

Village of Tarrytown, NY

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Planning Board Special Meeting Minutes 8/14/2014

Planning Board
Village of Tarrytown
Special Meeting
August 14, 2014; 9:00 a.m.

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

CONTINUATION OF PUBLIC HEARING – Mraz – 44 Lincoln Avenue

Mr. Birgy recused himself

Dave Barbuti, architect for applicant, said this application is for 20,000 s.f. property to be subdivided into two lots. As stated previously, there are some steep slopes on the property. They have moved the house to the west to lessen the steep slope intrusion.

Mr. Barbuti presented a revised site plan indicating the areas of steep slopes with the amount and nature of the slopes. He said no variances are required; it conforms to all zoning requirements.

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

Ms. Raiselis read the following resolution:

Applicant: IRVINGTON RESTORATION
Property Address: 44 Lincoln Avenue

VILLAGE OF TARRYTOWN PLANNING BOARD RESOLUTION

WHEREAS, the applicant proposes to subdivide an existing 20,000 sq. ft. parcel into two (2) conforming building lots, and

WHEREAS, one of the two lots contains terraced areas which appear to have been created and which are located within steep slopes, and

WHEREAS, the terraced area of steep slopes is 1,331 sq. ft. located in the center of the property, and

WHEREAS, the new structure will occupy approximately 266.86 sq. ft. and the elevated deck will occupy 96.5 sq. ft. of the steep slope area, for a total of 363.36 sq. ft., or 27% of the steep slope area, and

WHEREAS, the applicant has established that the mitigation of hardship outweighs any detriment to the health, safety and welfare of the neighborhood or community pursuant to §305-67F(1)(b) of the Tarrytown Zoning Code and the Planning Board hereby further finds that:

[1] The subdivision of the parcel and location of the proposed dwelling over a portion of the manmade existing

steep slope will not create an undesirable change to the character of the neighborhood. The area to be occupied by the dwelling and deck is approximately 27% of the manmade steep slope area of the property, approximately 73% of the steep slope area will remain. The location of the house as proposed minimizes the disturbance of the slope;

[2] The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than a steep slopes waiver due to the fact that the manmade steep slope areas are situated in the center of the parcel;

[3] The waiver will not result in a change which will be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area due to the fact that it will minimize the sheet runoff of water during a rain event and a subsurface drainage system for the structure will also minimize storm water overflow to adjacent parcels;

[4] The waiver will be consistent with the purposes, objectives or general spirit and intent of steep slopes law in that approximately 73% of the steep slopes will be preserved.

[5] Pursuant to §305-67F(2) of the Tarrytown Zoning Code the Planning Board specifically finds that:

[a] The area to be occupied by the dwelling and deck is approximately 27% of the manmade steep slope area of the property and approximately 73% of the steep slope area will remain. The location of the house as proposed minimizes the disturbance of the steep slope. The sheet runoff of water during a rain event will be minimized and a subsurface drainage system for the structure will also minimize storm water overflow to adjacent parcels. Therefore the proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area;

[b] The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this chapter. Approximately 73% of the steep slopes will be preserved;

[c] The waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than a steep slopes waiver due to the fact that the manmade steep slope areas are situated in the center of the parcel.

Ms. Raiselis moved, seconded by Mr. Aukland that the Board determines that mitigation measures identified and required by the Planning Board as lead agency have mitigated any adverse environmental impacts therefore no significant adverse environmental impacts will result and the Planning Board hereby issues a Negative Declaration.

Votes in Favor 4 Votes Against 0

Ms. Raiselis moved, seconded by Mr. Aukland that the Board determines that the decision of the Village of Tarrytown Planning Board to grant applicant's application for Steep Slope Waiver pursuant to Sections 305-67 F.(1)(a)[1] and [2] of the Tarrytown Code.

Votes in Favor 4 Votes Against 0

Ms. Raiselis moved, seconded by Mr. Aukland that the Board grant applicant's application for subdivision approval.

Votes in Favor 4 Votes Against 0

Motion carried.

Dale Bellantoni
Secretary