

# Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199  
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## Planning Board Minutes 4/22/2013

Planning Board  
Village of Tarrytown  
Regular Meeting  
April 22, 2013; 7:00 p.m.

PRESENT: Members Tedesco, Aukland, Raiselis, Birgy (arrived late); Counsel Shumejda; Village Administrator Blau; Village Engineer McGarvey; Secretary Bellantoni

ABSENT: Chairman Friedlander

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence

### APPROVAL OF THE MINTUES – February 25, 2013

Mr. Aukland moved, seconded by Ms. Raiselis, and unanimously carried, that the minutes of the February 25, 2013, be approved as submitted. Motion carried.

### APPROVAL OF THE MINTUES – March 14, 2013 Special Meeting

Mr. Aukland moved, seconded by Ms. Raiselis, and unanimously carried, that the minutes of the March 14, 2013 Special Meeting, be approved as submitted. Motion carried.

### CONTINUATION OF PUBLIC HEARING – Toll Brothers - lot 6 (214 Wilson Park Drive)

Jennifer Gray of Keane and Bean and Chris Badger of Tolls Brothers made the presentation to the board. Ms. Gray stated at the January staff meeting they presented a number of architectural revisions, the remaining aspects of the plan remain the same except for the number of trees to be removed and planted. The architectural revisions are as follows:

- Added deck to the rear elevation.
- Added brick to the foundation surrounding the house.
- Added decorative columns with brick piers to the deck.
- Walk out bay with a terra bronze roof, which is carried over to the garage.
- Windows added at basement elevation with decorative headers.

Ms. Gray showed the front and rear streetscapes.

Mr. Tedesco asked if there were any comments from the Board and from the audience; no comments were made.

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 lot 6 (214 Wilson Park Drive)

subject to the following conditions:

- Approval by the Building Inspector/Village Engineer, particularly in regard to the adequacy of the stormwater/drainage plan and compliance with a construction management plan which includes construction guidelines, construction timelines, and allowable construction traffic.
- Approval of a landscape and screen 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 any trees that are designated to be preserved are damaged due to site work, and subsequently need to be removed, the applicant agrees to replace them in kind. If this is not possible, then planting 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.
- The applicant agrees to perform any treatment or pruning of trees deemed necessary by the Village Landscape Consultant, at a time the Consultant deems most suitable.
- 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.
- Inspection of the final landscaping and screening by the Planning Board and Village Landscape Consultant before the issuance of the final Certificate of Occupancy (CO).
- 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.
- Given that the project's stormwater management system has been designed such that there is no discharge for any driveway as the complete driveway run-off is infiltrated into the ground through the design of the infiltration systems which capture and treat 100% of the runoff even for a 100-year storm event, the Planning Board approves a waiver from the subdivision condition which requires that driveways be constructed of permeable materials.
- 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.
- The architecture is to be reviewed by the Planning Board and approved by the Architectural Review Board (ARB).
- During construction, a chain link fence will be placed around the drip line of any significant tree to be preserved within the proposed area of disturbance.
- 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.

All in favor; motion carried.

#### NEW PUBLIC HEARING – Salvation Army - 115 Wildey Street

Mr. Tedesco read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 22, 2013 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

The Salvation Army  
115 Wildey Street  
Tarrytown, NY 10591

For site plan improvements for the portion of the property located in the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40 Block 7, Lots 2 and is located in an M1.5 (Multi-Family) 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

The certified mailing receipts were submitted and the sign was posted

William Null of Cuddy and Feder and Michael Stein of Hudson Engineering represented the applicant Mr. Null explained that the old Frank's Chevrolet building in Sleepy Hollow is being taken down and a new Salvation Army building will be built in its place. Once the new building is constructed, the present Salvation Army building will come down. This building is located mostly in Sleepy Hollow but also a portion is located on the Village of Tarrytown property. The back area, which is in the Village of Tarrytown, will be landscaped and used for parking. The building will be used as a social hall and a sanctuary; however, both will not operate at the same time.

Mr. Stein discussed the parking and stated that most of those using the building will either walk or will arrive by van. They plan to land bank 10 spaces; 5 at the intersection of Wildey and Valley Streets and 5 will be a land banked at the intersection of Wildey and Valley Streets.

Mr. Null said there will be improving the impervious surface and asked Mr. Stein to explain. Mr. Stein said they prepared a stormwater management design for the site and they are reducing the amount of impervious surface by 10,700 s.f. He did not include the land banked parking area in the stormwater plan; so that if they need the parking, all they will have to do is pave the area because the stormwater system will already be in place. A landscape plan was submitted at the last meeting which included a low hedge along Wildey Street and Valley Street with a wrought iron fence directly behind it so that it can be gated in. There will be gates at the entrance and exit. The stormwater plan includes some green technology. They will have stormwater planters which will treat the majority of the runoff from the roof. For the runoff from parking lot they are proposing a mechanical system so that they can remove any sediments that may be suspended in the runoff. They are also decreasing the rate of runoff coming from the site.

Mr. Birgy asked if this area has issues with flooding. Mr. Stein said it is in a low lying area but they do not have any flooding issues because the building is outside the flood area and is above that elevation.

Mr. McGarvey asked about the sewer issues that they previous discussed. Mr. Stein said the existing building is at a lower elevation but the new building will be at a higher elevation so there shouldn't be any back-up problems. Mr. McGarvey said they are going to remove that sewer main and asked if it is stated on the plan. He asked where the water is coming from and Mr. Stein said it is coming off of Valley Street from Sleepy Hollow. Mr. McGarvey asked that it be stated on the plan as well.

Mr. Tedesco read a report from Lucille Munz, Village of Tarrytown's Landscape Consultant, stating her recommendations dated March 11, 2013 (copy attached). He said compliance with those recommendations will be part of the approval.

Ms. Raiselis asked Mr. Stein if they have seen the new FEMA maps. She suggested that they look at them because they may be different than the present ones. Mr. McGarvey said he has them in his office and he doesn't think there are any changes.

Mr. Tedesco asked if any from the audience had any questions or comments.

Steve Handley, 17 Wood Court, had questions regarding the demolition of the existing building and environmental affects such as asbestos. He asked what they should expect and what is going to happen to the environmental aspect of the demolition and what is going to happen to the property behind his condominium complex. Mr. McGarvey said before they get a demo permit they have to submit a letter from an asbestos abatement company; and if there is any asbestos, it has to be removed in accordance with NYSDEC and a letter stating such. They must also submit a letter from an exterminator that the area has been baited; so that when the building comes down if there are rodents they will not be running all over the place. Mr. McGarvey said we need a letter from the water

company stating that the water and sewer have been cut off at the mains and a letter from Con Ed stating that the gas and electric has been cut off so that there are no explosions when the building is demolished. There is a retaining wall going in the far end of the parking area. Mr. Stein said it will be about 4' high with landscaping.

Mr. Aukland said all demo will be in Sleepy Hollow. Mr. McGarvey said yes but we are responsible for the front building. He said the procedure he just outlined is for the Village of Tarrytown; he cannot speak for the Village of Sleepy Hollow, but is sure they must have a similar procedure.

Mr. Stein said the plan indicates that all services are to be cut and capped as per the municipality's requirements.

Josie Lariceia, 5 Wood Court, is concerned about noise issues and whether the demolition is contained. She asked if there is a timeframe and will they be given specifics. Mr. McGarvey said typically no notice is given once its approved but there are certain times when they can work; 8:00 a.m. - 6:00 p.m. weekdays and Saturdays. No work can be done on Sundays or Federal holidays.

Ms. Lariceia asked if they will be getting notices about the water and will they get brown water. Mr. McGarvey said they should not be getting brown water; and if they do, call him and he will look into it. The demolition itself should not cause any sediment for anyone.

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 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 action subject to the following conditions:

- Approval by the Building Inspector/Village Engineer, particularly in regard to the demolition of the existing building in Tarrytown.
- Approval of a landscape and screening plan by the Village Landscape Consultant. Plantings should be of native species or non-invasive ornamentals. The landscape provided should not impact on site lines for vehicles entering or exiting the parking area. The landscape approval is to include compliance with the recommendations of the Village Landscape Consultant contained in her field report dated March 11, 2013. A copy of that report is attached to this approval.
- The rear parking area should be closed during nighttime hours since it is not visible from street.
- 25% of the proposed total parking for the project is to be land banked. These 10 land banked spaces are sown on the final site plan.
- It is to be noted that the building associated with the parking lot is entirely in another municipality. Also, the proposed action will result in a reduction of an existing non-conformity and the addition of the proposed landscaping will be an aesthetic improvement to the overall site.
- Payment of any outstanding escrow fees before the granting of a building permit
- Signing of the final site plan by the Planning Board Chairman.

All in favor; motion carried.

#### NEW PUBLIC HEARING – Neighborhood House - 43 Wildey Street

Mr. Tedesco read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 22, 2013, at 7:00 pm at the Municipal Building, 1 Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Neighborhood House Inc.  
43 Wildey Street  
Tarrytown, NY 10591

to use the lower level space as a combination classroom/simulated apartment to teach special needs high school students to prepare for independent living.

The property is located at 43 Wildey Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 7, Lot 34. The property is in the M2 (multi-family) 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

The certified mailing receipts were submitted and the sign was posted

Francesca Spinner explained the proposed project. The area was used as daycare for young children until the YMCA moved the program to their new location. Now they are going to work with the High School with a grant-driven program which means it will be mostly funded by a grant and the cost will not come from the school budget. They will be working with students with special needs who are in the High School now to teach them to be independent. Students, accompanied by an aid, will walk down and back; resulting in less traffic than the daycare. There will be the same number of teachers. The space will be the same just some small appliances; stove, washer/dryer will be added and used to teach the students; a simulated apartment.

Mr. McGarvey asked if smoke detectors will be added. Ms. Spinner said they already have a building-wide system.

Mr. McGarvey asked if they will be using gas or electric stove. Ms. Spinner said no gas, just electric for both stove and dryer.

Mr. Tedesco asked the board and the audience if there were any questions. No response.

Mr. Tedesco asked if this is a change of use and does it have to be approved by the Zoning Board? Counsel Shumejda asked if it is still teaching skills but the classroom is just different. Ms. Spinner said they are teaching them independent living skills so they can take care of themselves. Counsel Shumejda asked if it is a different aspect of the same use; different teaching but still a function of taking care and moving forward as an educational basis? Ms. Spinner said yes. Mr. Shumejda said then it is a different aspect of the same use.

Mr. Tedesco asked if there were any comments from the Board and from the audience; no comments were made.

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 use of the lower level space at the Neighborhood House, 43 Wildey Street, as a combination classroom/simulated apartment to prepare special need students for an independent or supported living lifestyle. This space will also to be used for seminars for families and care givers. The Planning Board feels that the proposed project will be of significant benefit to the Village of Tarrytown. The approval is subject to approval by the Building Inspector.

#### PRELIMINARY PRESENTATION – Wildey Group, LLC – 124 Wildey Street

Mr. Tedesco stated that this application is adjourned.

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

Mr. Tedesco stated that this application is adjourned.

PRELIMINARY PRESENTATION – 99 North Broadway Associates – 99 No. Broadway

Frank Tancredi, architect for the applicant, explained that his clients owns the 3-story building located at 99 North Broadway. The building is in the RR zoning district. Originally they had their medical office on the first floor but moved out several years ago. Since then they have only had one tenant for several years but they moved out and the first floor has been empty since. There are apartments on the second and third floors. The vacant office space has created a financial burden for his client. They need to be referred to the Zoning Board for a use variance to construction the two 2-bedroom apartments on the first floor. Ten parking spaces will be required. They have some parking in the rear of the building but will need to construct additional spaces by extending the pavement in the rear.

Ms. Raiselis asked if the apartments on the second and third floor are rented. Mr. Tancredi said yes they are.

Mr. Tancredi stated that snow will be removed off the site, they will need to upgrade the drainage, and improve the site by putting in proper curbs and repair potholes.

Mr. Raiselis asked if the site is 100% impervious. Mr. Tancredi said about 97%; there is some grass in the front.

Mr. Tedesco asked how many parking spaces exist now. Mr. Tancredi said they are not marked but looking at the plan from 1960-61 it shows 7 cars parked in a row in the rear of the building.

Mr. Tedesco said it requires a use variance. The Planning Board would like to see the conditions spelled out and how they meet them so that the board can suggest variances to the Zoning Board. A Stormwater Management plan has to be given to the Village Engineer. Mr. Tancredi said they will supply the board with the conditions of the use variance. He said we know we need to do all of these things and they will; but if they do not get the variance, there is no use going forward.

Mr. McGarvey said they will have to install sprinklers. Mr. Tancredi said they are aware of that and they will do so if there is a variance granted. His clients are prepared to do general maintenance but are holding up until we know what can be done.

Mr. Birgy asked if they tried to market it as a medical office, or "build to suit?" Mr. Tancredi said they have marketed as office space, but are willing to subdivide or built to suit. Mr. Birgy questioned if this is a self-imposed hardship created by the lack of investment in the property. Mr. Tancredi said the building is in good shape but the parking lot needs to be repaired and cleaned up. Basement is good, plumbing is good. They have been maintaining it.

Mr. Aukland said for the public hearing make it clear where the property is situated and the use of the properties on either side. Mr. Tancredi said they can do that.

Ms. Raiselis asked if they could see the documents demonstrating a hardship. Mr. Shumejda said yes it can be supplied to this board so that they can make a recommendation to the Zoning Board.

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 MY 28, 2013 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Peter Bartolacci – 67 Miller Avenue

Steven Basini of Petrocelli Engineering represented Mr. and Mrs. Bartolacci. He explained that they would like to replace the existing retaining wall in the rear of the property. They purchased the property about four years ago with the understanding that they would be repairing the wall. The wall used to be level and now the railroad ties in the two corners have fallen down. They would like to replace the original design in kind with a Masa Block pre-cast stone wall with geo-grid to help retain the soil. Stairs will be in same place as original design, at the same height and elevation as the original design. They proposed to place fill in the two corners where the soil has eroded. It is in the 25% slope; same slope that is there now but the water has created a swale by neglect from previous

homeowners. The water took all the top soil. They will be re-grading to minimize the pace of the runoff.

Mr. Basini said the top of the wall is at 192 and the base is 178; they are proposing plantings bordering the neighbors. He said it follows existing grade. The existing wall has fallen so it is not as high as originally built. We are proposing to build a new wall at the original height, not create a back yard.

Mr. Birgy commented that Mr. Basini said the original wall was 14' high. He looked at the wall and it does not appear that the original wall was that high. He asked if they have documents stating that. Mr. Basini said there are no documents but it is obvious by the decay of the old wall and the amount of erosion. He pointed to a portion of the wall that is still 14' high now.

Ms. Raiselis said just because it was there doesn't mean we can't improve it by making a lower wall for the neighbors; 14' is very high. Mr. Basini said any lower and it will increase the rate of the run-off and this will be an improvement for them. Ms. Raiselis said this is the only solution; what about a stepped wall. Mr. Basini said this is the most practical solution; a stepped wall will create more impact into the steep slopes. He said what they have done is lowered it to the point where it can pitch the water to where it wants to go and still percolate into the ground; any lower and it will increase the rate of flow. Ms. Raiselis said you are impacting it now. Mr. Basini said it would be impacting more area with a stepped wall.

Mr. Birgy said he understands that the homeowner would like to keep his back yard but he is concerned about the steep slopes, which is the purpose of the steep slope law.

Mr. Basini said he understands what Mr. Birgy is saying but public safety is also part of the steep slopes law. Mr. Birgy said the wall is 14' higher than what is there now. Mr. Basini said only on the corners where they eroded.

Ms. Raiselis asked when was the wall built? Mr. Bartolacci said sometime in the 50's. He stated that they are not increasing the size of the back yard which remains the same. Originally we wanted to increase the yard but it was not allowed so now we just want to fix the wall. Mr. Basini said the wall was built in order to create the house. As the ground slopes now, we are keeping it exactly the same; we are just filling in what has eroded.

Mr. Aukland asked Mr. McGarvey is this not a repair of the existing non-conforming wall. Mr. McGarvey said yes; the wall was in the backyard before but he doesn't know to what height. If it were not for the steep slopes, this wall would not have to go before the Planning Board. It is obvious that there were walls in this backyard.

Mr. Aukland asked Counsel Shumejda if this is a repair activity, to what extent do we have to consider the steep slopes intrusion which is due to erosion and disrepair.

Counsel Shumejda said we have no proof as to where the wall was. We have to take it on faith that it was there and that this is just a repair. Mr. Basini showed the Board pictures of the wall of help lend to their analysis.

Mr. Birgy asked to clarify where the wall is 14' now. Mr. Basini said it is 7' in the middle and there is only one place where it is 14'. He said the yard also slopes right to left.

Ms. Raiselis said the average height of the wall is around 9'. Do you have an elevation of the wall? Mr. Basini showed a structural drawing showing the proposed grade.

Mr. McGarvey said the neighbor claims water is coming down from the Bartolacci property. Next month you should be able to address this. Mr. Basini said he believes it is coming from the neighbor's property, not the Bartolacci's property. We have had conversations with the neighbor to no avail.

Mr. Bartolacci said at the last staff meeting we asked the Village Engineer whether this design would improve the run-off vs. what is there now. Mr. McGarvey agreed. Mr. Bartolacci stated that the neighbor's problem is not due to his property but as a result of work done on the Robert's property, not a direct result of our slope. Mr. McGarvey stated that Mr. Basini said the water runs down in both corners; so it is possible that the water is running down the swale to the neighbors. These neighbors are right below you. What you are proposing should help that situation. People below are complaining, whether it's your problem or not. Mr. Bartolacci explained that it was presented to him that there was not a problem until the neighbor's did work on their property. Mr. Basini said the neighbors did something and now they have water and they are fearful that if something is done to the Bartolacci's property they will have more water problems.

Ms. Raiselis stated that the success will depend on your landscape, which needs to be improved. It should be made

more beautiful with landscaping and it will be a great benefit for your neighbors. We will have our landscape consultant look over the plans which will be a plus to everyone.

Mr. Tedesco agreed with Ms. Raiselis. He said we need input from our Landscape Architect. Even if we grant a minor waiver here for steep slopes, we are looking at three benefits:

- The water benefit.
- The aesthetic and landscaping benefit to the neighborhood.
- The public health and safety benefit by not having this land continuously erode away.

Mr. Birgy stated that he is troubled by this project because there isn't anything else out there like this. He would like to do another site visit and asked that they put a stake in the corner where the 14' wall will be. Mr. Basini agreed to do so.

Mr. Basini said the mafia block wall on the next door property is 8-10' high in some areas. He said the Bartolacci's wall is 12' back, not on the property line.

The board and the applicant agreed to another site visit after the May 16<sup>th</sup> staff meeting.

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 May 28<sup>th</sup> Meeting

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

Jim Annicchiarico of Cronin Engineering presented on behalf of the owner, Joseph DeNardo of Split Development Corp.

Mr. Annicchiarico stated that they are proposing a 5,500 s.f. single-family house with a two-car garage and pool. It is similar in style to the existing houses in the subdivision. Mr. Annicchiarico showed the elevations. He stated that the utilities are in already; they were put in when the infrastructure for the subdivision was built. He said the drainage system was also installed at that time; he will give Mr. McGarvey the drainage calculations.

Mr. Birgy asked for the rear elevations. Mr. Annicchiarico said they do not have them yet.

Mr. Birgy asked if there is stone on the side elevation on the basement. Mr. Annicchiarico said they can do that.

Mr. Tedesco stated that they need landscape plans and a streetscape. He asked what the address of the house is. Mr. Annicchiarico said the address is 60 Gracemere.

Mr. Tedesco asked if there will be foam insulation. Mr. Annicchiarico said yes.

Mr. Birgy asked him to provide the board with the cost to heat and cool by square footage.

Mr. Aukland asked if the land to the south of the property is Village land. Mr. Annicchiarico said it is open space, Village land he thought. Mr. Aukland said if it is Village land then we need a rear streetscape. Mr. Annicchiarico said there are no trails there. Ms. Raiselis said but there might be a trail at some point. Mr. Annicchiarico said he will provide a rear 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 May 28<sup>th</sup> meeting.

PRELIMINARY PRESENTATION – Toll Brothers – Lot 14 (213 Wilson Park Drive)

Mr. Tedesco said the board is concerned about trail easements and transfers to the Village; they would like a date when that can be done. Ms. Gray said regarding the easements, she will draw them up and send them to Mr. Shumejda. Regarding the transfers, she will speak with Toll Brothers regarding that.

Ms. Gray gave an overview of the proposed project for lot 14. Lot 14 is the last lot on the west side of Wilson Park Drive. The lot size is .7 acres. They comply with all setbacks and the proposed floor area is 6,390 sf. and 4,956 s.f. of livable space. Three trees are to be removed and four trees are to be planted. At the recommendation of this board, they will be planting larger trees.

Ms. Gray said they revised the plans to include a deck with decorative pillars, terra bronze roof keeping it consistent, a bay window was brought out and the top window has been moved to a more appropriate location. She showed the front streetscape and the rear streetscape.

Ms. Raiselis asked what kind of trees are going to be removed. Ms. Gray said a 12" maple, a 22" maple and another 18" tree. She said two red maples and two willow oak trees were proposed to replace the trees being removed, but they may be revised.

Mr. Aukland asked Ms. Gray to discuss the treatment of the easement to the south of that property.

Ms. Gray said there is a proposed trail easement for access to the open space. Mr. Aukland asked what do we have to do to make it walkable. Mr. McGarvey said he would like to talk to the Lakes Committee or Stefan Yarabec. He said he asked Toll Brothers to clear any trees that are on the trail easement because they are working on the trail now.

Mr. Birgy asked what do you replace an 18" tree with? Counsel Shumejda said it's up to the discretion of the Planning Board. Mr. Birgy said he would like to see fairly substantial major trees, historic trees.

Ms. Raiselis said when it comes to the public hearing, you will have to talk with our Landscape Architect, Lucille Munz. Ms. Gray said they will be happy to plant more substantial trees.

Mr. Birgy asked how the rear elevation and how the slope is being treated as far as how it is being finished; stabilization. You are kind of creating a steep slope. Mr. McGarvey said he doubts they are creating a steep slope.

Ms. Gray said Matt Sheffield, Project Engineer for Toll Brothers, is with us tonight and will address your question. Mr. Sheffield said any of the slopes in the yards or along the house is a 3:1 max, which is a typical slope that is stabilized by grass and can be mowed by a ride-on mower.

Mr. Birgy said he is specifically speaking about the one on the right. Mr. Sheffield said they are a generic slope but the actually will be gentler and will be shown as such on the site plan. Mr. Birgy asked where it will be shown. He wants to see on the plan exactly what it will be. Mr. Sheffield said there are no retaining walls along that house.

Mr. Birgy asked how we will know that the grades of the finished houses match what was approved. Mr. McGarvey said they will submit as-built surveys.

Ms. Gray said this is only to show architecture.

Mr. Sheffield said the veneer is going right down to the ground.

Mr. Aukland asked if this is compliant with the code. Ms. Gray said yes.

Mr. Tedesco asked if anyone had any questions.

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 May 28<sup>th</sup> meeting.

PRELIMINARY PRESENTATION – Toll Brothers – Lot 7 (218 Wilson Park Drive)

Ms. Gray said lot 7 is located on the east side of Wilson Park Drive, two houses down from the model home. It is 1.06 acres. They are providing more than double the required front, side and rear setbacks. There is 7,114 s.f. of floor area and 5,615 s.f. of livable space. Seventeen trees are proposed to be planted, balsam firs, white spruce, red oaks and smaller trees; and one will be removed.

Ms. Gray said the revisions include the addition of a deck to the back of the house, stone wrap around to the foundation, a terra bronze roof at the rear and carried around to the front. Mr. Badger said they are adding a door on the site elevation next to the garage, bumped out the bedroom, added cultured stone.

Ms. Raiselis commented that there are practically no trees on that site. Ms. Gray said that is why they will be adding so many. Ms. Raiselis asked if Lucille Munz will look at the planting plan. Ms. Gray said yes. Ms. Raiselis said it would be good if they could have the landscaping consistent on this side of the street.

Mr. Aukland asked if it is zoning compliant. Ms. Gray said yes.

Ms. Raiselis asked if they could have a streetscape showing all houses on the street. Ms. Gray showed it.

Mr. Birgy asked if they are using a projection pump because they are too low for the sewer. Mr. Badger said yes.

Ms. Tray said they added a door on the site elevation next to the garage. She showed the front street scape and the rear 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 May 28<sup>th</sup> meeting.

PRELIMINARY PRESENTATION – Toll Brothers – Lot 5 (210 Wilson Park Drive)

Ms. Gray said lot 5 is one of the largest lots and is located on the east side of Wilson Park Drive. She stated that they had a meeting with the neighbors regarding this house. One of the main comments was to shift the house away from existing residences. She said they would like to create a balance between what the neighbors want, this board, and what the buyers want.

Ms. Gray said the alternative plan moves the house to the left and rotates it clockwise. It does encroach into the 100' hill top. Some of the benefits to this alternative is:

- Increases the side yard setback to 50.9' from 34.5'.
- Allows them to preserve more trees.
- Creates 2,000 s.f. less disturbance overall to the site.
- Provides a larger side yard for a walk out basement.

Mr. Aukland asked if they have a streetscape plan. Ms. Gray showed it and stated all approved homes and those not yet approved. Mr. Aukland said to put the existing and alternative on the site plan.

Mr. Tedesco asked the extent of the hilltop intrusion. Mr. Sheffield said the left garage intrudes approximately 30' into the hilltop, the elevation is the same as the original. This is a good location because it flattens out and we don't have to raise the house.

Mr. Tedesco stated they have a site plan that meets all zoning code requirements. With the original site plan you are providing a lot larger setbacks than are required. If we violate the hilltop we need a lot of benefits to justify doing this so as not to set precedence. If we do approve the original, we will require a adequate screening for the neighbor.

Mr. Aukland asked the applicant to explain what the public good/benefit is for our waiving this part of our code. We can waive the intrusion into the hilltop as it presents a benefit to the Village. Mr. Sheffield said they only reason they came up with this alternative is because of the neighbor; he said the original plan is compliant.

Mr. Birgy asked if the canopy/drip line is marked out. Ms. Gray said the trees in that area are proposed to be removed so the drip line is not relevant. She stated any trees that are going to remain on the property will have the drip line marked out. A lot of the trees being removed are in the building footprint. Mr. Badger said the original submission has the trees on it. He pointed out the drip line for the trees. Ms. Gray said this alternative would save a lot of trees.

Mr. Birgy said there is another alternative that he suggested and they did not present tonight.

Mr. Sheffield stated it is standard building practices that you don't put a house in a 15% slope. Putting the house there will create too many issues. There is not enough room geometrically to put the house there especially when you have the space to put it in. The second alternative rotates the house.

Mr. Birgy said to rotate the house and move it north. Mr. Sheffield said if we do that the whole rear of the house will be in the steep slopes.

Mr. McGarvey asked why 15% steep slopes. Mr. Sheffield said if we can avoid 15%, we do. Mr. McGarvey said 25% is the standard in Tarrytown. Mr. Sheffield said that is the protected slope; going beyond that creates too many other issues.

Mr. Tedesco asked them to look at Mr. Birgy's suggestion and present another alternative or a reason why it cannot be done.

Ms. Gray said most of the significant trees are in the front of the house. The trees in the rear that they want to take down are not significant.

Ms. Gray reminded the board that we do have a zoning compliant plan that we have presented.

Mr. McGarvey stated that we need to get the stormwater straightened out and anything that has to do with the trail easement must be done in this point in time. The project landscape architect will go up and look at it.

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 May 28<sup>th</sup> meeting.

#### MEETING DATE CHANGE

Since May 27, 2013 is Memorial Day, the board decided to hold the May meeting on Tuesday, May 28, 2013.

#### ANNUAL STORM WATER MANAGEMENT MEETING

Following the Planning Board Meeting, the annual storm water management meeting was held in order to give the public and opportunity to ask questions or make comments.

Mark Fry, of Sleepy Hollow, stated that the Village is doing a great job on the storm water management; very pleased on behalf of the Lakes Committee.

#### ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 9:30 p.m.

Dale Bellantoni  
Secretary