the Gaines building should the students need to evacuate. They are proposing new shine-down fixtures; and they are proposing a guide rail on the top of the wall at the suggestion of the fire department. Finally he showed a plan, which they provided to the fire department in response to the fire department's request for calculations demonstrating that the fire apparatus coming in at the end of the new access road will be able to access the building at the point.

The fire department accepted these calculations but asked that they can verify this after the construction is completed; the applicant has accepted this request as a condition of approval.

Mr. Canning said they have subsequently received a request from Mr. McGarvey that the rear egress from the building and the new access road be separated. He spoke with Mr. McGarvey this evening. They would like the fire department's consent and is asking for site plan approval with the condition that these modifications to the site at this location are to the satisfaction of the fire department and Mr. McGarvey.

Mr. Canning said the last pending item was review of the landscape plan by Lucille Munz, the Village's Landscape Architect. A revised plan was submitted to Ms. Munz. She reviewed the plan and approved it in her memo dated 3/24/14. (attached)

Chairman Friedlander said at the last staff meeting they discussed the density issue and they were to provide numbers in the dormitories in comparison to the numbers in the first compatible use permit with today's numbers. Mr. Johnson said they have prepared numbers for both classroom and dormitory for the current numbers and the numbers of what could be. He said they vary but the current number for the dormitories is 1,434 as things stand now without the conversion of the Library. He said looking at all possible spaces that they could use keeping within the code, theoretically they could house 1,711. He said regarding the classroom space, currently using a calculation of 20 students per classroom they can hold 1,780 students; but if we use every available space on campus, that number would be slightly over 2,000. He said he did these calculation based on the code and the special use permit. He said the number of students that are on campus at this time is 1,250. Chairman Friedlander said he wants to know the number that it should hold and how it compares with the neighborhood. Chairman Friedlander asked if this was going to be the Language School and a High School or just the Language School. Mr. Johnson said our plan, once we work out the details for the high school, is to have this location only the Language School. Chairman Friedlander said the impacts are different for a language school and a high school; high school may have commuters where the language school would not. He said he is trying to determine what number will be a safe number to be on campus and compatible with the community; he does not feel he has been given that number. Mr. Johnson said if you look at what is on campus now and what is allowed under the use permit, they are below that number and will still be below that number with the conversion of Gaines Hall.

Mr. Tedesco asked Mr. Johnson when they expect the project to be completed. Mr. Johnson said he does not know but would hope it will be completed by January 2015.

Mr. Tedesco asked if this is going to be a gradual process. Mr. Johnson said it will be a gradual process; because once Gaines Hall is complete, they will take Lugari off line for renovations, then Gerard. Mr. Johnson said the biggest issues are electrical and air conditioning. He said he thinks the earliest point that all building could be occupied would be September 2016. Chairman Friedlander asked what that number will be at that point. Mr. Johnson said he believes 1,695. Chairman Friedlander said it is your understanding that that number is allowed under the compatible use permit. Mr. Johnson said it is his understanding that the compatible use permit states that they must comply with whatever meets the New York State code. Chairman Friedlander said he would look into that. Mr. Johnson said the number he has heard regarding Marymount is 1,660, which means they are very close in range to that number. He said he got his information from discussions with Sr. Bridget and from what people remembered from the files, because they do not have the files but could possible get them from Fordham.

Mr. Aukland said to Mr. Johnson that they have agreed to provide the board with a master plan; will the numbers be a part of that plan. Mr. Johnson said yes.

Mr. Aukland said with this particular application we are only approving the 225 additional students for Gaines. He feels they have the numbers that they need.

Mr. McGarvey said prior to this application coming before the Planning Board, the fire department responded to 3-5 calls per month. Since you are before this board, according to the fire department, not one call has come in. Mr. Johnson said they have definitely been on campus from a fire call and he was there and talked to them. Maybe there have been none in the last 30 days. Mr. McGarvey said he is just making sure that nothing has been taken off line. Mr. Johnson if you look at the number of fines we paid in 2012 vs. 2013, I believe you will find an increase.

Mr. McGarvey said he discussed with Mr. Canning about the fire department's request that the students not come out of the building from the lower level onto the access road in an emergency. He said they have come up with a solution and they will be part of the building department review. He said they may want to make that a condition of their approval.

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

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

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

Mr. Aukland moved, seconded by Mr. Tedesco, that the Board approves conversion of the Gaines Memorial Library to a dormitory, as specified in the application and as further defined in the letter dated March 11, 2014, to the Planning Board from VHB on behalf of the applicant, together with their attachments and referenced documents, which is hereby incorporated into this approval. I note for the record that the letter from VHB specifies the conversion itself, and associated actions (modification of parking and pedestrian improvements along Marymount Avenue, repair and replacement of fences and walls, and associated landscaping), all of which are endorsed through this approval.

This approval is subject to the following conditions.

- In regard to the proposed crosswalks, EF will be responsible for the maintenance and repair of any pedestrian or vehicle controls that are installed.
- EF will submit a master plan for future developments at the EF site, including anticipated numbers of students at any given time.
- Approval by the Building Inspector/Village Engineer, to include verification by the Fire Department based on a later field test of the access road, as specified in the March 13 memo from Mr. McGarvey to the Planning Board.
- (The Planning Board grants a waiver pursuant to sections 305-67 F. (1) (a) [1] and [2] for intrusion into manmade steep slopes for the purpose of allowing emergency access to the existing building.)
- Approval of the landscaping plan by the Village Landscape Consultant. Plantings shall be of non-invasive native or ornamental species.
- Payment of any outstanding escrow fees prior to the granting of a building permit.
- Signing of the final site plan by the Planning Board Chair.
- I further move that the Planning Board recommend approval by the Board of Trustees of associated revisions to the Compatible Use Permit in force for EF on this property.

All in favor; motion carried.

NEW PUBLIC HEARING - Souk Gourmet Inc. - 19 Main Street

Chairman read the following public hearing notice:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, March 24, 2014 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Souk Gourmet Inc.
d/b/a Mint Premium Foods
19 Main Street
Tarrytown, NY 10591

For site plan approval for the conversion of a food store to food store plus restaurant. The property is located at 19 Main Street, Tarrytown, New York and is shown on the tax maps as Sheet 1.40, Block 17, Lot 24 and in the RR (Restricted Retail) Zone.

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

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: March 14, 2014

The certified receipts were submitted; the sign was posted.

William Null of Cuddy and Feder appeared before the board as representative for the applicant. Mr. Null said he presented a letter dated March 12, 2014 to the board at the March 13, 2014 staff meeting with a table dated December 6, 2013 showing the restaurant area with 42 seats and a dedicated retail space with refrigeration, customer service and shelving in approximately 400 s.f. (attached) Also submitted was a table entitled Parking Requirements for Mint Premium Foods. Based on that table, it is their understanding with the allocation of space requirements and credit for the prior retail use, that they require 5 additional spaces which they propose to by way of the parking fund contribution.

He stated that there are not significant exterior changes. He asked if the board had any questions.

Mr. Tedesco said looking at parking chart, the 22 spaces minus five to equal 17 is clear; but would like you to go over your argument of why 12 more spaces should be subtracted, making the required needed five.

Mr. Null said under the zoning ordinance existing uses and spaces that are permitted are deemed to have conforming parking. Therefore going from retail to retail, and in this instance a use that requires 12 spaces, if a new use goes in it has that credit of 12 spaces. If we only needed five spaces, Mr. McGarvey could grant those five spaces without us having to come to the Planning Board; however, in this case 17 are needed and Mr. McGarvey cannot grant that relief. If we reduced the number of seats to a number where only five spaces were required, there would be no need to come before this board.

Mr. Null said his interpretation of the Village's zoning code says that existing uses may remain without any addition parking requirements; if five additional spaces are required, Mr. McGarvey can grant them; and if more than five are required, they must go before the Planning Board in order to contribute to the parking fund.

Chairman Friedlander opened the meeting to the public:

Mark Fry said he agrees with Mr. Null's rationale and feels that Mint Premium Foods is an asset to the Village.

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, that the Board approve the application for Souk Gourmet, d/b/a Mint Premium Foods, 19 Main Street subject to the following conditions:

- Payment to the Parking Fund for the five additional required spaces in the amount of \$5,000.
- Payment of any outstanding escrow fees before the granting of the approval.

All in favor; motion granted.

NEW PUBLIC HEARING - Manfredi - 35 Rosehill Avenue

The Chairman read the following public hearing notice:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, March 24, 2014 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*Frances Manfredi
35 Rosehill Avenue
Tarrytown, NY 10591*

For site plan approval to construct a pool, patio and walls in rear yard. The property is located at 35 Rosehill Avenue, Tarrytown, New York and is shown on the tax maps as Sheet 1.80, Block 49, Lot 5 and in the R10 (Residential) Zone.

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

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: March 14, 2014

Return mailing receipt were received and the sign was posted.

Francis Manfredi, homeowner, stated that he is before the board in connection with his application to construction a pool, patio and walls in his yard. He read his letter to the Planning Board dated March 14, 2014 (attached).

Mr. Manfredi explained that his project is 53 s.f. over the allowed 200 s.f. of steep slopes. He stated that his project does not create any undesirable change or endangerment to the neighborhood and, there is no other place to put the pool. They are taking efforts to decrease any additional storm water run-off from the steep slope area by catching it in basins and diverting it into the ground. He said they are enhancing the beauty of their property which will lead to the increase in his property value as well as the property values of the neighborhood and the Village as a whole.

Mr. Manfredi said their plans reflect the steep slopes and his contractor discussed the project with Mr. McGarvey. The plans reflect the Mr. McGarvey's issues.

Mr. Manfredi asked that the board approve his project at this time based on the revised and re-submitted plans dated February.

Mr. Aukland thanked Mr. Manfredi for providing the 'public good' requirement in accordance with Section 305-134 E(3).

Chairman Friedlander asked if there were any questions. No one responded.

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 declares 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 construction of a pool, patio and walls within a steep slope area at 53 Rosehill Avenue subject to the following:

WHEREAS, part of the proposed retaining wall is located within steep slopes, and

WHEREAS, the area of steep slopes that will be impacted is 253 square feet, and

WHEREAS, the proposed retaining wall will be 6 feet high from ground level, and

WHEREAS, the proposed retaining wall will be approximately 30 feet long in the steep slopes area, and

WHEREAS, a geo-grid will extend back from the wall 8 feet, and

WHEREAS, no steep slope will be removed for the installation of the geo-grid and no soil will be imported to back fill behind the proposed wall, and

WHEREAS, the proposed retaining wall will be constructed approximately 147 feet from the rear property line which is the right of way for Altamont Avenue, and

WHEREAS, the applicant has established that the benefit to him outweighs any detriment to the health, safety and welfare of the neighborhood or community and the added extensive landscaping provided is of benefit to the surround community and it's aesthetics, and the Planning Board hereby further finds that:

[1] No undesirable change will be produced in the character of the neighborhood;

[2] The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than a steep slopes waiver;

[3] The waiver will not result in a change which will be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area;

[4] The waiver will be consistent with the purposes, objectives or general spirit and intent of steep slopes law; and

[5] The waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant.

With the following additional conditions:

Approval by the building inspector/village engineer particularly in regard to the adequacy of the storm water/drainage plan.

Approval of the landscaping and screening plans by the Planning Board and Village Landscape Consultant.

Plantings shall be of non-invasive native or ornamental species.

Payment of any outstanding escrow fees prior to the granting of a building permit.

Signing of the final site plan by the Planning Board Chair.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Village of Tarrytown hereby grants a steep slopes waiver.

All in favor; motion carried.

PRELIMINARY PRESENTATION - 58 Gracemere - Split Development Corp.

Jim Annicchiarico, of Cronin Engineering was present representing the applicant. Mr. Annicchiarico gave an overview of the project as follows:

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The property is lot

13, 4th of the original remaining six lots in the subdivision.

- It is on the south side of Gracemere Road.
- Single family home with two-car garage.
- 2008 approval for the original development.
- FAR: Permitted: 6,000 s.f. / Proposed: 5,860 s.f.
- No variances required.

Mr. McGarvey asked if the FAR includes the basement. Mr. Annicchiarico said yes.

Mr. Annicchiarico said the utilities are already in place so they will not have to disturb the road.

Mr. Annicchiarico said the footings drains and roof leaders for the house will be brought down to the existing drainage system in the road which goes down to the existing open air basin and down to Broadway that was sized for these houses.

Chairman Friedlander asked Mr. Annicchiarico to describe the lot. He asked if this is the third house in on the right side. Mr. Annicchiarico said yes, that is correct. He stated that the frontage of the lot is 147' wide and 200' deep and just under an acre at 4,100+ s.f. The front yard setback is 77' and side yard setbacks are 45' on west side and 44' on east side; with an 83 ½' back setback. He stated that there will be a 125' separation from the next house. The height will be 26'-10", well under the 30' maximum.

Mr. Annicchiarico showed the elevations and streetscape plans. He described the house as 5,800 s.f. with 5,100 s.f. of livable space and 700 s.f. for the garage; he said this house is smaller than the house on lot 12. The length is 81½' and the width is 37½'.

Mr. Birgy asked what energy features they are using; are they using foam. Mr. Annicchiarico said they submitted the energy code sheet and yes they are using foam.

Mr. Tedesco asked why the trees in the rear, which are pretty far from the house, are coming out. Mr. Annicchiarico said he is not sure but they are probably in bad condition. Mr. Annicchiarico said the drainage for the house is back there.

Mr. Birgy asked if the final check of tree removal is done by Ms. Munz. Mr. McGarvey said yes.

Mr. Aukland asked Mr. Annicchiarico to comment on the steep slope intrusion. Mr. McGarvey asked what the area of the patch of steep slopes is. Mr. Annicchiarico said there is approximately 400-500' but will get the number for the board. This was done at the time of the subdivision approval. Mr. McGarvey explained that anything over 200' with a 10' width is considered steep slopes.

Chairman Friedlander said they will do a site visit after the next staff meeting. He asked that the house, driveway and trees be staked for the visit. We will ask Lucille Munz to be present at the site visit.

DISCUSSION ITEM - Jardim Subdivision - Browning Lane

John Kirkpatrick represented the applicant. He handed out two sheets (attached). He explained that the first sheet is what they officially submitted and it is the justification for a public hearing. The second sheet is what they are talking about. They were approached by a conservation organization who would like to purchase two lots and add them to the open space adjacent to Taxter Ridge Park which would make it one continuous open space. After discussions with the Board of Trustees and the Planning Board they came up with the design shown on the sheet outlined in red.

They are proposing that lot 8, the northern most lot, and lot 5 which is between their new road and big house and the Macelli property be transferred to the open space. He said lot 5 would be reconfigured so that it meets up with the open space with a 10' wide strip. Lots 6 and 7 were moved up slightly to make them reasonable lots. He said they discussed the list of issues given to them by Mr. Aukland and they are fixing road names and street signs. They will now be proposing that where the extension of Browning Lane intersects at the pond, which is used as a short cut, to make that a more acute intersection with curbing and shrubbery and add pavers to slow traffic down; they would do the same near the old driveway between the Rachlin and Cohen properties. They have had requests to eliminate two retention ponds in Open A. Below lot five there is a kidney shaped pond and just below the driveway between Rachlin and Cohen is a small one. The engineers have told him that all municipalities are obligated to

retain and treat stormwater if your total disturbance exceeds five acres. There is a possibility that they will not be disturbing five acres or more. Their engineer wants to sit down with Mr. McGarvey to see if they can come to an agreement. Some of the neighbors would like the ponds preserved and they are open on preserving the ponds.

They would like to be moved to a public hearing to get an approval on the alternative plan so that they can enter into a contract with the conservation organization for the purchase of those two lots.

Mr. Birgy clarified that they are now going from nine lots down to seven new lots with three or four existing homes.

Mr. Kirkpatrick said that is correct, the original proposal was for an 11 lot subdivision with two of the lots occupying houses and a third lot with a small house which will be removed. Mr. Birgy said so there will only be six new houses.

Mr. Kirkpatrick said that is correct; and they are removing the two small structures that are falling down near the larger retention pond.

Mr. Tedesco said there were some items from the Findings that have to be resolved. He asked that they come to the next staff meeting to show that those items have been resolved. Mr. Tedesco asked whether the board should get their consultant involved in this process. Chairman Friedlander felt it was a good idea because it would facilitate the whole process; Mr. Aukland agreed. Chairman Friedlander said he is aware that there are time restraints on this and that would speed up the process; it would be good for all parties concerned. He said the escrow account would have to be checked to be sure there is sufficient fund.

Danny Gold, East Irvington, said he is concerned with them going to a public hearing and spending the money on a consultant before he speaks to the people giving them the grant. He would like to show them the proposal before any more time or money is invested. Chairman Friedlander said there would be a straw vote of the board to see if they like the reductions and if this configuration is what they like. Mr. Aukland likes the configuration and supports their proposal.

Mr. McGarvey said a new plan will have to be submitted reflecting the proposed changes.

Mr. Birgy said he is in favor but wanted to clarify that this would be open space in perpetuity.

Chairman Friedlander ask that they get the total acreage of the entire application and how much open space.

Mr. Tedesco moved, seconded by Mr. Birgy that the board indicates whether or not it is in favor of the plan as proposed.

Chairman Friedlander: in favor

Mr. Tedesco: in favor

Mr. Aukland: abstained

Mr. Birgy: in favor

Three in favor and one abstention.

Chairman Friedlander said they are going to set a public hearing. Mr. Gold said he is concerned about setting a public hearing until the grant is approved. Mr. Friedlander said we will submit as a public hearing subject to the forthcoming of a grant.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the alternate plan and the issues to be addressed for the April 28, 2014 meeting; all in favor. Three yeses with one abstention; motion carried.

Chairman Friedlander explained if they have to pull it from the agenda because they have not met with the grant people, they can do that.

All in favor; motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 8:45 p.m.

Dale Bellantoni, Secretary

