

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
ph: (914) 631-1885

Planning Board Minutes 5/28/2013

Planning Board
Village of Tarrytown
Regular Meeting
May 28, 2013; 7:00 p.m.

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

APPROVAL OF THE MINTUES – April 22, 2013

Mr. Aukland moved, seconded by Mr. Tedesco, and unanimously carried, that the minutes of April 22, 2013, be approved as submitted. Motion carried.

NEW PUBLIC HEARING – Bartolacci – 67 Miller Avenue

Chairman Friedlander announced that this application has been adjourned at the applicant's request to the June 24, 2013 meeting.

NEW PUBLIC HEARING – 99 North Broadway Associates - 99 North Broadway

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 Tuesday, May 28, 2013 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*99 North Broadway Associates
99 North Broadway`
Tarrytown, NY 10591*

For site plan approval for property located at 99 North Broadway to convert the ground floor professional office into two two-bedroom apartments. The property is shown on the tax maps as Sheet 1.40, Block 13, Lot 4 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: May 17, 2013

The certified mailing receipts were submitted and the sign was posted

Frank Tancredi, architect for the applicant, explained that his clients, both doctors, own the 3-story building located at 99 North Broadway. They had their offices on the first floor for many years but the doctors could not stay there because of the expense. They joined a group of doctors several years ago and moved to Phelps Memorial Hospital.

There is an apartment on the second floor and another one on the third floor. Since their last commercial tenant on the first floor left, they have not been able to rent it to another business. It is now becoming a financial burden and to ease that burden they are seeking a use variance to convert the first floor into two 2-bedroom apartments. They will also need an area variance for one parking space because the required parking will be 10 spaces and they have room in the rear of the building for nine spaces.

Mr. Tedesco explained that a use variance is difficult to obtain; and in order for the Planning Board to recommend it to the Zoning Board, they must feel it is necessary and a benefit to the surrounding neighbors. He said they must prove that it is a hardship by presenting financials showing they are deprived of all reasonable economic use or benefit; the hardship must be unique and does not apply to a substantial portion of the neighborhood; the use variance will not alter the essential character of the neighborhood; and the hardship was not self-created. He said two conditions that concern him are what have you done to the property to make it more financially viable and if it will affect the essential character of the neighborhood. We asked for a streetscape and all you provided was a neighborhood diagram showing boxes but we do not know what the boxes represent, residences or businesses. Mr. Tancredi said he misunderstood about the neighborhood plan. He thought they just wanted to see how the surrounding area is laid out.

Chairman Friedlander asked Mr. Tancredi to describe the streetscape. Mr. Tancredi said the surrounding properties are mainly residential. There is a funeral parlor to the right of the property and across the street. There is a bank and other similar buildings with residences on the upper floors and businesses on the first floor; and there are only residences on the street behind them.

Mr. Tancredi said his clients provided financial information to the Board. He stated they are using their personal funds at this point to carry the building. Mr. Tancredi explained that they have advertised, and continue to so, for a commercial renter; but no one has responded. They felt two smaller apartments would be better than one large one. Allowing the apartments will make it occupied, which is a plus for everyone; and it would bring the building back to its original use, which was all residential.

Chairman Friedlander asked what it could rent for and is it worth the work that has to go into it. Mr. Tancredi said the rent will be market price but cannot answer if it is worth it. Chairman Friedlander asked what the rents are of the other apartments on the block. Mr. Tancredi said he did not know.

Ms. Raiselis commented that the buildings all the way into Sleepy Hollow have businesses on the first floor and apartments on the upper floors. She suggested lowering the rent on the business space.

Mr. Tancredi said he understands the zoning issue; they are there to request a referral for a use variance.

Mr. Birgy stated that we need the answers to the financial questions to determine if it is a self-imposed hardship. He asked was the property advertised at a fair market price. He suggested they get a few realtors in to get a feel for what they should rent it for.

Mr. Aukland stated that any change of use requires the Planning Board to look at it to see if it's good for the Village. That area was once all residential and he doesn't have a problem doing this. He supports what the rest feel but feels this is not a Planning Board issue.

Mr. Tancredi said they have spent over \$30,000 a year from their personal accounts to carry the building. They have had it listed as commercial and continue to list it even as this process is going on. Right now it is empty, the windows are dark. If they turn it into apartments, there will be a cost associated with that renovation which they are willing to do; but if it's rented, it will benefit the owners as well as the Village because no one likes to see an empty space.

Ms. Raiselis said that since they are willing to get less rent as a residential space maybe they would be able to rent it as a commercial space if they lowered the rent for a commercial space. Mr. Birgy said if they don't know what they will rent it for or what the rents in the area are, this goes back to an earlier statement that the hardship may be self-imposed.

Chairman Friedlander said the planning issues are sufficient parking and traffic; we can recommend to the Zoning Board for the use variance.

Ms. Raiselis asked is it in the context of the area and is this what we want. Chairman Friedlander said sometimes it is hard to get people to move into a space there. Ms. Raiselis said it doesn't lend itself to residential.

Mr. Aukland said from a Planning Board point of view we have received enough information. Mr. Birgy and Ms. Raiselis felt that Planning Board needs more information before making a recommendation.

Chairman Friedlander asked if anyone had any questions. No one responded.

The Board continued the application to the June 24, 2013 meeting.

NEW PUBLIC HEARING – Split Development - 60 Gracemere

Chairman Friedlander read the following public hearing notice:

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

Joseph DeNardo
83 Harriman Road
Irvington, NY 10533

For site plan approval for property located at 60 Gracemere to construct a single-family house with a 3-car garage and pool. The property is shown on the tax maps as Sheet 1.190, Block 112, Lot 26 and in the R-60 (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: May 17, 2013

The certified mailing receipts were submitted and the sign was posted

Jim Annicchiarico of Cronin Engineering representing Split Development Corp. stated they are proposing a 5,500 s.f. single-family house with a two-car garage and a pool on lot 12. He pointed out on the site plan where Broadway is, Sheldon Avenue, the Aqueduct and Jardim to give the board an idea of where it is located. Chairman Friedlander said it is the most eastern lot on the southern side of the road. Mr. Annicchiarico said that's correct. He showed the front elevation from Gracemere, the side elevation looking up from lot 13 and the rear elevation. He showed the streetscape plan for the front and rear taken from the property line of the open space. Mr. Annicchiarico stated that no variances are required and all of the utilities were put in to the property line so there will be no disturbance on the street. Mr. Annicchiarico stated that this plan was before the board in 2008 and there are no changes from the first submission of the previous applicant. He stated they prepared a landscape plan which is part of the set.

Mr. Aukland asked Mr. Annicchiarico to explain the shaded area. Mr. Annicchiarico said the shaded area is part of the open space which was part of the original subdivision for Jardim Estates which he believes is owned by the Village now. The property slopes from the South to the Northwest and flattens out.

Mr. Aukland stated for the record that the property could be public space at some point so we should have a rear elevation which needs to be viewed the same as the front.

Chairman Friedlander asked if any variances are required. Mr. Annicchiarico said no.

Mr. Birgy asked if there are any specimen trees on the site. Mr. Annicchiarico said no. Mr. Birgy asked if they had a landscape plan showing what you are putting back and identifies them. Mr. Annicchiarico said yes and showed the plan.

Chairman Friedlander said he recalls that Stephan Yarabek, the Landscape Architect at the time of the first submission wanted to preserve a row of trees along the western side of the house. Mr. Annicchiarico said yes and pointed to the trees. He said apparently they were planted many years ago and they are staying except for one dead one which is to be removed. Mr. Aukland commented that not only are they staying but they located the house in order to save them. Mr. Annicchiarico said yes they shifted the house to save them.

Mr. McGarvey asked the size of the house. Mr. Annicchiarico said 5,500 s.f. Mr. McGarvey asked if that includes the basement, garage and attic. Mr. Annicchiarico said it does not include the basement because most of it is buried and the minimum above ground is 3', it does include the garage but not the attic because no area is 7' or greater. Mr. McGarvey asked if they are dummy dormers; Mr. Annicchiarico said yes.

Chairman Friedlander asked if anyone had any questions. No one came forward.

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

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

Mr. Tedesco 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. Tedesco moved, seconded by Mr. Aukland, to approve the proposed site plan for 60 Gracemere subject to the following:

- Approval by the Building Inspector/Village Engineer particularly in regard to stormwater/drainage plan. This plan is to include specific and detailed pre-construction, construction and post construction stormwater/drainage measures.
- Approval of the landscaping and screening plan by the Village Landscape Consultant. Plantings should be native species or non-invasive ornamentals. This condition is also to be recorded in the homeowner's deed. If during the implementation of the approved landscaping/screening plan any amendments or changes are desired, such changes must be approved by the Planning Board.
- A detailed tree protection and tree preservation plan to be approved by the Village Landscape Consultant.
- If any trees designated to be preserved are damaged due to site work and subsequently need to be removed, the applicant will replace them in kind. If this is not possible, then plantings of multiple trees approved by the Village Landscape Consultant or payment of the appraised value of the trees to the Village tree replacement fund will be required.
- Prior to any CO being issued, there will be an inspection of the landscaping and screening provided on the lot by the Planning Board and Village Landscape Consultant to verify that the approved plan was properly implemented.
- The applicant also agrees to perform any treatment and pruning of existing trees deemed necessary by the Village Landscape Consultant at a time the consultant deems most appropriate.
- Adherence to the Section of the Zoning Code dealing with the Tree Replacement Fund for the removal of trees with a 10" caliper or greater OR alternative remediation elsewhere on the project site as approved by the Village Landscape Consultant.
- Any blasting activity determined to be required will be conducted in strict conformance with the Village's blasting code, and approved by the Village Engineer. Blasting is to be monitored by a company chosen by the applicant, and approved by the Village Engineer. The cost of this monitoring is to be borne by the applicant.
- A covenant will be placed in the homeowner's deed and in the Homeowners Association documents that prohibits the use of phosphate fertilizers. Organic, non-phosphate fertilizers may be used.
- Approval by the Architectural Review Board (ARB) with particular consideration for the rear facade of the home.

- The applicant agrees to put foam insulation in the walls and ceiling of the house.
- Payment of any outstanding escrow fees prior to the granting of a Building Permit.
- Signing of the Final Site Plan by the Planning Board Chairman.

NEW PUBLIC HEARING – Toll Brothers - 210 Wilson Park Drive (Lot 5)

The Chairman read the following public hearing notice:

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

*Toll Land V Limited Partnership
60 Merritt Blvd., Suite 100
Fishkill, NY 12524*

For site plan approval for property located at 210 Wilson Park Drive, Tarrytown, New York for construction of a new single-family home.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.10 Block 1, Lot 30.5 and is located in an R80 (Single-Family Residence) 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: May 17, 2013

The certified mailing receipts were submitted and the sign was posted

Jennifer Gray of Keane and Beane stated that this lot is located on the east side of Wilson Park Drive and is the largest site in the subdivision with an area of 2.1 acres, it abuts the rail trail and existing residences along the south side. The property has two hilltop protected zones. She commented that there is an existing water main that goes through the southern side of the property for which an easement has been drawn up and presented to Counsel Shumejda and the Village Engineer for review. Ms. Gray explained the three site plans that have been presented:

- The original site plan submitted in the fall of last year requires no variance and the house is sited in the rear of the property. The driveway comes off of Wilson Park Drive and runs between the two hilltop areas. There are two garages which are part of the house. She showed the landscape plan and the screening plan from the neighbors, which is substantial along the southern property line and in the rear of the house. The same number of trees will be removed, just a different mix of trees. Once Lucille Munz, the Village Landscape Architect provides comments and suggestions, they will take her advice.
- In response to comments from the Planning Board and the neighbors as a result of a site walk in January, this option moves the house further from the neighbor. This option takes the setback from 34.5' to 61' and allows more trees to be preserved. There will be 2,000 s.f. less of disturbance area and it provides a larger side yard than the original plan and a walkout basement, both requests of the buyers. It does require a 30' encroachment into the 100' protected hilltop area. Ms. Gray stated the justification for this encroachment as is explained in her May 3, 2013 letter regarding §305-67, steep slopes, wetlands and hilltops which she went over for those present. She feels the encroachment into the hilltop area will not affect any of the 9 objectives stated in the code (see attached May 3, 2013 letter).

Mr. Aukland said there is no substantial harm from this proposal but how does it benefit the Village. Ms. Gray said it provides an increased setback for the neighbor and they would like to have as large a setback as possible since they are used to having open space next to them. And it allows the house to be further from the trail.

Mr. McGarvey asked if there will be less disturbance to steep slopes. Matt Sheffield of Toll Brothers said yes particularly in the rear because the cultec system can be pulled out of the steep slopes in that area. Mr. McGarvey said they will need a waiver to work in the hilltop area.

Mr. Birgy asked Ms. Gray to define the steep slope area she is referring to. Ms. Gray said whether it is steep slopes as defined in the code or not, there will be less disturbance to the slopes in that area. That part of the code refers to steep slopes, wetland and the protection of the hilltops, which is what we are concerned with here.

Mr. Tedesco said the first option requires no variances at all but this doesn't have any benefits; option 2 overall is a good compromise and solution for everyone.

- This third option was requested by the Board to relocate the house further into the northeast section of the site. We are demonstrating this but we do not think it's feasible. It has more impact on slope disturbance and the limits of disturbance go over the property line into the trail for which we would need a temporary easement in order to work on it. It is moved closer to the trail which does effects the visual impact. We do not believe that this alternative is feasible.

Mr. McGarvey said anything less than 25% is not considered steep slopes in Tarrytown. I can't actually tell how much is 20% and 25%. Ms. Gray said she agrees but it still shows that there are greater slopes in the rear than there are in the center.

Chairman Friedlander asked if there were any comments.

Mimi Godwin, 20 River Terrace, said the property abuts the trails. It may be the largest lot but it is not all buildable; that should be respected. We have looked at all three designs carefully and number three should be considered more. Her house is partially on rock and she would like the environmental issues considered.

Chairman Friedlander said to Ms. Godwin that she seems to prefer option 3 even though it may be more visible. Ms. Godwin said it is north of her house. Chairman Friedlander said the landscape plan was more extensive on option 2 then option 3. Ms. Godwin said option 3 doesn't seem to impact steep slopes as much as option 2 would and it over more. Chairman Friedlander said they are very conscious of it being too close to the trail because we have been very concerned that the public not see it from the trail. Ms. Gray said option 3 does not impact steep slopes as much as option 2. Chairman Friedlander said option 3 makes it more visible. He said hilltops and steep slopes are not the same. Option 2 is going into the back side of the hilltop not the steep slope. Ms. Raiselis said the steeper area is in the back of the property and option 3 will disturb a greater area then option 2. Option 2 will disturb the hilltop.

Mr. Birgy asked the engineer Option 3 to slide Option 3 up over to the north. Mr. Sheffield said it is 61' from the property line and we slide the house off the hilltop. Mr. Birgy said we talked about rotating the house on its northwest axis which rotates it away from the south neighbor, not back into the slope area. Mr. Sheffield said it is rotated from Option 1. Mr. Birgy said put it so the east side rotates clockwise then slide it over and down, not just rotating it; you slide it down. Ms. Raiselis said make the front door more facing the neighbors. She commented that this house is ill-suited to this site. It's not comfortable.

Ms. Gray said we came to you before going into contract. We had this house on lot 14 which did not work out. Now buyer wants lot 5 and we came to the board before signing and the board had no problems at that time. We provided a zoning compliant house and we have been trying to work with both the neighbor's and the board to achieve a balance of both of their objectives.

Ms. Raiselis said Option 2 worked the best but not optimum and she stated that this house just doesn't work on this property. Ms. Raiselis asked that they not bring a very long house on such a narrow site before them again; it does not make her happy.

Mr. Birgy said the board asked the engineer to do something and he did not do it. Ms. Gray said it was a misunderstanding of what exactly you were looking for; we thought this is what you wanted and it's obvious that there is confusion among the board members themselves as to what you wanted.

Mr. Aukland conferred with Mr. Birgy as to what exactly he wants.

Chairman Friedlander asked the engineer his reaction to rotating the house as Mr. Birgy suggested. Mr. Sheffield said his understanding of moving the house is to move it farther away from the neighbor

Mr. Sheffield said we moved it into the hilltop so that it is further away from the neighbor. Chairman Friedlander said we wanted to accommodate the neighbors by moving the house away from them. If there were no neighbors, we would not have asked it to be changed. We wanted to satisfy the neighbors, the trail, and we do not want to disturb the hilltop. House is not going to change, neighbors are not going to change and the hilltop is not going to change. We have to make a compromise in our best judgment. He asked the Village Engineer for his option and asked the neighbors as well.

Mr. McGarvey said if he knew where the 25% slope is, it would be a better conversation; but of these three, option 2 is the optimum for construction on this lot. That is my engineering opinion. Mr. Birgy said the trees are also an issue and he asked why are we entertaining this application without the steep slopes, and the trees are not tagged.

Chairman Friedlander said we can hold this off and continue next month when they provide the steep slopes and the trees on the plan.

Mr. Birgy said the drip lines are not on the plan. Mr. Sheffield disagreed and showed them. Mr. Birgy said he has to do individual drip lines, not lump them all together in a big circle. Mr. Sheffield said they are bunched together and that circle represented the maximum distances for those trees; he said that is how they have done it on all of the other site plans. Mr. Birgy did not agree with him.

Ms. Gray said they are waiting to hear back from Lucille Munz to tag the trees, which is how it was done for lot 3.

Francesca Spinner, a Wilson Park Drive neighbor that abuts the lot. She appreciates all of the work going into this lot. She has not seen all of the Options but is concerned about the rock and protected hilltops. She asked how many trees will be removed and if there would be blasting. She asked how the construction traffic is going to get to the site, over the hilltop. She felt it would be very difficult for construction vehicles to get up over the hilltops. Ms. Gray said they will go between the two hilltops. Ms. Spinner said she feels there is not enough room for that and fears that more trees will be taken down to accommodate the construction traffic. Ms. Spinner said the public hearing notice boards were not put on the right side of the road; it was in front of the wrong lot. Ms. Spinner said she would like to see all three options so that she can comment.

Mr. Tedesco said if Option #1, which meets all the zoning requirements with all of the setbacks significantly greater than the minimum required, were presented to us in another area in Tarrytown, the Planning Board would require screening which would have to be maintained, we would consult with our Landscape Consultant and possible require even more screening if she felt it was necessary, but 99% of the time we would approve a site plan that meets the zoning requirements. He does not believe they should loose Option #1; it does not affect the steep slopes or hilltops. Mr. Birgy said he feels the main issue is the tree issue. Mr. Tedesco said he agrees with the tree issue; and if that is so significant, then maybe Option #2 is the best.

Chairman Friedlander stated to Mr. Birgy that he does not know if he was on the board or not at the time they approved these lots, but they are their doing. The Board picked four lots, which were paid for by taxpayers' dollars, to preserve parkland, which will be a significant park for the residents of this area, we protected the ridge, the open space with regard to the lakes. In retrospect maybe the hilltop lot should have been protected, but it is not and it is permitted. Chairman Friedlander said he does not think it is morally or legally right to go back and re-examine that lot. If, as Mr. Tedesco said, we feel a zoning compliant option is the best, then we should pick Option #1. If we feel the least disturbance to the neighbors, the trees, and the trail is best, then we should pick Option #2. He said he does not see the same problems in other projects in the Village. He said they have spent way too many hours on this project. Mr. Birgy said the problem is the developers fault because they cannot just take a plan out of a book and plop a house on a lot. Chairman Friedlander said he agrees that he would prefer customer homes, but there is no law against what they are doing and they can do it. Chairman Friedlander said he thinks they should continue this application to allow the applicant to bring in the information requested and they should not move on to the next two lots.

Ms. Gray asked if she could just clarify something for the record. She was just notified that they signs were put up on the right lots; if they were moved by someone, she has no knowledge of that. She also asked that they scheduled a site visit tonight if they plan to do one.

Chairman Friedlander said one of the residents would like to speak.

Rich DeSanctis, 40 Lake Terrace, stated that he is one of the houses adjacent to this property. He reiterated that they are trying to build a very large house in a very small space. Concerned that it goes beyond visual, it's comparable to building a 40' wall in his back yard. He has concerns that his house is built on a rock and building such a large house could cause cracks in his foundation, fissures, water in his basement; he is concerned about stormwater drainage. He is concerned about the trees along his property line; building so close to his house may cause downed trees. He feels that they are being thrown under the bus. If the development has to be there, he would like it to be respectful of the existing community.

Veronica DeSanctis, 40 Lake Terrace, stated that she was delighted with Option 3 because it took away their concerns about water coming down onto her property. Option 3 pushes it further to the north. With Option 1 & 2, the first thing you see when you drive into Lake Terrace is this huge house instead of the beautiful trees that are there. She is uncomfortable about trees that were dug up at the time they were installing the water main and any construction that close to the property will weaken the trees more. Option 3 pushed it away from those trees which were already dug up 2-years ago. She knows Option 3 pushes it closer to the trail but feels that if a site street has to be compromised, it's better that it be the trail than Lake Terrace.

Steven Trusa, 35 Lake Terrace, just moved in on May 18th, and just found out a few days ago about what is going to be built next to him. He feels it is too large for the area and will create a large impact on Lake Terrace. It is only 34.5' from his property line. He feels the house is going to be too tall. He said there are a lot of very beautiful trees that are threatened and he is worried about water runoff to the south. Each driveway cuts through some portion of the hilltop.

Ms. Raiselis asked Mr. McGarvey to explain the drainage. Mr. McGarvey said the storm water drainage is going to be handled by the 15 culvert units in the back yard. Ms. Gray said 100% of the run-off is going into the culvert units and there is a grass swale to prevent the water from going off the back yard.

Mr. Birgy asked why the house was moved so far to the west in Option 2. If you move the house directly to the north, you move it away from the three dozen trees and it will not make your landscape worse. Ms. Gray said the whole garage area is within the hilltop area, just like in Option 2. Mr. Birgy said but you are not increasing the height of the house. Ms. Raiselis said the driveway will be completely in the hilltop. Ms. Gray said she was told that the finished floor elevation would remain unchanged. Mr. Birgy said he would rather see the driveway in the hilltop and preserve the trees. Ms. Raiselis said but these trees are 34', 24' & 30' maples.

Chairman Friedlander said we should ask them to layout the basic and the option that you think is best and we can go on a site walk and see how it looks. Ms. Gray asked to confirm the information the board is looking for: tree information, 25% slope demarcation and the percentage of disturbance of the hilltop for each option. She asked what the preferred option is. Chairman Friedlander said we should site options 1 & 2, but we should see where #3 would be. Mr. Birgy said Lucille Munz should mark the trees and indicate why they are coming down. Ms. Gray said the tree removal information is on each plan. Mr. Aukland asked Ms. Gray to provide the benefit for the Village, not a specific neighbor, if they choose that Option.

The board set the site visit to follow the next staff meeting on June 13, 2013.

Trustee Bulter thanked the board for their time, due diligence and effort during the planning process. He is concerned the developers are coming into the Village saying what they are going to do. He said, well do it; make it happen.

Trustee McGovern, 60 Midland Avenue, is concerned about the soccer field and whether some the plans that have been implemented were done correctly. These things will be around for a long time and anything that has been done incorrectly will have to be fixed by the Village.

Mark Fry, Lakes Committee, understood what Mr. Birgy wanted with Option 3. Thinks we need one large sheet of paper with all three options on it. All landscape plans need to be done and all trees need to be tagged in the field. He suggested to Toll Brother to do photo simulations from various locations so that it can be seen clearly. A sediment basin and a bio-retention basin have not been built yet. The trail project will have to be stopped because the trees along lot 10 have not been cleared. Parking lot at the corner of Tower Hill Road and Wilson Park Drive has not been built yet. All are to be completed before any building permits are issues, yet three have been issued.

Ms. Gray commented that the soccer field was seeded. It is a high quality seed that doesn't germinate quickly, but there is some sprouting. Mr. Birgy asked why the field wasn't mulched when it was seed. Mr. McGarvey said it was

slit-seeded; the machine slices the dirt, puts in the seed and covers it over, no mulch is needed. Mr. Birgy said when he went down to the field, it was very dry and he thought mulch helps to keep it moist. He asked the time of germination. Mr. Badger said Landtek said about 4-5 weeks. He said it is soaked down each day but because of all the drains, it dries out quickly. It was scheduled to be slit-seeded in two directions and we slit-seeded it in three directions so there was twice the amount of seed planted. Landtek is out regularly inspecting it.

Mark Fry said he spoke with Rob DiGiorgio and he is not happy with the way the field was seeded; the type of seed and the way it was done. Mr. Badger said the seed was approved. He said he spoke with Rob DiGiorgio and he was happy with it. Ms. Gray said they will go over the seeding of the field with Mr. DiGiorgio; and if he has any concerns, they will address them. Mr. McGarvey asked why is Rob DiGiorgio taking with Mark Fry since he is hired by the Village and paid with Toll Brothers' money. Why isn't Rob DiGiorgio talking to us? He said there seems to be a lack of progress on all aspects. Things have to get moving. At the last meeting I said no more permits would be issued until some progress is made. Regarding the soccer field, grass is coming up, but there are definite problems with the perimeter of the field and Toll Brothers isn't doing anything about it; my only recourse is to hold back building permits. He said we are not getting responses back in time for our review. Ms. Gray said she sees progress being done. She said we have substantial completion of the infrastructure and that was demonstrated to you in a letter from Kellard Session last November. We are required to have substantial completion within six months of the start of the project and we have that.

Chairman Friedlander and Ms. Gray discussed various aspects of the infrastructure and the soccer field. Ms. Gray feels they have adhered to the requirements but Chairman Friedlander feels they have not. Mr. Badger said regarding the soccer field and why it has not been complete is because they have submitted several plans and each time they keep changing.

Melinda DeRocker, 3 Warner Lane, asked who is pulling the plug on the plan each time. Mr. McGarvey said Mr. Badger is right; we pulled the plug last time. After the plan was approved, we came up with a better plan. It was presented to Toll Brothers and they had to have it approved because it is substantially more work, which took some time.

Ms. DeRocker asked if a deadline has ever been imposed on the soccer field. Mr. Aukland said there were schedules set and approved and he feels they have been met.

Mr. Aukland asked Mr. McGarvey if there are any other infrastructure items that need to be met. Mr. McGarvey said the soccer field is not an infrastructure item; it is an improvement because it is improving on something that was already there. It is, however, a very important item in this subdivision to many people and it is not going any where. Maybe we should give them a deadline. Mr. McGarvey suggested that he sit down with Toll Brothers' engineers and Rob DiGiorgio and workout the items that still need to be addressed.

Chairman Friedlander asked if we have an agreement and timeframe/deadline for everything that has to be done on the soccer field. Mr. McGarvey said there is no agreement or deadline. Chairman Friedlander said can we go to Toll Brothers with the items to be completed and get their assurance that the items will be done by a certain date. Trustee Butler said everything should be signed-off; once it is agreed upon, it should be signed-off.

NEW PUBLIC HEARING – Toll Brothers - 218 Wilson Park Drive (Lot 7)

The Chairman read the following public hearing notice:

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

*Toll Land V Limited Partnership
60 Merritt Blvd., Suite 100
Fishkill, NY 12524*

For site plan approval for property located at 218 Wilson Park Drive, Tarrytown, New York for construction of a new single-family home.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.10 Block 1, Lot 30.7 and is located in an R80 (Single-Family Residence) 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: May 17, 2013

The certified mail receipts were received and the signs were posted.

Ms. Gray presented lot 7 stating that it is on the east side of Wilson Park Drive, abuts the open space, on the south side of proposed 10' wide trail easement. The area of the property is .7 acres with a floor area of 6,394 s.f. and 4,956 s.f. of livable space. No variances are required and they are providing more than double the required setbacks.

There is a proposed drainage easement between lots 7 and 8, straddling both lots; it has been submitted to the Village Engineer and The Village Attorney for review. She said the landscape plan was tweaked to add one tree, five trees will be planted and three removed. Once they hear from the Landscape Consultant they are not opposed to adjusting the plan according to her recommendations.

Chairman Friedlander asked the size of the house. Ms. Gray said it has a floor area of 6,394 s.f. compared to the maximum allowable of 11,600 and a livable area of 4,956 s.f. compared to a maximum allowable of 9,600 s.f.

Mr. Aukland asked if any variances are required. Ms. Gray said no variances are required.

Mr. Birgy said he does not see a drip line on the plan. Mr. Badger said it is on the plan. Ms. Gray said they overlap because they are so close together. Mr. Birgy said we are asking you to do what everyone else does and show us the individual drip lines. He does not understand why they think they deserve special treatment. Ms. Gray said they do not think they are getting special treatment in any way. Ms. Gray said the drip line has been surveyed in the field and staked. The drip line on the plan is the outer most drip line. Mr. Birgy asked for the trees to be identified.

Chairman Friedlander asked if any one would like to comment.

Mr. Aukland said we are continuing this pending the drip line and the tree survey as well as Lucille Munz's comments.

Mr. Birgy asked if there is a date that the materials have to be submitted. Mr. Shumejda said it has to be in before the staff meeting; it can be received but not reviewed at the meeting.

Ms. Gray said all of these submissions were submitted before the deadline except for Ms. Munz's comments; but they were under the impression that conditional approvals were made pending Ms. Munz's comments as was done in the past.

NEW PUBLIC HEARING – Toll Brothers - 213 Wilson Park Drive (Lot 14)

The Chairman read the following public hearing notice:

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

*Toll Land V Limited Partnership
60 Merritt Blvd., Suite 100
Fishkill, NY 12524*

For site plan approval for property located at 213 Wilson Park Drive, Tarrytown, New York for construction of a new single-family home.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.10 Block 1, Lot 30.14 and is located in

an R80 (Single-Family Residence) 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: May 17, 2013

The certified mail receipts were received and the signs were posted.

Ms. Gray presented lot 14 stating that it is located on the west side of Wilson Park Drive, it abuts the open space to be conveyed to the Village, it is on the south side of the proposed 10' wide trail easement, which has been submitted to the Village Engineer and the Village Attorney for their review. The lot is .7 acres and the house has a floor area of 6,394 s.f. and a livable area of 4,956 s.f. No variances are required. She stated that the landscape plan was tweaked to add one tree (tulip tree), three trees are being removed and five are being planted. We relocated the proposed grinder pump further to the north to get outside of the drip line.

Mr. Aukland asked about the specific design along the easement. Ms. Gray said they are proposing pavers as demarcation, similar to the demarcation in front of the DeRocker house.

Ms. Raiselis asked if the landscape plan was submitted to Lucille Munz. Ms. Gray said yes, they are waiting for her response.

Mr. Aukland asked if any variances are required. Ms. Gray said none are required.

Mr. Birgy asked if there is a certain number of trees required to replace one. Chairman Friedlander said he would like to know that as well. Mr. Tedesco said he made a note that they should put in larger trees. Ms. Gray said they are willing to do that.

Chairman Friedlander said the application will be continued to the next meeting.

PRELIMINARY PRESENTATION – Wildev Group, LLC – 124 Wildev Street

Chairman Friedlander announced that this application is adjourned at the applicant's request.

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

Chairman Friedlander announced that this application is adjourned at the applicant's request.

PRELIMINARY PRESENTATION - Lackowitz, Contract Vendee - 26 Pintail Road

Michael Miele, representing Mr. Lackowitz, stated that they are proposing a single-family house at 26 Pintail Road. A similar single-family house was approved two years ago. Theirs is slightly smaller at 3,100 s.f.

Mr. Miele said they will need waivers for the wetland buffer intrusion and steep slopes. Mr. Tedesco said you should show on the site plan the wetlands, the buffer should be delineated on the site plan and you should give us an indication of the intrusion. The same goes for the steep slopes; show them on the plan and indicate the amount of disturbance you are requesting.

Mr. Aukland said you are required by code to show why it is a benefit to the Village to grant these variances.

Mr. Tedesco said you should show on the plan the trees and their drip line, and trees to be planted, nature, size, etc.; and any trees to be removed, nature size, etc. Mr. Miele said he has that information but he did not put it on the plan but will do so.

Mr. Birgy asked for the energy consumption per square foot and to outline the energy saving measures you are going to use.

Mr. Aukland said that a streetscape must be provided. He said just as a comment you will probably be using the same justification for the variances as the last application which will be basically that the form of the home would not be good for the public view which will be shown by the streetscape.

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 June 24, 2013 meeting; all in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 10:15 p.m.

Dale Bellantoni
Secretary