

Planning Board
Village of Tarrytown
Regular Meeting
June 25, 2018 7:00 pm

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Raiselis, Birgy, Alternate Member Lawrence; Counsel Zalantis; Building Inspector/Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros

Chairman Friedlander called the meeting to order at 7 p.m.

APPROVAL OF MINUTES– May 30, 2018

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of the May 30, 2018, meeting be approved as submitted. All in favor. Motion carried.

Dr. Friedlander announced the following adjournments:

- Benedict Avenue Owners Corp. –22 Glenwolde Park
Additions and Alterations to a single family home.
- Michael Degen- 86 Crest Drive
Additions and Alterations to a single family home
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue
Driveway widening, construction of retaining wall and garden addition
- E.F. Schools, Inc.- 100 Marymount Avenue
Exterior site improvements to the Esplanade between
Rita and Marian Hall to improve pedestrian access and
provide for emergency vehicle access
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall, construction of
retaining walls and garden addition.
- Samson Management – 177 White Plains Road – Construction of Final phase of
parking expansion at apartment complex previously approved in 2009.

CONTINUATION OF PUBLIC HEARING– Joseph Fiore – 230 Crest Drive

Sam F. Vieira, the project architect, representing the applicants, Joseph and Julie Fiore, also present, appeared before the Board. He explained that they have been before the Zoning Board for the past several months and after a number of number of modifications, alterations, and reduction in size, a final plan was approved by the Zoning Board on May 14, 2018.

He has submitted a revised site plan and has received comments from the village landscape architect which he is addressing. A certified arborist will be hired to resolve the tree removal issues. He presented a streetscape of the proposed home with pictures of all of the homes up and down the street and also a street view with homes on each side of the proposed home as the Board requested (using google earth). He also took pictures and put them side by side for a line drawing. He advised the Board that they are very close to having the site engineering and landscaping approved.

Dr. Friedlander asked if anyone in the public had any comments.

Barry Adgern, of 224 Crest Drive, read a letter into the record, attached as "Exhibit A". He presented pictures and a drawing of 230 Crest Drive and is requesting that the Board ask the applicant to lower the height on the main structure to be no higher than 29 feet at its highest point and the garage no higher than 17 feet at its highest point. He showed how minimal the changes would be and said that the light exposure plane is the very last protection that the existing homeowner has against the encroachment of the light plane. He is asking the Board to have the structure stay within the light plane.

Ms. Raiselis said when she reviewed the plan at the work session, she did not think that one foot would have any impact, it was a minimal compromise, and she did not really understand why it was done. She reviewed the streetscape which helps to understand the context of the building being proposed in the neighborhood. She understands that people want more space in the smaller homes and they are going to have the 2 stories so accommodating the light plane where the houses are close together is not an unreasonable request. Mr. Tedesco thought that it should probably be a 3 foot reduction. He also lived on Crest Drive and with all of the applications coming before the Board, he feels that preserving the light plane requirement is going to be important.

Mr. Aukland asked Mr. Pennella about the light plane and if it is compliant. Mr. Pennella said the Zoning Board addressed the light plane and granted the variance. Ms. Raiselis asked Counsel Zalantis what options the Board has. Counsel Zalantis advised that the Board can ask the applicant to lower the roof as long as it would not require another variance as part of site plan review authority.

Dr. Friedlander asked how many windows are on the neighbor's side. Mr. Vieira said there are 2 small windows on the single story structure, a single existing window and two bedroom windows. Dr. Friedlander asked if the setbacks aligned. Mr. Vieira said they are pretty close. Dr. Friedlander asked the difference in grade of the two properties. Mr. Vieira said about 1 foot 9 inches from the base. Dr. Friedlander asked the height of the existing home. Mr. Vieira said about 12 or 13 feet. Dr. Friedlander asked the height of the current roof line. It is a 6/12 slope similar to the one he presented in the streetscape.

Dr. Friedlander asked what the attic will be used for. Mr. Vieira showed the approved zoning plan and said the attic will be used for storage since there is no basement. The highest point is 8 feet; the length of the addition is about 42 feet so the attic is about 400 to 500 square feet. Mr. Vieira said mechanical units may also have to be placed in the attic. Dr. Friedlander asked, just to be neighborly, if it was imperative to have this much storage space.

Mr. Vieira respectfully said that they did not spend 4 months with the Zoning Board for a 1 foot ridge. He explained that, when the project was explained to the Agdern's, they said they did not want a 2 story structure where the garage is now. They went to zoning, the plan was revised and the 2 story structure was removed. The next revised plan took the addition out of the light plane. After that, it was no longer about the light plane, it was that they did not want a 2nd story over the garage. The next plan was revised with a single story structure with a dormer for a little office which reduced it by 160 sf. This plan also did not work for the neighbor's. Ms. Lawrence asked them to still reduce it to the ridge height of the existing garage. Mr. Vieira came back and presented 2 alternatives, the first with a silly looking flat roof, which looked horrible. As an alternative, he presented a single story with an attractive roof. Only a little triangular piece clips the imaginary line on this option (2). He said the other Zoning Board members were fine with the option 2 height but Ms. Lawrence asked for a neighborly compromise to lower it by one foot. Mr. Vieira said we were always led to believe that the 2nd story over the garage was the issue.

He referred to the April 9th ZBA minutes, which Mrs. Agdern said that she was mainly concerned about the proposed second story on the top of her garage.... And the May 14th minutes, which Mrs. Agdern then said the height of the proposed roof is now her main concern. All along Mr. Vieira said they were told the main roof was not the problem. To believe that this is a compromise on his client's part is disingenuous. Mr. Vieira said that his client's have spent a lot of money to revise these plans to get to where they are. They went from a 2 story structure, to a structure that they took out of the light plane down to a 1½ story and now a 1 story. All they want to do is move forward with the process. This has been a very long road and the neighbor's concerns continue to change month by month.

Mr. Birgy asked Mr. Vieira to show the intrusion of the proposed roof on the plan. Mr. Vieira showed the piece and said the Zoning Board did not think it was significant and approved the plan. He feels that they have not been petty and there has been a huge movement on his client's part.

Paul Birgy asked about the sun. There was a discussion. Mr. Vieira said this is a light plane, it is not a shadow, which is not meant to represent sun. In the summer there is no shadow, in the winter, it will throw shadow. The sun moves during the day. The Zoning Board did not feel it was a significant issue to deny the variance. Mr. Tedesco confirmed that the intrusion on the light plane on the one story structure is even less than on the south side.

Ms. Raiselis said the light plane is important, but it is also important to understand how much effort the applicant went through to make it work and she feels they have done all that they can. She feels it has been a ridiculously long road that they have travelled to get here. Ms. Raiselis said the applicant has worked hard to try to appease the neighbors. Maybe this is a case where we can say, they did their best. Mr. Vieira has made a good point and it makes a difference for her. Mr. Tedesco agrees and said he was not aware of the extent of how much the light plane will be disturbed.

Mr. Agdern returned to the podium and said it was only at the last set of drawings when Mr. Vieira drew it from the right spot. Also, Mr. Vieira emphasized what he thinks he heard at their meeting in his home. His statements are available in the record. He said at no time did any of Mr. Vieira's drawings ever comply with the light exposure plane. He said that he will be living in shadows. He is only talking about 1 foot off of the garage and 1 foot off of the main structure.

Mrs. Fiore, the applicant, came up and read a letter into the record, which is attached as "Exhibit B". She explained the 5 month long difficult process that they endured at Zoning and asked the Board to please approve their project so that they can move forward. They have already lost 5 months and she is expecting another child.

Mr. Tedesco asked for the landscaping information before the next work session.

Mrs. Agdern, 44 year resident of 224 Crest Drive, referred to a large project at 239 Crest Drive which upset the neighbors in the area back in the 80's. With regard to 245 Crest Drive, she had taken pictures but did not bring them. She pointed out that the roof was only 7 feet in center. With regard to Jan 18th site visit, she said that none of the homes on their block have a 2nd story over the garage and if they took away 2nd story and reduced the roof on the main house, they would not object. She said the light plane was a serious issue.

Mr. Aukland asked Mr. Vieira about his rationale of going beyond these limits with regard to limiting the bulk. Mr. Vieira said with regard to bulk, this project complies with the FAR; the light plane issue is because the properties are too close to each other in this area. These are 2 separate issues. Mr. Vieira said the Board saw this presentation back in January, and 5 months later it has been reduced. The roof is appropriate. If you lower it another foot there will be no significant impact. The Zoning Board granted the variances. Mr. Birgy confirmed that the Zoning Board approved the light plane variance.

Mr. Aukland is sympathetic. Mr. Vieira said that every case is different and not everyone gets a variance. There are different circumstances. The homes are too close. The ZBA granted the variances and the 2 other Zoning Board members did not think it was necessary to even lower it by 1 foot. Mr. Vieira believes after 5 months, they walked away with a reasonable compromise.

Mr. Tedesco said we have all of the information. He advised that the landscaping information should be submitted by the work session.

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

CONTINUATION OF PUBLIC HEARING – EI FARB, LLC- 56 Wildey Street

Keith Betensky, Attorney, representing EI Farb LLC, introduced Theresa Beyer, the project architect and Linda Einfrank, an owner of 56 Wildey Street. He explained to the Board that they after some consideration they have revised the plan to make it a three family dwelling, instead of a four family. It was originally being used as a 5 family. They are before the Zoning Board for area variances which are mostly due to the fact that the lot is non-conforming, however, there are some additional variances required associated with the new parking layout.

Mr. Tedesco moved, seconded by Mr. Aukland, to reclassify this action as a Type II since the applicant has revised the plan from a four family to a three family dwelling, with no further action required under SEQRA. All in favor. Motion carried.

Mr. Betensky asked if the hearing could be closed this evening and site plan approval be given, subject to the granting of the variances.

Mr. Tedesco advised that they cannot approve site plan until the Zoning Board rules on the variances. The hearing cannot be closed until they return to the Planning Board.

Mr. Betensky asked the Board if there is any additional information or questions they have with regard to the application. He advised that the lease rider has been submitted, parking lot has been reconfigured and the landscaping is nearly complete. Ms. Beyer, the project architect, advised that she has incorporated the village landscape architect's suggestions into the landscape plan and will forward it to her for her final review.

Mr. Galvin advised that the applicant has responded to the Board's requests and should return to Zoning for the necessary variances.

Mr. Tedesco inquired about the variances and Mr. Pennella briefly went through them and noted lot size, front and side yard setbacks and variances associated with parking. They are mostly pre-existing except for the reconfiguration of the parking lot. The building envelope is very small and it is a corner lot.

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

**CONTINUATION OF PUBLIC HEARING -
M.M Homes Development of PA LLC – 6 Hillside Street**

The applicant did not appear; however, Mr. Pennella advised that he met with the engineer and applicant in the field last week to discuss the rock removal protocol and they are in the process of preparing the rock removal plan for his review and the Board's consideration.

Mr. Tedesco read a letter into the record from Victor Passantino, of 26 Eunice Court, who has agreed to allow the applicant to plant trees along his property to screen the light from vehicles. Mr. Passantino will maintain the trees. Mr. Tedesco asked the Secretary to forward this letter to the applicant. Mr. Galvin said this will eliminate the need for an agreement with the village to place the trees in the village right-of-way which would require maintenance. He advised that there will be a number of conditions associated with the rock removal on site.

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

CONTINUATION OF PUBLIC HEARING – Schopfer Architects, LLP – 20 Wood Court

Mike Chipman, of Schopfer Architects, representing Tarrytown Hall Care Center, advised the Board that they have addressed most of the comments from the last meeting with regard to the sustainable design. He referred to his letter to the Board dated 6-13-18 and noted that they will be installing water restriction devices which will result in a 13% reduction in annual water usage. An HVAC system with heat recovery technology and an energy management system will also be installed. All new LED lighting fixtures will be installed. Low VOC finishes will be used and a bike rack has also been installed. They are still researching the solar panels for the existing building only. The Landscape design has been approved and they will be using native species.

With regard to the SWPPP, they have proposed 2 bio-retention areas. He is concerned about Mr. Galvin's request for permeable pavers. He believes that they shift and break during snow removal, get clogged and is high maintenance and there are issues with salt.

Mr. Galvin suggested using them for the parking spaces and the fire access area in the back. He advised the more they could do the better. Mr. Chipman said they are proposing a filtration system so the water actually gets filtered. With the permeable pavement, the water goes into the ground. With regard to the landscape plan, they have received a favorable report from the village landscape architect, Ms. Nolan.

Dr. Friedlander asked if anyone in the public had any questions. No one appeared.

Mr. Tedesco said only a portion of this negative declaration will be read, but an entire copy will be provided to the applicant and the entire negative declaration will be recorded in the minutes of this meeting.

Mr. Tedesco read the Determination of Significance into the record which is attached as "Exhibit C."

Mr. Tedesco moved, seconded by Mr. Aukland, that and based on this information and supporting documentation in the minutes that this action will not result in any significant environmental impacts and that a negative declaration be issued for this action. All in favor. Motion carried.

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

NEW PUBLIC HEARING– C.M. Pateman Dev. & Consulting Corp.- 48 Sheldon Avenue

Dr. Friedlander read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, June 25, 2018, at 7:00p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

C. M. Pateman Development and Consulting Corp.
48 Sheldon Avenue
Tarrytown, NY 10591

to consider an application to amend the July 25, 2016 Site Plan Approval for an additional curb cut for the creation of a circular driveway with parking in the front yard setback.

The property is located at 48 Sheldon Avenue in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.180, Block 103, Lots 9 and 10 and is located in the R 7.5 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.

Additional approval will be required by the Zoning Board of Appeals.
By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: June 15, 2018

The mailing receipts were received and the signs were posted.

Charles M. Pateman, the applicant, appeared. He presented the site plan to amend his 7-25-16 site plan to relocate the driveway at 48 Sheldon Avenue. He noted that he was before the Board for a preliminary presentation last month. He also referred to the Zoning Board and Planning Board resolutions with regard to the relocating the Con-Edison utility pole. The approved plan he presented had a single driveway. As he began building, he realized the circular driveway would be much safer since you would not be backing out into Sheldon Avenue.

The second plan he presented is for the circular driveway, with a two 2 car parking area to the right. Mr. Pennella has determined that he needs a variance for this parking area. He disagrees. He asked the Board to approve this amended site plan subject to the condition of getting a variance from Zoning for the parking area in the front yard setback.

A brief discussion took place. Ms. Raiselis said we can only approve this with the circular driveway since the parking area is not code compliant. Mr. Galvin said a resolution has been prepared for the circular driveway only. Counsel Zalantis advised that if the applicant wants approval tonight, it can only be for the circular driveway since there is a variance required for the parking area. Ms. Raiselis asked to see the plan for the circular driveway only.

Mr. Pateman said he is here for site plan approval for the driveway then. He will decide later if he will go to the Zoning Board.

Dr. Friedlander asked if anyone in the public had any comments. No one appeared.

Dr. Friedlander said he did visit the site and the driveway is much safer. Mr. Aukland commented that safety is important and the 2 car parking area adds to that and he would encourage him to keep it for safety reasons.

For the record, Mr. Pateman said there are a lot of people that park in the front yard, about 122 others.

Mr. Pateman asked to keep the hearing open. Mr. Pateman passed out a violation of that he was to him for placing cobblestone in the driveway. Mr. Pennella said this is an approval of the Architectural Review Board, not the Planning Board. The ARB is in the process of revising the code which, if revised, would not require this type of approval. Mr. Tedesco said this is not a Planning Board matter. Mr. Pateman said this is a significant impact on him financially. He asked Mr. Pennella if he can get his certificate of occupancy for his property. Mr. Pennella said he will discuss it with the building department staff.

Ms. Raiselis moved, seconded by Mr. Tedesco, to close the public hearing. All in favor. Motion carried.

Ms. Raiselis said only a portion of this resolution will be read, but an entire copy will be provided to the applicant and the entire resolution will be recorded in the minutes of this meeting.

**Application of C. M. Pateman Development & Consulting Corp.
Property: 48 Sheldon Avenue (Sheet 1.180, Block 103, Lots 9 and 10 and Zone R-7.5)
Resolution of Amended Site Plan Approval**

Background

1.The Applicant requested a site plan approval to amend a site plan originally approved July 25, 2016 for the installation of a circular driveway and an additional curb cut for the existing single family residence with the parking area removed located at 48 Sheldon Avenue in the R-7.5 District.

2.The Planning Board on June 25, 2018 reconfirmed this action to be a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot..."* and, therefore, no further SEQRA review is necessary.

3.The Applicant has made a preliminary presentation to the Planning Board on May 30, 2018 and, thereafter, the Planning Board has conducted a duly noticed public hearing on June 25, 2018 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Building Inspector/Village Engineer in a memorandum dated May 14, 2018 which they have considered.

6. The Planning Board closed the public hearing on June 25, 2018. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan (drawing C-1, Plan 1). The Project has been constructed to include a circular driveway with an additional curb cut. This represents a change from the originally approved driveway since the utility pole proposed for relocation was not able to be relocated. There was also a parking area constructed in the front yard which deviates from the original approved site plan. For this to remain, the Applicant would be required to apply for a variance from the Zoning Board of Appeals to allow parking in the front yard. There is no application filed with the Zoning Board of Appeals. The amended plan (drawing C-1, Plan 1) submitted for approval shows only the circular driveway and additional curb cut. There have been no other changes to the original approved site plan.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning and approved by the Planning Board as follows:

Plan by Hudson Engineering & Consulting, P.C. dated June 7, 2018 unless otherwise noted entitled:

- C-1 (Plan 1) *"Driveway Layout, Proposed Dwelling 48 Sheldon Avenue, Village of Tarrytown"* (the "Approved Amended Plan").

III. General Conditions

(a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Amended Site Plan"):

- i. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply

with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”

- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Amended Site Plan is signed by the Chair of the Planning Board and (3) the Amended Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (e) Landscaping: All landscaping shall be native plants and installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this amended site plan application. All in favor. Motion carried.

Mr. Pateman questioned the site plan amendment fees and escrow. He asked that his escrow be released. He said the amount was not set by the Planning Board, but the Building Inspector. Counsel Zalantis advised that the \$2,500 is the minimum baseline

amount due with the site plan application, whatever is not used will be returned to him. Mr. Pateman disagreed. Mr. Pateman noted that there is no site plan amendment fee listed in the fee schedule set by the Board of Trustees and he feels he should not have been charged a fee at all. There is a building permit amendment fee but no site plan amendment fee. He would like his money back for this fee. Counsel Zalantis said this is an administrative issue and there are fees associated with each application such as noticing. Mr. Pateman said they are paid from escrow. Counsel Zalantis said they are not.

NEW PUBLIC HEARING – Jonathan Villani- 41 Crest Drive

Dr. Friedlander read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, June 25, 2018, at 7:00p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Jonathan Villani
435 Sherman Avenue
Hawthorne, NY 10532

For site plan approval for a proposed two-story addition and one-story sun room to an existing single family residence.

The property is located at 41 Crest Drive in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 77, Lot 18 and is located in the R-10 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.

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: June 15, 2018

The mailing receipts were received and the signs were posted.

Mary Moriarty appeared on behalf of herself and introduced her brother and noted that her architect will not be present this evening. She read a letter into the record in response to a letter submitted by Mrs. Judith Levine, who lives next door to her at 35 Crest Drive. This letter is attached as “Exhibit D”.

Mrs. Moriarty showed the existing home and the proposed additions. They will not be adding bedrooms, they will be extending the existing rooms out in the rear and also making the kitchen and dining area larger on the first floor. The roof line will not be raised. It will continue on out with a lower roof line to a screened in porch. The front porch will be renovated for access into the garage.

Ms. Lawrence asked how long the extension is. Ms. Moriarty said about 22 feet out. Ms. Lawrence asked about the front porch. Mrs. Moriarty showed it on the plan.

Mr. Pennella advised the Board that the reason this application is before them is because it is over the 25% footprint and 50% in square footage, given the size of the house. There are no zoning variances needed, it is within the building envelope. The ARB will be required for changes to the front porch only.

Mrs. Moriarty said that landscaping improvements will also be made. She is adding this addition in order to stay in the Crest area. Families do not move away and they want to stay but need more room.

Ms. Lawrence asked about the light exposure plane. Mr. Pennella said there is no issue with the light exposure plane and with regard to landscaping in the rear, it will be subject to Ms. Nolan's recommendations.

Ms. Raiselis said it was wise of the architect to extend in a very considerate way considering the shape of your property. The elevation is nice going along.

Mr. Galvin noted that revised landscape plan was also submitted.

Judy Levine, of 35 Crest Drive, read her letter into the record attached as “Exhibit E”. She said there are misstatements in Mrs. Moriarty's letter. The posts holding up the fence have only been there for 6 months not a year. It has been put on hold pending the construction. Mrs. Levine showed a picture of her view from the dining room and gave it to the Board. She said the addition will cover her view. This is a 20 foot wall which is oppressive to her and it will damage her privacy.

Mr. Birgy excused himself from the meeting at 9:10 p.m.

James Kudla, of 29 Barnes Road, brother in law of Mary Moriarty, who also lives in the Crest, came up to speak on behalf of Mrs. Moriarty. They need the space. The children

are very tall. It is a tiny house. There is no basement in the house. Their washer and dryer is in the kitchen. The furnace is in the kitchen. There is only one closet for storage on the ground floor. Nobody wants to leave Tarrytown, so their only choice is to expand. None of the renovation can be seen from the street, except the porch. Mrs. Levine is worried that the addition may block her sun. He believes that at least half of the year the sun does not set that far north in the horizon. There is plenty of space to look up. The line of sight will not even be compromised. Looking straight all you see is the fence. There are so many trees in the area, the addition will have a marginal effect on the sunlight. It appears that many people are expanding in the Crest area. The renovation is extremely tasteful and will only improve the neighborhood.

Dr. Friedlander asked if anyone in the public had any questions.

Bill Purdy, Mrs. Moriarty's brother, came up and said from a matter of context, there comes a time where passion crosses the line of necessity. Her bedrooms are small. The children are large. It is not fair to look at the Crest and see all the extensions in the neighborhood. This addition will not lower property value. There are things that are necessities. Raising children is one of them. Mrs. Moriarty's intent is not to be obtrusive; she wants to raise her children comfortable. There is a difference between necessity and preference.

Ms. Lawrence asked if the project was code compliant, if the Planning Board can ask the applicant to make a compromise. She feels it is incumbent that a site visit be made. Counsel Zalantis said that she would give legal advice to the Board in the context of an executive session.

Mrs. Levine's son came up and feels a site visit would be helpful. With regard to sun, his mother was referring to light, not sunlight and his mother is respectful to Mrs. Moriarty's needs. There will be a large wall and this addition will affect her property value.

Ms. Raiselis asked Mr. Levine if he had anything specific in mind that would not affect his mother. Mr. Levine said he is just asking for a discussion to see how it might work.

Mr. Purdy came up and said, it is not in fact sunlight, it is light. There were just 2 massive giant oak trees taken down if the yard. If you look at the before and after there is significantly more light now since the trees were taken down. From an architectural standpoint, nice trees could also be planted.

Dr. Friedlander said it is painful to make these decisions. He does not think sitting down together will not solve the issue, but you could try that. Mr. Pennella explained that there is no light exposure violation on either side of the property. The application is before the Board because it triggers the 25% footprint.

David Aukland said that he doubts the Board will oppose this expansion, but a site visit may make a big difference to get a better understanding of the issues on both sides. He asked that a site visit be scheduled. He would also like to see a streetscape to include an indication of the view difference from the neighboring property with current disposition of view angle and the difference.

The site visit was confirmed for Thursday, July 12th right after the work session sometime between 11 am and noon.

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

CONTINUATION OF PUBLIC HEARING - PUBLIC SCOPING SESSION

Artis Senior Living – 153 White Plains Road - Construction of a 35,952 s.f. Alzheimer/Dementia Care Facility and review of petition for Zoning Amendment to allow for a floating/overlay zone for Alzheimer/Dementia Care Housing.

Mr. Tedesco read portions of a letter into the record from the Westchester County Planning Board in response to the Draft Scope Document that was circulated.

The County made reference to sewer impact, solid waste and recycling which should all be addressed in the final scope document.

John Kirkpatrick, attorney for the project, introduced the project engineer, Rich Williams and Mark Fry. He advised that the draft scope has been prepared, revised and presented. They have re-submitted everything but alternatives. They are proposing a no action alternative and will show the comparison of impacts to their proposed project vs. the commercial building.

Dr. Friedlander asked if anyone on the Board had any questions or comments.

Dr. Friedlander is concerned about traffic impacts with regard to new State Police Barracks which will change and the new Honda building which is now open. Mr. Galvin also mentioned the complete streets project along route 119 which may have impacts. This should all be addressed.

Carole Griffiths, a member of TEAC, who resides at 251 Martling Avenue, came up to comment. She noted that when the parking lot was put in, the vegetation was taken out and only a few trees were planted. It changed the entire feeling of this area along Martling. She would like the woodlands preserved and trees planted. She also stated that the scope does not address wildlife preservation. She would like to know exactly what will be taken down. She feels that the view from Martling should be shielded. She would like the applicant to present a 3-D view from Martling to show what it is going to look like when the project is completed and, in addition, further west there should be

wetlands protection. Mr. Tedesco informed Ms. Griffiths that the treatment of the existing retention pond will be addressed.

Dr. Friedlander also commented on the ramp access to the bridge on Broadway. Mr. Aukland added that with regard to traffic, the formal position of the Thruway Authority is that the ramp access will reopen on Broadway. They asked the applicant to consider this traffic impact as well.

Dr. Friedlander would also like to learn of the fiscal impacts if the property had remained an office building. He asked if anyone in the public had any comments.

Daniel Laub, attorney with firm of Cuddy & Feder, representing Montefiore commented that because the proposal is for a specific project and amendment to the code, perhaps the scope could address other ways instead of the proposed floating/overlay zone in order to get what the applicant needs. With that point, one proposal is to allow medical and dental offices. There was an interpretation by the Zoning Board at some point and it may be wise to define this as an allowed use in the code. Similarly, it is not clear whether the zoning provision is incumbent on the floating/overlay once it gets attached or if it actually becomes incumbent as part of the underlying OB zone, which continues to exist. This could be an alternative analysis that could be incorporated in the scope as well. In addition, perhaps the applicant can explore analysis and conformity with how it relates to the comp plan, specifically, the comp plan does not allow residential in the OB district.

John Fitzpatrick referred to page 2 of the draft scope which includes a provision to provide information to the village in a shape file format. Mr. Galvin said this is a GIS format and you need to have software to use it. It may be helpful for the village to have this. Mr. Williams said all of their maps are done in AutoCAD, not GIS, since this is universal software. After a brief discussion, it was decided to change the wording to provide information in a .pdf and/or shape file.

Mr. Tedesco inquired to Counsel regarding the public comment period. Mr. Galvin commented that there is a period of 10 days (until July 5, 2018) to receive comments to the Planning Board secretary. Counsel Zalantis asked the applicant to submit a redline version of the revised scope before the next work session incorporating the comments and discussion this evening. This can be reviewed at the next work session and it can be considered for approval at the next Planning Board meeting.

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

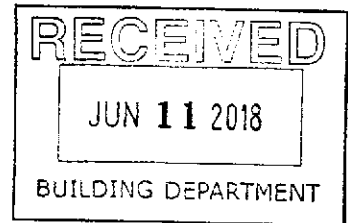
Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 9:55 pm. All in favor. Motion carried.

Liz Meszaros- Secretary

EXHIBIT A
BARRY AGDERN SUBMISSION
230 CREST DRIVE APPLICATION
6-25-18 PB MEETING

Barry S. Agdern
224 Crest Drive
Tarrytown, NY 10591

June 8, 2018



Dr. Stanley Friedlander
Chair, Planning Board,
One Depot Plaza
Tarrytown, NY 10591

Re: Application of Joseph Fiore

230 Crest Drive

Additions and alterations to a single family home.

Dear Dr. Friedlander,

With my wife Jane, and daughter Stacey, I live at 224 Crest Drive. My wife and I have lived at 224 Crest Drive for 43 years. Our home is next to 230 Crest Drive; it is on the south side of our home. We have opposed the granting of variances for the proposed additions and alterations to 230 Crest Drive before the Zoning Board of Appeals and there is an extensive file in this matter which we hope you will have the opportunity to review. However in the last meeting of the Zoning Board of Appeals on May 14, 2018, the Board accepted Option 2 of the plan presented by the Applicant with the condition of reducing the roof height by one foot with a resolution to be prepared including the standard conditions.

We are asking that the height of the roof on the main structure be no higher than 29 feet at its highest point, and the height of the roof of the altered garage, which is being converted into living space and moved, be no higher than 17 feet at its highest point. The reason for our continued objections to the plans, as submitted in the drawings for the May 14 meeting, is that they violate the light exposure plane in the case of the main structure by 3 ½ feet (which would be reduced to 2 ½ feet in the Board's condition) and 1 foot in the case of the altered garage. If these reductions in height were made we would have no further objections to the existing plans.

The following exchange is recorded in the draft minutes (obtained under FOIL) of the May 14 meeting. "Ms. Lawrence asked Mr. Viera about the height of the roof from an architectural standpoint. Mr. Viera said for this style, it is typical to have a pitch of this steepness. The attics of the existing homes are ranches and you can't stand up in them. The homes in this development were built to be affordable and modest in size, which is why people are adding on and going up. Mr. Viera said the mechanical equipment will be stored in this area. He explained that it is still a triangular roof. As we start to lower it, we have a house that is unattractive looking. His clients would like some curb appeal."

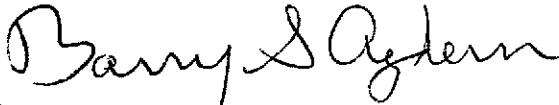
As Mr. Viera stated the houses on this section of Crest Drive are one story ranches. In fact 21 of the 25 houses on this section of Crest Drive are one story ranch houses. Indeed this section of Crest Drive has been likened to a country lane. My house is a one story ranch house that is 16 feet high. The height of the Applicant's proposed house, as approved with the condition by the Board, is approximately 31 ½ feet. Further the Applicant's house is situated on land that is 1 ½ feet higher in elevation than my house. The Zoning Compliance Form submitted by the Applicant on November 27, 2017 shows a proposed F.A.R. of 2933.07. There is no question that the F.A.R. quantifies that a much larger house is being sought to be built on a narrow plot of land.

The style of the proposed main structure should be informed by its size, elevation and proximity to the neighboring houses. It does not seem fair or right for our house to lose the light we should be receiving, under the light exposure plane regulation of the Zoning Code, because the Applicant has selected a style of house that typically has a high steep roof and which is not in keeping with the look and feel of a country lane. This is especially so since 230 Crest Drive is located on a hill. It would not take any sacrifice on the part of the Applicant to lower the roofs as we have requested. The plot on which 230 Crest Drive is situated is narrow and the distance between 230 Crest Drive and our home 224 Crest Drive is only 15 feet. As stated by Mr. Viera when 230 Crest Drive goes up two stories it will cast shadows on our home (see draft minutes of the May 14 Zoning Board of Appeals meeting). However with the requested lowering of

the roof lines we will be receiving some sunlight and natural light when we will need it the most, in the fall and in the winter.

Again we are asking that the height of the roof on the main structure be no higher than 29 feet at its highest point, and the height of the altered garage, which is being converted into living space and moved, be no higher than 17 feet at its highest point.

Thank you for your consideration,

A handwritten signature in cursive script, reading "Barry S. Agdern".

Barry S. Agdern

cc: Mr. Ronald Tedesco, Member

Mr. David Aukland, Member

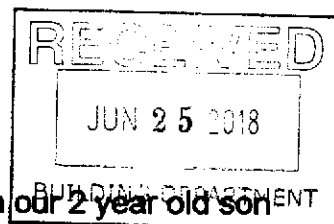
Ms. Joan Raiselis, Member

Mr. Paul Birgy, Member ✓

Ms. Elizabeth Meszaros, Secretary to the Planning Board

EXHIBIT B
JULIE FIORE - APPLICANT SUBMISSION
230 CREST DRIVE APPLICATION
6-25-18 PB MEETING

Dear Chairman Friedlander and Members of the Planning Board,



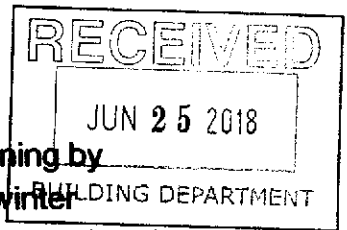
My name is Julie Fiore and my husband Joey and I, along with our 2 year old son Luke and 4 year old daughter Riley, live at 230 Crest Drive. We came before you in January and you referred us to the Zoning Board, and after 5 long months we were approved by the Zoning Board and so are back here today.

I'm not sure it is customary for the homeowners to talk to you like this, but Joey and I want to give you our story and explain to you what has happened so far through this process and why we are making the request for this addition.

First and most important, we have two children and I'm 2 months pregnant with our third — so we want this to be our "forever" home. We feel that what we are asking for is reasonable for a family to live in. We feel it is being portrayed by our neighbors as some 5 story hotel in the middle of a quiet neighborhood. It is not. We are simply asking for a second story and attic, something that most of Tarrytown residents have. There are two two-story homes right across the street from us, both next to a one story home and it does not change the character or appearance of our neighborhood at all.

I have lived in Tarrytown, just down the street on Barnes Road, for my entire life. My parents were born and raised in Tarrytown and high school sweethearts at Sleepy Hollow High School. Believe it or not, my grandparents were also born and raised in Tarrytown & Sleepy Hollow and were high school sweethearts at Morse when it was a high school back, so I have over 80 years of family history here. I just want to be able to continue that tradition and raise my family in Tarrytown, and this is the house that Joey and I feel will allow us to do that.

We have already compromised and taken off an entire room and attic above our garage. Every other single square inch of what our house plans are now we feel is critical, especially since we do not have a basement. Decreasing any amount of space in the current plans will make it hard for us to have the house we feel we need to raise our kids in. Our neighbors want us to lower the height of our roof, which we have already compromised and agreed to lower by 1 foot. In fact, two members of the Zoning Board stated (and you can check the records) that the original height of the roof was fine with them and felt we DID NOT need to lower it at all. However, one board member stated that she wanted us to lower it 1 foot to compromise and we were willing to do that. We need this attic space because we don't have a basement and so this will be all the storage space we will have in the house. In addition, our crawl space is too small and so all the appliances for our heating and cooling systems will need to be in the attic,



thus why we need the space we are asking for. What are our neighbors gaining by having us lower the height of our roof? 30 more seconds of sunlight in the winter months only? I don't know the exact number but it can't be that much. We have already been granted a variance for the light plane. Please do not allow them to take any more space from us.

I would like to explain how these 5 months of Zoning Board meetings has affected us. Because of our neighbors fighting us, we have had to spend thousands and thousands of dollars in architect fees. We do not have a lot of money by any means, and this financial burden has been very hard on us. This is money that we should be spending on our children and that was taken away from them by our neighbors. We have endured emotional distress from the uncertainty of how everything would go, and more importantly from the disappointment that anyone would try to hurt us so much by trying to stop us from increasing the size of our house. We understand that our neighbors have every right to voice their opinion and object to our plans, but Joey and I are people that would never in a million years do that to someone, and so it has been devastating to have that done to us. This is our property, our house, our money and our lives that we are trying to make better for Riley & Luke. We certainly understand and respect the laws and rules of the village of Tarrytown and why we need to go through this process. We understand that it is hard to accept change when you have had the same thing for 40 years, but our neighbors are acting like they have ownership of the air and sun and it is absurd. We are sorry if that negatively affects anyone, but we are not doing anything wrong and just want to be allowed to move forward in building our house.

Lastly, I would like to explain why time is of the essence for us and why I am begging you to approve our plans today and not delay us any longer. As I said before, I am currently 2 months pregnant with our third child. Because of our neighbors fighting us for 5 months, our children will not have a house for Thanksgiving or Christmas. There is a chance that if you approve us today, our house could be ready in time for the baby's arrival in February. Please do not delay us any longer and give us your approval so that we can move forward. Thank you for listening.

Julie & Joseph Fiore

EXHIBIT C
NEGATIVE DECLARATION
DETERMINATION OF SIGNIFICANCE
20 WOOD COURT APPLICATION
6-25-18 PB MEETING

FILED 6/26/18
 VILLAGE CLERKS OFFICE
Chris O'Brien

Agency Use Only (If applicable)	
Project:	Tarytown Hall Care Center
Date:	6/18/18

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Subject property is situated on a 2.759 acre (120,198 sf) property located at 20 Wood Court in the M-1.5 District. It is developed with an existing, three-story nursing home with 120 skilled nursing beds (Tarrytown Hall Care Center). The proposed action is a one story, 8,877 sf addition to the Tarrytown Hall Care Center. The proposed action includes the expansion of an existing parking lot from 63 to 84 spaces. The project includes the renovation of portions of the existing, three-story building, a covered drive-up entrance, three patio areas, vinyl picket fencing, landscaping and underground stormwater detention. The parking lot expansion was reduced from the original 101 parking spaces. Addition will be used for dining area, physical therapy and office space. The number of residents or beds will not increase. There will be ten employees added to staffing levels. The proposed action will also require a Compatible Use Permit from the Board of Trustees. The proposal is zoning compliant. Fire Department access will be made available in the rear of the building with the proposed expansion. Environmental Constraints - The subject property has no existing freshwater wetland. The property is not located in the 100 year floodplain. The subject property contains 25,020 sf of steep slopes (25+ %) or 20.8% of the site. These steep slopes are located along the southern and western edge of the property. No disturbance is proposed within the steep slope areas. The applicant has reduced the lot size to 107,688 sf taking into account the 50% of the steep slope area. Mitigation Measures - The Landscape Plan has been revised with larger trees specified in the parking lot islands and increased landscaping on the north and south side of the building pursuant to the Village Landscape consultant. Through the use of bioretention all water is taken from the parking lot into underground infiltration chambers and results in increasing WQT capacity over 4 1/2 times the required capacity and a total reduction of runoff of 23% for a 1 year storm and 30% for a 100 year storm. The patio areas and the alley for fire lane access will use permeable paving. The use of water saving units reduces water flow by 13%. Energy use will be reduced by 50% with HVAC systems. Based on the PB's review of Part 2 of the EAF, its knowledge of the subject property, the review of the Westchester County Planning Department's GML response (5/4/18), the Village Engineer's review, comments provided by Village Consulting Planner (4/17/18, 6/13/18) and information provided at its public hearings, the Planning Board has determined that the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Determination.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Tarrytown Planning Board

6/25/18

Name of Lead Agency

Date

Dr. Stanley Friedlander

Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Robert James Galvin, AICP - Consulting Planner

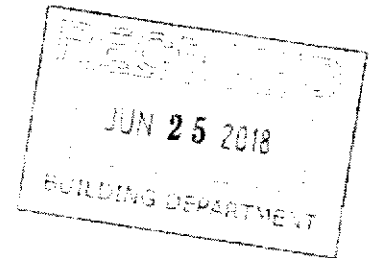
Signature of Preparer (if different from Responsible Officer)

PRINT FORM

EXHIBIT D
MARY MORIARTY – APPLICANT SUBMISSION
41 CREST DRIVE APPLICATION
6-25-18 PB MEETING

June 23, 2018

Mr. Stanley Friedlander
Members of the Planning Board
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591



Dear Mr. Friedlander and Members of the Planning Board,

I am writing in response to Mrs. Judith Levine's letter concerning the proposed renovation of my family home. It is clear that she has some concerns regarding our plans and it is my wish that this response will assuage these and shed more light on my intent to beautify my residence and by extension, the entire Crest neighborhood.

I admire Ms. Levine's wish to maintain our gracious neighborhood character, and I am pleased to see that we both share this sentiment. The Crest is a lovely place to live and raise a family. In fact, this sense of community and charm is exactly what drew my family to this location sixteen years ago. I assure you it is this same charm and integrity that I have been extremely vigilant to retain as I moved forward with the redesign of my home. In deference to the overall spirit that makes Tarrytown one of the most desirable locations to live, my architect and I have been extremely certain that we adhere to every village regulation. I am very proud of the results and look forward to doing my part to raise the property values in my neighborhood by renovating my house and raise it to the level of charm evidenced throughout the Crest.

Mrs. Levine notes that she wishes to preserve the scale of the houses in the neighborhood and I agree. A large majority of the houses, including Mrs. Levine's has a similar extension to that which I am planning. At present, my home is one of a few in the Crest that retains the original smaller four on four floor plan. My extension is no larger than most of the renovations I have witnessed in the Crest these past sixteen years. I ask that you refer to the enclosed photo and see that just to the other side of Mrs. Levine's property is a two-story home that has been in place since before we moved to the Crest.


At the previous permit meeting I was questioned as to why I was extending the second story of my home. I explained that I have four growing children and while we are not increasing the number of bedrooms in the home, we are indeed increasing the size of two of them. This is so that like Mrs. Levine, I may stay in my home for as long as nature allows while providing a comfortable place for my children and hopefully grandchildren to visit and enjoy.

I agree with Mrs. Levine's belief that the Crest is a special place to live. Raising a family here is a joy and I am sure we can all agree that quality of life is a primary concern. Her letter references her ability to have natural light and a view of the western horizon as part of her quality of life. To this point I again call to your attention the enclosed photo. At the foreground of the photo is a fence that she constructed a number of years ago. The window she mentions is nearly completely blocked by this fence. This photo begs the question how is it possible to see the horizon from the vantage point of her kitchen table with this fence blocking her view? I also call to attention the boards that are at present on my property keeping her fence from toppling over. These boards were placed there by her contractor and have been in place for at least a year. At the time they were constructed, I did not say anything because I assumed that in the spirit of neighborliness, she would in good time rectify problem without my interference.

As to the question of the trees, I was initially at fault when I began removing DANGEROUS trees that grew on my property. It was my ignorance of the permit rules that started the project prematurely. I was politely asked by the town to cease the project until the proper permits could be obtained, and I happily complied. Mrs. Levine wrote me a note and we spoke on the phone regarding the removal of the trees. At the time she stated that she did NOT want the trees removed as they provided such lovely shade from the harsh afternoon sunlight that would otherwise pour into her kitchen. I explained that while I wish I could keep the shade trees in place, the tree limbs stretched dangerously over my daughter's bedroom and posed a safety risk.

In closing, I assure you that while it is not my obligation to adhere to the character of the Crest, it has always been and continues to be my desire to do so within the permit regulations set out by our village. I hope this letter helps to clarify my intent to revive the original beauty of my home. I am proud of the design and have every confidence that it will increase the property value and more importantly continue to maintain the pride of place that is so evident in the Crest.

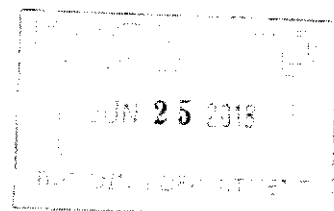
Sincerely,



Mary E. Moriarty

41 Crest Drive

Tarrytown, New York 10591



RECEIVED
JUN 25 2018
BUILDING DEPARTMENT

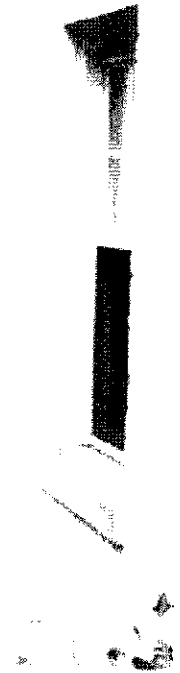
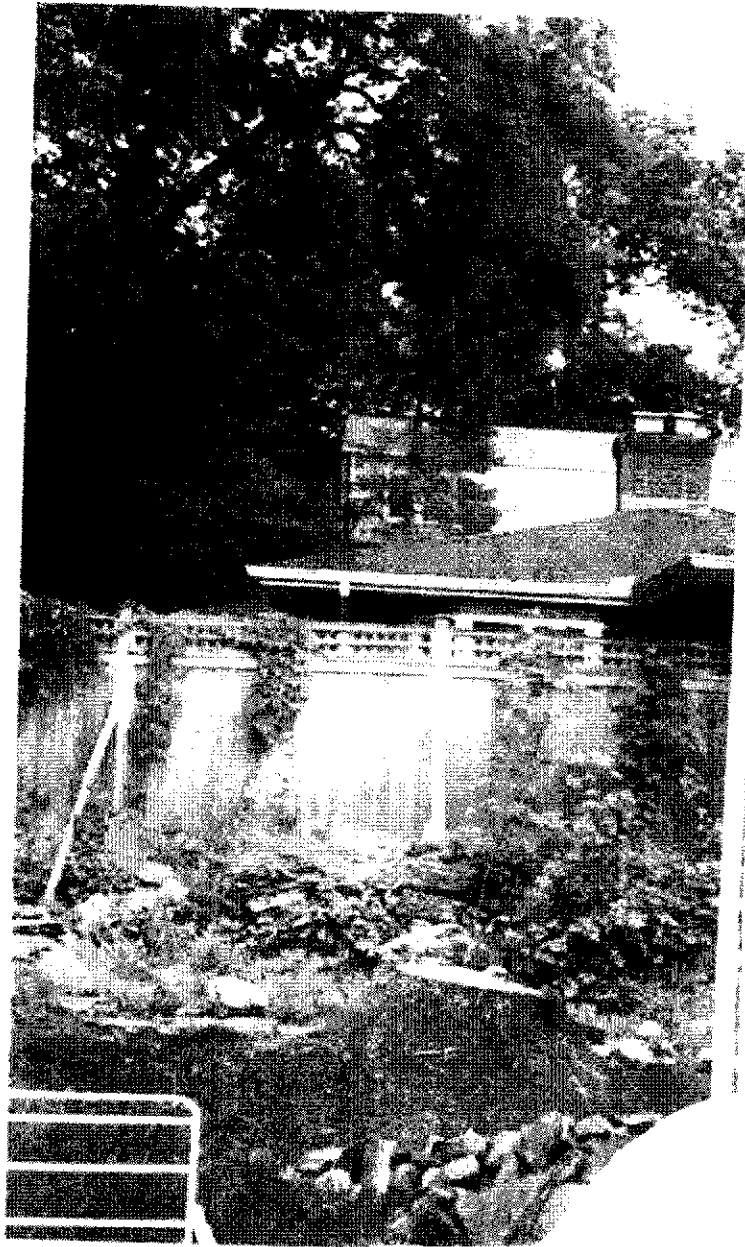
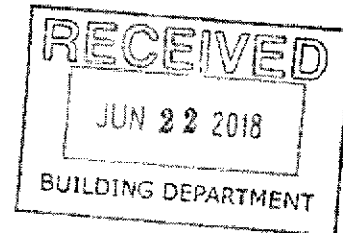


EXHIBIT E
JUDITH LEVINE SUBMISSION
41 CREST DRIVE APPLICATION
6-25-18 PB MEETING

Judith K Levine
35 Crest Drive
Tarrytown, NY 10591

June 22, 2018

Mr. Stanley Friedlander
Members of the Planning Board
Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591



Dear Mr. Friedlander and Members of the Planning Board,

I am writing to the Planning Board with a heavy heart. I wish all the best for the Moriarty family, my neighbors at 41 Crest Drive. I would like them to feel comfortable and happy in their house, to enjoy living there now and for years to come. I would also like them to feel financially secure, knowing that the house was a sound investment for their future. However, I too would like to feel comfortable and happy in my house, and to enjoy it with my children and grandchildren for years to come. I too would like to feel that my financial investment is secure.

I have just seen the site plans for the projected construction. The expansion is very large and very high (compared to my house). It would enormously obstruct the light and view facing west from my Dining Room and Living Room, which is the central living area and core of my small house. It would be devastating to the comfort in the house and to potential re-sale value in years to come. I will go into details below.

Before that, I want to – very briefly – review some history.

I've lived in either North Tarrytown or Tarrytown for most of my adult life. I moved to North Tarrytown almost 50 years ago and then to the Crest neighborhood in Tarrytown 20 years ago. I stayed because I love the town, the neighborhood, the greenery, and the friendliness. I brought my children up here, and now enjoy their visits with grandchildren. My sons played in the North Tarrytown Dad's Club Baseball League for years, proudly wearing shirts that said Aruj Tune Up or Ice Cream Villa, two local businesses that no longer exist. This is my home.

In the half century that this represents, I've never had a disagreement, squabble, or taken any action of any kind against a neighbor. Being neighbors requires some give and some take. Here are a few examples.

Six and a half years ago, during a snow storm, a very large limb fell off a tree that was on the Moriarty property. It not only fell across my roof, but a part of the limb actually pierced my roof and ceiling and ended in my kitchen. It was traumatic, to be alone in a snowstorm in the

dark with no power and a tree in the kitchen, but fortunately no one was hurt. I had the damage repaired. I didn't hold the Moriarty's responsible; I didn't demand any restitution for the repairs that my own insurance didn't cover. I got it fixed, period. Things happen. Being neighbors requires some give and some take.

Three months ago, I was surprised to find a tree worker cutting down a tree of mine! He had already cut off at least one limb. He was there cutting down other trees at 41 Crest Drive. Cutting down one of mine was obviously a mistake. I asked him to stop, I sent a note to Mary Moriarty suggesting we discuss it if there was any doubt about whose tree it was. Again, I didn't get angry, I didn't demand some kind of restitution. These things happen. Being neighbors requires some give and some take.

This is NOT to say that I did anything special or great. This IS to say that I don't register this protest easily. But the projected expansion of 41 Crest Drive, as it stands now, is devastating to me. I think that the projected changes can only be fairly evaluated in contrast to my house next door.

The size of the expansion is part of the problem. My house is quite small, roughly 1500 square feet. It is a one-story ranch with a basically unusable very low attic. The current house at 41 Crest is two stories high, almost 2000 square feet. So it's already quite a bit larger and taller than mine.

The expansion as planned would add over 800 square feet to the house, most of it two stories high. The roof line would be raised. Most importantly, the depth of the house **would almost double** with these changes.

Looking at the blueprint for 41 Crest Drive, the expansion would go straight back, or north, from the current house. Roughly 20 feet of that expansion would be two stories high. Then another 12 feet would continue to the north, this time one story high.

Because it goes straight back, it stays within the legal setbacks. However, that doesn't begin to tell the story.

My one-story house is laid out so that the U-shaped Dining Room and Living Room are like one living space, and have bay windows facing west (toward 41 Crest Drive) and north. This is the main gathering and living space in the house. Even the bay window in the LR, which faces north, has a view to the west because it is a bay window and extends out. There are no windows facing south or east in these rooms, so these windows provide light, air, and view, the light from the west being the brightest. My patio is just to the north of the Dining Room and Living Room, again oriented west and north, with walls to the south and east.

There are 3 small bedrooms behind a long wall and a small office/den and a kitchen in the front of the house. It is a small, modest house with windows that help open it up and make the rooms feel more spacious and comfortable.

Now when we sit in any of those main living spaces – Dining Room, Living Room, and patio – and face west, we see a small corner of 41 Crest Drive, then only sky and trees. Sitting on my Living Room sofa, we are facing west, looking across the narrow expanse of Living Room/Dining Room, and again, look out that west-facing Dining Room window, seeing greenery. Most of the trees are far in the distance, because the view looks across several back yards. We have light, air, and some privacy.

This large addition would create a two-story high wall passing from left to right as seen from my Dining Room and Living Room. That **two-story part of the planned expansion**, which is roughly **20 feet deep** on the building plan is, for people at 35 Crest Drive looking west, a **20 foot wide** two-story high wall, twice as high as we are. The two houses are very close together, so this two-story 20-foot wide expanse of wall would obliterate trees, sky, and light.

People sitting at ground level in my Dining Room would face a two-story wall and windows, some of it only 10-12 yards away from my Dining Room window. We lose light, view, and privacy, and gain a wall towering above us.

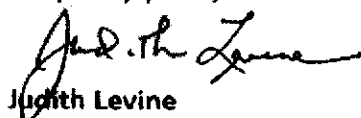
One of the attractive features of my small house is the view out, especially from the Dining Room, Living Room, and patio. It's why I bought the house, it's what gives me comfort and ease, and it's what my family and other visitors always comment on. It's also what will help me sell the house when that day comes.

In evaluating this construction, I think the town must of course first require that all legal requirements are fulfilled. But beyond the strict legality, there needs to be some recognition of suitability and fairness to all. The Crest is a gracious neighborhood with relatively small building lots and houses that are well suited to that scale. I think we want to preserve that scale, or we will have a neighborhood of mega-houses with less and less open space and greenery, things that attracted people to Tarrytown and to the Crest in the first place. Tarrytown itself has changed and grown in the fifty years I've been here, some of it good and some perhaps not so wonderful. Changes are inevitable. But I do think we need to be careful to preserve what we have now, or we will all lose.

I think the plans at present hurt me terribly, but also do damage to the wonderful feeling of the neighborhood. The Moriarty family is certainly free to make changes to their house. It just shouldn't be devastating to others. Being neighbors requires some give and some take.

I invite Mary to see what this would look like from the perspective of my home. Perhaps there can still be a good faith discussion about a middle ground that does a little less damage to me and my family while not compromising what she would like for her family.

Very truly yours,


Judith Levine