

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
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Planning Board Minutes 10/28/2013

Planning Board
Village of Tarrytown
Regular Meeting
October 28, 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 – August 26, 2013

Mr. Tedesco moved, seconded by Ms. Raiselis, that the minutes of September 23, 2013, be approved as submitted. Four in favor with Mr. Aukland abstaining. Motion carried.

APPROVAL OF THE MINTUES – September 23, 2013

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of September 23, 2013, be approved as submitted. Four in favor with Ms. Raiselis abstaining. Motion carried.

CONTINUATION OF A PUBLIC HEARING – Bartolacci - 67 Miller Avenue

Chairman Friedlander stated that this application is adjourned while they are before the Zoning Board of Appeals.

NEW PUBLIC HEARING – 21 Wildey Street LLC (Contract Vendee) - 21 Wildey Street

Chairman Friedlander read the following public hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, October 28, 2013, at 7:00 pm at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*21 Wildey Street, LLC
485 W. Putnam Avenue
Greenwich, CT 06830*

For site plan approval for the construction of 24 apartment units.

The property is located at 21 Wildey Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 8, Lot 8. The property is in the M1 zoning district.

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: October 18, 2013

The certified mailing receipts were submitted and the sign was posted

John Meyer of 21 Wildey Street, LLC introduced himself and Dave Barbuti, architect for the project. Mr. Meyer said since the last meeting they have revised the proposal for 22 units instead of 24. They have reduced the height of the top floor to preserve the view from the top floor of the Library. He proceeded to present the project as follows:

- Four stories plus basement multiple dwelling
- Total number of units: 22
- 12 affordable which are in accordance with the Board of Trustees approval of February 7, 2006 for Hudson Harbor.
- They have demolished the former Village Hall building that was on the site.
- Ten additional units, nine market rate and one affordable because if there are 10 or more new units, one affordable unit is required.
- The 12 affordable units are an average of 1,000 s.f. with none less than 850 s.f., as per the board's requirement.
- The one bedroom units are 971 s.f.
- There is an average of 1,081 s.f. for all 12 units.
- The remaining units are studios with 600 s.f., or just slightly more.

Mr. Meyer said they are proposing numerous variances on this project as follows:

- Lot coverage
- Lot area per dwelling unit
- Side yard on the westerly side
- Rear yard setback
- Parking in the minimum front yard

Chairman Friedlander asked Mr. Meyer to give the value of the proposed variances:

	<u>Required:</u>	<u>Proposed:</u>	<u>Variance:</u>
• Lot area requirement per dwelling unit:	26,000 s.f.	24,706 s.f.	5%
• Lot frontage:	50'	102'	None
• Lot coverage for principal dwelling unit:	15% max.	27.59%	
• Total for principal and accessory building:	40%	27.59%	Prin. Is over
• West side yard setback:	20'	18'	
• East side yard setback:	20'	20'	
• Minimum total side yards:	40'	38' because of 2' overhang	
• Rear yard setback:	45'	1.55' - 1.63'	
• Height:	None	Meets average	
• Parking - minimum on one side:	25'	21'	
• Parking - other side:	10'	2' (some tandem parking)	
• Parking - total for both side:	25'	23'	
• Total # of spaces for 22 units:	55	50	

Mr. Aukland asked if the overhang is at ground level where cars drive. Mr. Meyer said it starts one level up; it's 20' at ground level.

Mr. Tedesco asked him to explain the rationale for the 50 spaces proposed.

Mr. Meyer said they tried to provide as many parking spaces as they can. We have proposed that the parking requirements of the current zoning ordinance be reduced from 2 ½ parking space per dwelling unit to 2 ½ spaces for the affordable units and one parking space per dwelling unit for the studios. With the modification, we are required

40 spaces. That would give us 10 excess spaces and we are proposing that 6 of the excess spaces (first 3 on each side as you enter the site) be used for area residents, leaving 4 additional for drop-offs, deliveries, etc.

Mr. Meyer said regarding snow removal: for the ones that are not tandem, there are areas where the snow can be plowed to; and for the others closer to the lot line, we are proposing the installation of heat tracing elements built into the ground so there would be no accumulation of snow or ice that would require plowing.

Mr. Birgy asked what percentage of the property will be covered by blacktop. Mr. Meyer said he has not done the calculation but believes about 80%. He will check that number and get it to the board. Mr. Birgy said including building footprint. Mr. Meyer said yes.

Mr. Tedesco asked about the rear view from the park. We need to see what the side of the building is going to look like.

Mr. Barbuti said there are no windows on the rear elevation at this point but we can address that; however, it is a nice view.

Mr. Tedesco said not only residents; but the people in the park should see something aesthetic.

Ms. Raiselis said they are all corner apartments but they don't get the benefit of corner apartments. Are you planning on putting windows in? Mr. Barbuti said this is an on going design and wherever he is able to put windows in he will.

Ms. Raiselis said the front elevation has become considerably starker. You took out the arch going into the garage; that arch gave it a nicer look. Mr. Barbuti said he liked the first elevation better but he is trying to save the views and there is an overhang so he had to take out the arch. Mr. Meyer said they were done because the stairway and elevator shaft moved to the middle of the building.

Mr. Birgy asked how many feet is the building off the park property. Mr. Meyer said 1.55' to the stair tower and 10.38' to the building.

Chairman Friedlander said he thinks it is important to point out to the public that this was suppose to be the sale of 21 Wildey Street to your organization and 12 affordable housing units constructed. Do you have something to show the public how the 12 units would look like? Mr. Meyer said he has what he showed the board. Chairman Friedlander said he would like:

- a set of plans with the base 12 affordable units
- a set of plan with the 12 plus with no variances
- a set of plans for 12 plus with variances with a justification for the variances.

In this way everyone has a sequential time line, starting with what is required by the developer, Hudson Harbor, what's allowable by code, and what you propose and why you want to change it. We need to start with the original plan so that the residents are fully aware of the process. We want to keep the process open to the public so that we don't create any problems as has happened with other projects in the past by discussing too much in staff meetings. Mr. Meyer said we have already been at several evening preliminary meetings with the public present; not just at staff meetings.

Mr. Meyer said at the board's request we supplied the 12 required units with no variances. That would be a four-story plus basement with parking underneath and extending toward the rear lot line. He showed a small version of the plan. The building itself meets the setback off the front lot line, no parking in the front yard, parking underneath the building, on both sides and extending toward the rear. There is 15% lot coverage and that is what forced it up four stories. He stated that in the zoning district there is no height requirement either for number of stories or in square footage. Mr. McGarvey said there is no actual basement is there. Mr. Meyer said it is the parking area.

Mr. Birgy asked the total proposed height of the building with the basement. Mr. Meyer said 53'-8" at highest exposed.

Mr. Meyer then showed the maximum number of units permitted by the ordinance, which is based on the parking limitations; and the number would be 15 fully code compliant units. This plan added three more units on a fifth floor

with open terrace space.

Chairman Friedlander asked about the view shed from the Library which is a critical issue. Mr. Barbuti said the proposed building is approximately 50' from the Library with three stories above the basement. It has a roof terrace and then it steps back to preserve the views out of the third floor windows of the Library. They also showed the lower house and their view of the library. Mr. Tedesco asked Mr. Barbuti to explain what blockage of those third floor windows would occur in both the 12-unit and 15-unit, non-variance plans. Mr. Meyer said it would block a considerable number of windows to the south. You would have no views to the south with the majority of the view to the west and north.

Mr. Birgy asked if they considered a 2½ story building; more in keeping with the character of the neighborhood. Mr. Meyer said the board requested we show them a plan without any variances. In order to do that, we had to go up four stories with a basement, even with the 12 unit plan. Mr. Birgy said you could not do any less than four stories.

Mr. Birgy asked the required minimum size of the units. Mr. Meyer said the average is 1,081 s.f. and Board of Trustees required a minimum average of 1,000 s.f. Mr. Birgy said you weren't required to build all 12 units on this site; couldn't you put six units there and six somewhere else. Mr. Blau said according to the agreement if they could not all fit on this site, the Village and the developer would work together to find another site for the remaining units.

Mr. Birgy said meaning if it was code compliant it would fill the obligation; but if it was felt that a 12,000 s.f. building was not appropriate for the site, would that be taken into consideration. Mr. Blau said basically it said it had to go through the Planning Board process.

Mr. Birgy asked Mr. Shumejda if it was possible to make this a smaller building if the Planning Board felt it was too big for the site. He is concerned about the height of the building in that neighborhood. Mr. Meyer said that was done in 2007 which was before him, but there was an initial plan that showed 12 units with three stories on top of a basement. And that was before the property was subdivided from the Library lot; that building also would have needed variances. It has always been a fairly substantial building. Mr. McGavey said he does not believe that building ever came before this board, only at staff meetings; but the board did not like it.

Chairman Friedlander asked how much of a variance for coverage would be required to do only 3 stories with a garage under for the 12 units. Mr. Meyer said he could not say off the top of his head. Chairman Friedlander said if we are going to give variances, we have to consider which ones would be more beneficial for the character of the neighborhood. Mr. Meyer said we can get that drawn up for the board to show you how much it would increase the size of the building. Currently the building is set back 125' from the front lot line; it will not be seen from the street because it is set back on the property.

Mr. Barbuti showed the board views from the Library, from the southwest corner of Broadway, from the center of the Library and looking up the street. The building is set back 50' from the Library. Looking up or down the street, as it is proposed now, you really won't see it. Mr. Tedesco said to see what the massing of the Library building in height to the former Village Hall as opposed to the massing of this building.

Mr. McGarvey asked how big you can build this before you need a variance. Mr. Meyer said up to 15; over that variances are required.

Mr. Birgy said he would like to see the building without parking underneath. Do something with the parking, make it less and use the first floor for residential which would bring it down to 2½ stories. Ms. Raiselis said the setback is an advantage, set it back as much as possible so that the bulk is reduced; the bigger the setback the better and that is something we should strive for. Mr. Meyer said that is what we have proposed. Mr. Birgy said he has gotten a lot of feedback from residents. He likes the plan but thinks it's in the wrong place.

Mr. Aukland said the photos showed less bulk than he thought there would be. He would like a streetscape from Wildey looking in, and a line drawing elevation of Wildey Street from the Library down, and a line drawing/parkscape from the other side.

Mr. Meyer said you want a view looking from the park showing the Library and several other houses. Ms. Raiselis said a model would be best. There are so many setbacks and it would give us the best way to look at it.

Chairman Friedlander said there are four major issues:

- Setback in the rear and the impact on park.
- Setback in the front and impact on the neighbors.

- Height and bulk
- Parking

If you do checks and balances and weigh the alternatives, you will see what the best thing to do is; an example is a parking variance for a reduction in the height/bulk or you could spread the building out to reduce the height and bulk and get setback variances. Another option is to just put up the 12 units with no variances; but as you said, in order to do that you need to go up. So maybe another option with variances is better for you and the Village

Mr. Meyer said eliminating the parking underneath eliminates a large amount of parking. Is that something the board is serious about? His goal was to provide as many parking spaces as possible.

Mr. Friedlander said he is not in favor of the six parking spaces for the neighbors; he feels although the intent is good, it may become a problem. He asked how many parking spaces could you fit according to the coverage without parking in the basement; how many would you have to give up of the 30 required? You would need a parking and coverage variance but it would give you 12 units with no parking in the basement in less than four stories. Ms. Raiselis said the bulk would be reduced but maybe the parking would be reduced as a hand-off. Mr. Birgy said less parking can be a double-edged saw. People may feel in that location they don't need a second car, but others may want two cars and with less parking it may impact the street parking.

Mr. Aukland said the code requires a few things that they have not provided: for any variance you need to tell us what the public good is and how the Village comes out ahead if the variance is granted, at some point we need to see landscape proposals, and the code requires projection of utility usage.

Chairman Friedlander opened the meeting to the public

Dean Gallea, 28 Wildey Street, said the house next to his is affordable housing which works out fairly well. There are six fairly large apartments with nine parking spaces. The building itself fits in nicely with the neighborhood. When he saw the plan he did not know how they were going to fit that size building with all of the parking. It is important to look at the whole neighborhood. He said if they are units to be purchased, you probably will need 2½ spaces; but if they are small rental units, there will be people moving in and out all the time. This is not a transient neighborhood. Ms. Raiselis asked how nine spaces, which is 1½ space per unit, works for six apartments and how large are the apartments? Mr. Gallea said the parking works well and he said there are two 3-bedroom apartments and he thinks there are two 2-bedroom apartments and two 1-bedroom apartments.

Benjamin Gross, 20 Wildey Street, Chairman of the Affordable Housing Committee (AHC) in Tarrytown invited the developer to make a presentation to the AHC so that they can review the plan and comment to the Planning Board. He owns the house across the street for this project. There is nothing in the neighborhood close to 20,000 s.f. You have to look at all the other houses on that street and the parking. None of them have parking in the front yard. If there is parking, it is in the rear yard. All of the houses are set back about 30' from the street. If this building is set back 125' from the street, I will have a parking lot directly across the street from my house, which will be visible, no matter what the landscape is. He said he was the developer of affordable housing across the street. It has four 1-bedroom units and two 3-bedroom duplexes and the reason that nine parking spaces works with spaces left over is because everyone there has an income of less than 50% of the average and they simply can't afford cars. The AHC feels that the Village has done its fair share of affordable rentals but what the Village needs is affordable home-ownership. He invited the developers to get in touch with them and they would give their opinion on what they are presenting.

Laura Hensey, 32 Wildey Street recently moved into area and loves the neighborhood. They would like to see it owner-occupied rather than rentals. Parking is a huge issue on the street.

Mr. Tedesco said he thinks this is a wonderful plan but not for this location. The Village may need more small rentals for single people or couples, but not in this neighborhood. We should be concentrating on what is required: 12 units with no variances and adequate parking for the 12 units.

Paul Birgy read a letter from Carole Griffith, Chair of the Tarrytown Environment Advisory Council (attached).

Ms. Raiselis asked if the agreement stipulates owner or renter occupied and who decides that. Mr. Blau said it is not stipulated but based on conversations he believes the affordable are to be for purchase and the market-rate units are to be rentals.

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

NEW PUBLIC HEARING – EF International – 100 Marymount Avenue

Chairman Friedlander read the follow public hearing notice

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, October 28, 2013, at 7:00 pm at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*EF International
100 Marymount Avenue
Tarrytown, NY 10591*

For site plan approval to convert existing library to a dormitory.

The property is located at 100 Marymount Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.80, Block 43, Lot 1. The property is in the M1 zoning district.

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: October 18, 2013

Certified mailing receipts were submitted; sign was posted

Don Walsh, representative for EF International introduced himself.

Chairman Friedlander stated that we still have the problem with the fire department issue and so we know will have to continue. We need to discuss other issue but I ask that you be precise.

Mr. Walsh said this project has three steps as follows:

- Conversion of the Gaines Library into dormitories.
- Public safety aspects which consist of the new crosswalk design and the new lighting design. John Canning will briefly comment tonight.
- Overall landscaping plans and overall ground improvements/repairs.

At the last meeting you asked for:

- Us to establish an escrow account, which we did by depositing the required amount with the Village.
- Proposals for outside consultants for the fire issues, which I discussed with Chief Brown and contacted the company he recommended. I found them to be very knowledgeable. This service will be paid for through the escrow account.

Administrator Blau arranged for us to have a discussion with the Fire Chiefs and they formed a committee with representatives who are capable of reviewing plans.

Mr. Walsh asked Counsel Shumejda how outside consultants should be hired. Counsel Shumejda said it best that the Village hire their own consultants who they can rely on to give us their report and the consultant will be paid from the applicant's escrow.

If the board is satisfied with the procedure, he will proceed.

Administrator Blau said that he had a conversation with the Fire Chiefs last week and they said they have no

objection to working with a consultant but not sure they need one. They will go out to the site and then will determine if a consultant is needed.

Mr. Walsh asked Mr. Blau to ask the fire department to do the site visit. Mr. Blau said he would reach out to them.

John Canning of VHB said they did a survey of all activity on campus. Presently there are approximately 130 vehicles arriving and exiting the campus at the peak hour and approximately 130 pedestrians, primarily students, using the crosswalk at Marymount Avenue over to the sport building. The conversion of the Library to a dorm will increase the number of vehicles by about 20/hour. This will not impact the community; however, we are proposing to construct sidewalk and crosswalk improvements at that location. We are reviewing the plans with the Police Department. We are proposing to provide a sidewalk down the west side of Marymount Avenue from the driveway to the Sports Building and a crosswalk at the location with Rapid Rectangular Action Beacons which is a sign on both sides of the road with a pedestrian figure indicating where the pedestrian will cross and there is a button on both sides that causing lights to flash when pressed to indicate that someone is crossing the street. Studies have shown that 80% of drivers recognize it and stop. We are also looking at lighting at the crosswalks.

Mr. Tedesco asked who will have the responsibility for the maintenance of this equipment. Mr. Canning said that is a question for the Village to take up with EF.

Paul Birgy asked if this light arrangement will have any impact on the neighbors, especially at night. John Canning said it probably can't be seen from any neighbors; it's blocked by the Sports Building or they are too far away.

Ms. Raiselis said she likes the light plan but have you thought about the taxis.

Mr. Canning said the taxis are required to abide by the current parking regulations which is four days on the east side of the road and one day on the west side. When cars are parked on the east side, they narrow the road down; not on the west. Suggested they switch to four days on the west side and one day on the east side. Will provide plan to the board.

Ms. Raiselis said but then the students have to cross the road. Mr. Canning said no the taxis go up when they are hailed.

Mr. Tedesco said maybe there is another place for the taxis. Mr. Canning said we are looking into that and will consider all options for the best solution.

Ms. Raiselis said when you are going south on Marymount Avenue at night, the taxis have their lights on and they blind you. Maybe they can be put in a cut-out in the driveway to get off the road.

Mr. Canning said he will take all comments into consideration.

Michael Molinelli, architect for the project, explained the project. He said they are planning to convert the library into a 225 bed dormitory with a lecture hall on the bottom level. Since it is a change of use, it will all be brought up to code with a sprinkler system, alarm system, etc. as well as meeting the current energy code.

Mr. Aukland asked if there will be any exterior changes. Mr. Molinelli said they will be replacing the glazing on windows in the existing metal frames but physical appearance will not change.

Chairman Friedlander asked if all of the upgrades in the other dorms are finished. Mr. Molinelli said they installed the alarms and sprinklers and are waiting for one power line to a fire pump and then Butler Hall will be sprinkled. Chairman Friedlander asked the number of dorms and the population. Mr. Johnson said presently there are 1,356 beds and this will add an additional 225 over three years. If this project is approved we will take some beds off line while we work on the other dorms.

Ms. Raiselis asked if there is any renewable energy for this project. Mr. Johnson said no, they have more serious priorities; trying to upgrade the energy efficiency of the existing dorms. We will consider it in the long run.

Mr. McGarvey said since all of the wiring and re-wiring of the existing fire alarm system has been redone has there been a reduction in the amount of calls to the fire department.

Mr. Johnson said since he has been at EF there are not many fire calls. He said 50% of the alarms since his arrival

have been their overhauling of the system.

Stephan Yarabek, landscape architect, said he has developed a landscape bible for EF for the restoration of the campus.

To date they have:

- Four trees planted (three sugar maples and one white pine) and two removed (dead, dying or diseased).
- Have developed a complete inventory of the trees on the campus. EF is planning to replace and preserving the trees as well as creating an arboretum on the campus
- Met with DPW and Michael McGarvey and John DiLuna to discuss new exterior wall along Neperan Road and the new entrance on Marymount.
- Going to ARB for the removal and replacement of a 10' fence on Irving Avenue.
- Restoring landscape and doing some plantings.
- Union Avenue tennis courts fencing will be replaced in kind.
- On east side, railroad tie wall in falling; replacing with geo-grid wall system that has a rock face and plantings of specimen trees.
- Marymount sidewalk into an allee of Linden Trees.

Chairman Friedlander said looking from Marymount campus at the gym and pool toward the river (the field house and the field) what is happening with that not so nice looking area? Mr. Yarabek said in the future they are going to revisit that area and improve it, both parking and landscaping. Chairman Friedlander asked if that includes the field. Mr. Johnson said they have started to address the field because they now have interscholastic teams that use that field. They have established a regular maintenance program and it is starting to show signs of coming back. Chairman Friedlander asked if they are considering artificial turf for that field. Mr. Johnson said no, they rather not.

Mr. Tedesco said he is happy with their vision and feels the plans and renovations will make a tremendous difference to the community.

Chairman Friedlander opened the meeting to the public.

Mary Fry of Sleepy Hollow said that 130 EF students helped to clean up the trails. They installed trash cans long the path, Neperan Road and Marymount Avenue and they take care of them.

Edward Levin, 121 Neperan Road, agrees that there are a lot of things that EF has done to improved prior issues, but there still is a sanitation problem, still a lot of litter but there is less, lot of cigarette butts, every weekend. Taxis are a problem. Encouraging the use of the shuttle bus could help. Some issues are disorderly behavior late at night; the travelling up and down Neperan Road; on weekends after drinking alcohol, they are not dangerous just drunk and loud kids waking up the neighbors. Again, enforcement of the shuttle bus might help. The situation has improved; but it is far from acceptable, at least along Neperan Road. If you increase the population by about 15-16%, the issues will increase by 15-16% unless something is done to mitigate the problems.

Chairman Friedlander asked if there are very strict rules for the high school students. Mr. Johnson said they have a 10:00 p.m. curfew Sunday through Thursday and 12:00 midnight Friday and Saturday.

Chairman Friedlander asked if the high school students can go down to the City. Mr. Johnson said yes if they have parental or guardian permission. Older students do not have a formal curfew but we are planning to implement one for the 17 and 18 year olds.

Mr. Birgy asked what is the school policy regarding alcohol. Mr. Johnson we have a dry campus and we have a progressive discipline policy: first we confiscate the alcohol, fine them and they must do community service, second offense they get more of the same, with the third offense they are reviewed to see if they should remain part of the community. That is the same at all levels of the school.

John Samoyedny, 73 Irving Place, can we get the taxis out of there completely. They drop off beer for the kids

behind the pillar. They go into the woods and party; smells like pot. Are they going to clean up behind the house after last year's storm?

Mr. Yarabek said he will look into that; was not aware of the situation.

Mr. Blau said regarding the taxis, as long as they are complying with our laws, they can stay there.

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

NEW PUBLIC HEARING - DeCecchis - 181 South Broadway

Richard Blancato, attorney for the applicant, said they are before the board for a change of use on the first floor to include a clinical psychologist and a small equity group (hedge fund) in place of others that have left.

Mr. Madascalco, the clinical psychologist, stated that he works Monday to Thursday for 25-30 hours a week. His hours are from 9:00 a.m. – 6:00 p.m. or 10:00 a.m. – 7:00 p.m. or 11:00 a.m. to 8:00 p.m. He only needs parking for one car for 50 minutes. He sees one person or two, consisting of a couple or a parent and a child, at a time.

Mr. McGarvey explained that the original approval for this office space was very specific and a clinical psychologist was not part of that approval.

Mr. MacIntyre is running the hedge fund. He has been there since the beginning of April and there have been no problems. He runs a small equity group out of Alabama. The office is strictly for his use only. He sees no clients. He uses the phone and computer; it is a quiet place for him to work. He only has his car. He does not work regular hours and can work from home.

Mr. Blancato said they are not making any changes to the outside of the building. The new sign was approved by the ARB pending Planning Board and Zoning Board approvals. He said there is less need for parking with these two tenants because one has no clients and the other sees one at a time. Along with the seven spaces provided, there are seven land-banked spaces.

Mr. Tedesco said a condition of approval was that no more than six people could use the office space. Mr. Blancato said there will be less.

Counsel Shumejda said he has a concern with "general office" space; that is an unknown. He said if the board is going to approve this application, clinical psychologist and hedge fund are specific and he feels, considering the history of this building that is what should be approved. Mr. Aukland said perhaps they could say mental health and financial services. Counsel Shumejda said it is best to say what it is. Chairman Friedlander said mental health is too broad. Counsel Shumejda said so we have amended it to an individual who is a psychiatrist or a psychologist and an individual in financial services. Mr. Blancato said that is fine. Counsel Shumejda said the parking and land-banking is the same and the limitation of no more than six employees will remain. Mr. Blancato said yes.

Brenda Fracaroli, 24 Independence Street, came to the podium to speak. Ms. Fracaroli said she is concerned that it is zoned residential and she would like to see it remain residential and her primary issue is safety in the neighborhood and for the children, especially with these types of clients. A clinical psychologist dispenses medication and has sample medication in his office; that is an unsafe situation. The more business that comes in to the neighborhood brings in more strangers. Entering and existing property is a problem with the traffic on Broadway. This will open up the door for more medical or psychological practices. She said if they are going to open this up to commercial, they will need to make it handicap accessible and that is a beautiful home. She doesn't want to see this in her neighborhood; we need more residential. We have a lot of commercial places that can accommodate these clients in the Village.

Chairman Friedlander said this building has been an office. It's what it is; it's offices now. Ms. Fracaroli said with these kinds of businesses there are irregular hours and they generate more lighting in the neighborhood. The original condition says the hours of operation are 9-5. The original approval was for one business and one apartment on the bottom floor; now the whole bottom floor is business. She said she believes the code says owner-occupied business. Mr. Blancato said there has never been a 9-5 condition. Ms. Fracaroli disagreed. Ms. Raiselis said even as residential, it may require handicap accessibility.

Ms. Fracaroli said clients in crisis are an issue, a safety issue. Mr. Birgy asked if she had any supporting documentation to prove that.

Mr. Tedesco asked Mr. Madascalco to expound on his practice. Mr. Madascalco said there is a difference between a psychologist and a psychiatrist; a psychologist is not a doctor and does not dispense medication so the issue of medication does not apply to him. He said he does not see patients who are discharged from hospitals or clinics. He mainly sees patients in crisis because of divorcing, financial crisis, children whose parents are divorcing, adolescents. He said he has been practicing in Tarrytown for 35 years and have had no problems. Mr. Madascalco said his hours of operation begin at 9:00 a.m., 10:00 a.m. or 11:00 a.m., depending on the patients; and he finishes not later than 7:00 p.m. but on Thursdays he works until 8:00 p.m. His office is closed on Friday. The total number of hours per week is between 25 and 30.

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

Mr. Aukland moved, seconded by Ms. Raiselis, to declare the Planning Board lead agency for this action; all in favor. Motion carried.

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

Mr. Aukland moved, seconded by Ms. Raiselis to approve the change of use at 181 South Broadway for an individual who is a psychiatrist or a psychologist and an individual in financial services as follows:

- Approval of change of use to include offices for individual clinical psychologist and psychiatrist practice and financial services practice.
- No deliveries, storage or dispensing of medical supplies or medical waste.
- Subject to the approval of the Zoning Board of Appeals.
- Payment of any outstanding escrow fees.
- Subject to the prior condition of parking which the Planning Board and Zoning Board approved; namely that the seven land-banked spaces may be required by the Planning Board in the future. These spaces would be provided in the existing lawn of the site, the exact location and screening of these spaces to be approved by the Planning Board.
- No more than six employees are to use the office space.

All in favor; Motion carried.

NEW PUBLIC HEARING – Toll Brothers – 229 Wilson Park Drive (lot 10)

Jennifer Gray, Keane and Beane; Rob Dowd, Toll Brothers; and Matt Sheffield, ESC Consultants were present representing Tolls Brothers. Ms. Gray gave the particulars of this house, as stated in the September 23, 2013 minutes. She stated that Lucille Munz submitted her report and they agree with her suggestions regarding trees and shrubs. She said they added the tree inventory on the plan.

In response to the board comments at the preliminary presentation they have done the following:

- Changed the elevations particularly with the right elevation; they have added several more windows.
- Regarding the trail easement, negotiations are continuing with the adjacent property owner in Sleepy Hollow and they have made quite a bit of progress. Mr. McGarvey asked what the problem is. Ms. Gray said there are two surveyors with the same metes and bounds but are coming out with different field locations. Mr. McGarvey said you need a third one. Ms. Gray said but that cost money. Mr. McGarvey said but this is holding up your project and our trail project. Chairman Friedlander said isn't there a standard. Ms. Gray said she cannot answer that. Mr. Aukland asked if we could approve this with a condition of a resolution of the issues. Counsel Shumejda said this impacts the Village's trail and suggested that it be resolved before approval.

Ms. Raiselis suggested they move on to lot 8.

Mr. Tedesco said before they do so he read Ms. Munz's recommendations #2, *the recommendation to add a stone wall and level the area at the front of the house. This would provide a more gracious entrance and provide access for lawn maintenance on the north side of the property.* Ms. Gray said based on the grade and the hilltop causing one hill going down and one going up, they don't understand the benefit of such a wall. Matt Sheffield said no one would see the wall except the homeowner; it's more of an aesthetic wall which does not impact the site itself. Ms. Munz agrees but said it would help with the scale of the elevation of the house. Always likes to get water away from the front of the house if possible and that would help to do that. Mr. Sheffield said there is a gentle swale at 2% around the house so any water coming down from the hill will flow away from the house.

Ms. Raiselis asked if there is reason why the house was sited toward the hilltop instead of toward the street, it's a little odd. Mr. Sheffield said it puts it at a cantor with the other houses and we really can't escape the hilltop.

Chairman Friedlander opened the meeting to public comment.

Mark Fry, Trail Committee, read from a statement that is attached to these minutes. He said that the board should not continue to entertain the review of this application because of the lot line discrepancy.

The board agreed, at the recommendation of Counsel Shumejda that this application be continued until after the boundary issues are resolved. Ms. Gray said she takes extreme exception to Mr. Fry's representation that there were misrepresentations made to this board regarding this lot at the last meeting; that absolutely was not the issue. There is a lot line discrepancy but it is not between Ward Carpenter and ESC. What Mr. Fry omitted here this evening, a fact he is aware of because I sent him an e-mail last week, is that there is a third surveyor; the surveyor of the other property. Even though Mr. Fry knew this information, he continued to lead this board into thinking that I mislead them; and I take extreme exception to that. Chairman Friedlander said so noted.

Mr. Tedesco moved, seconded by Mr. Aukland to continue this application until after the boundary line issues are resolved. All in favor; motion carried.

NEW PUBLIC HEARING – Toll Brothers – 222 Wilson Park Drive (lot 8)

Jennifer Gray, Keane and Beane; Rob Dowd, Toll Brothers; and Matt Sheffield, ESC Consultants were present representing Tolls Brothers. Ms. Gray gave the particulars of this house, as stated in the September 23, 2013 minutes. She stated that there are three areas of steep slopes on the property indicated in blue. The steep slopes at the rear of the property will not be disturbed, but the sliver in the center of the property will be disturbed and will require a waiver. She said the total amount of steep slopes on the property is 1,400 s.f., and the amount to be disturbed is 470 s.f.

Chairman Friedlander asked the widest part of the steep slopes. Mr. Sheffield said the area if 7' wide by 90 ' long.

Ms. Gray gave the following justification for granting the steep slopes waiver:

- The fact that it is a minimal area, it will not create an undesirable change in the neighborhood.
- Because it's in the center of the site, the benefit cannot be achieved by any other feasible method,
- The disturbance has been minimized to the greatest extent as possible and we do not believe it will be a detriment to the neighborhood.
- Best management practices with respect to erosion control will be adhered to.

Ms. Gray said they put the tree inventory on the plan and will include Ms. Munz's suggestions, as per her memo. Two trees are to be removed that are half dead. The livable area is 5,748 s.f. and the footprint is 2,882 s.f.

Mr. Birgy asked Ms. Munz if her recommendations for planting trees are only on Toll property. Ms. Munz said yes, she only looked at Toll property. Mr. Birgy asked if they are required to do planting anywhere else. Ms. Munz said the survey of that whole area has to be made part of this entire site plan. Ms. Gray said it is outside of the boundaries of each site plan and she will speak with Toll Brothers about this. Mr. Birgy said isn't there something that says Tolls is responsible for those areas or is this just something I am fabricating; it would be a show of good faith. Ms. Gray said she does not recall anything in the Findings or approval.

Mr. Aukland said you have to show us the benefit to the steep slopes waiver. Ms. Gray said looking at the code there

are a number of provision, 305-67F1(b)[1] says *a waiver may be granted if the applicant establishes that the benefit outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Planning Board will consider the following: [1] Whether an undesirable change will be produced in the character of the neighborhood.* Mr. Aukland said another provision that you have to show us is the public good and how the Village benefits from any waiver we grant as per 305-134E(3) of the code and he will not support continuation until you supply that. Mr. Sheffield said without the waiver we would have to move the house far back on the property. Mr. Aukland said you have to give us that benefit in writing. He said another solution is a smaller house. Ms. Gray said we will provide that in writing and she apologized for the misunderstanding regarding the waivers.

NEW PUBLIC HEARING – Toll Brothers – 217 Wilson Park Drive (lot 13)

Jennifer Gray, Keane and Beane; Rob Dowd, Toll Brothers; and Matt Sheffield, ESC Consultants were present representing Tolls Brothers. Ms. Gray gave the particulars of this house, as stated in the September 23, 2013 minutes. She said the plan has been updated with the tree survey. She said there are steep slopes at the rear of the property, shown in blue. The steep slopes only affect the limits of disturbance. There are 4,800 s.f. of steep slopes and 2,000 s.f. will be disturbed. Ms. Gray said Mr. Sheffield can explain how the steep slopes can be minimized even further to just be for the drain lines going to the storm water management facility. She will address the justification in writing for the board.

Mr. Tedesco moved, seconded by Mr. Aukland to continue this application. All in favor; motion carried.

NEW PUBLIC HEARING – Toll Brothers – 221 Wilson Park Drive (lot 12)

Jennifer Gray, Keane and Beane; Rob Dowd, Toll Brothers; and Matt Sheffield, ESC Consultants were present representing Tolls Brothers. Ms. Gray gave the particulars of this house, as stated in the September 29, 2013 minutes. She said no trees are to be removed and they will include all of Ms. Munz's recommendations. The tree survey has been incorporated into the plan. The steep slopes on this property are shown in blue on the front of the property. The amount of steep slopes is 480 s.f. with 200 s. f. of disturbance. That disturbance is to allow for the sanitary sewer line and the water line to enter into the house and she will provide the justification in writing to the board. Mr. McGarvey said can't you go around it. Mr. Sheffield said he will look at it. Mr. McGarvey said isn't that a force main, you can put that anywhere. Mr. Sheffield said OK we can eliminate it then.

Chairman Friedlander asked Ms. Gray to address the trees on the western said of those properties on the open space or next to it. Ms. Gray said she will speak with Toll Brothers. Ms. Gray said with the consent of the board, perhaps she and Ms. Munz can work on something.

Ms. Munz said after speaking with some property owners, they do not know where their property line is. Instead of planting trees maybe there could be an escrow fund for dying trees or pruning and fertilization. Also were the boundary lines resolved between the private property and the open space. Mr. Birgy said I thought we were going to put stone piers. Ms. Munz said she had suggested something that looked like a split rail fence but made of concrete. Chairman Friedlander said I thought we recommended it to the Board of Trustees but doesn't know if they acted on it. Counsel Shumejda believes that they discussed it but does not think they voted on it; he will look into it. Ms. Munz commented that the open space is not manicured and there have to be boundary lines between what is private and what is public.

Mr. Tedesco reviewed:

- Lot 10 needs the most work.
- Lot 8 needs a waiver for steep slopes.
- Lot 12 you may be able to work your way around a waiver, but we need that in writing.
- Lot 13 has steep slopes and we need something stating that they will not be disturbed.

Mr. Aukland said lot 12 did not show any update in the elevations. Ms. Gray said they have not changed.

Chairman Friedlander asked Mr. McGarvey for an update on the soccer field. Mr. McGarvey said the grass is not growing. He talked to Mr. Blau about putting in some herbicide but we need Board of Trustees approval because of it's location to the lake. He does not know why it is not growing. Soil samples were taken of the soil and the results came back that everything is fine. Beyond that Mr. McGarvey does not know anything more.

Mr. Birgy said there is something that is stopping the grass from not growing. Chairman Friedlander asked if Landtex

has explained the reason why the grass is not growing. Ms. Gray said they are still waiting for a report from Divirka and Bartolucci. Chairman Friedlander said a lot of energy is put into getting the houses built but not enough energy or pressure put on the field contractor to get the field up and running. He said he needs some assurance that this field is going to get done; it is part of the infrastructure. We want a field that children can play on and he would like an answer by the next meeting. Ms. Gray said she will speak with Toll Brothers and get back to the board.

Mr. Tedesco moved, seconded by Mr. Aukland to continue this application. All in favor; motion carried.

PRELIMINARY PRESENTATION–Ridgecroft Estates Owners, Inc.-154 Martling Avenue

This application has been adjourned.

ADJOURNMENT

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

Dale Bellantoni
Secretary

