

**ADOPTED MINUTES
VILLAGE OF ARDSLEY - PLANNING BOARD
MEETING of TUESDAY, OCTOBER 6, 2015**

I. Call to Order

The Session was called to order at 8:06 p.m.

Board Members in Attendance: Robert Pellegrino, Chair
 Altin Batska
 Art Hunter
 Bernard Preisser

Also in Attendance: Larry J. Tomasso, Building Inspector

The Chair stated that the agenda will be taken out of order.

**II. Joseph and Marie Galimi, 23 Revere Road
Application for Special Permit to Increase Basic Permitted Gross Land Coverage
Continuation of Public Hearing**

The Chair explained that Mr. Preisser is recused on this matter. He informed the applicant that members of the Planning Board may choose to do a site visit before rendering a decision.

Mr. Adamo Maiorano, of Community Designs, LLC, appeared on behalf of applicant. He stated that the proposal is for a rear patio. To keep the amount of land coverage down, the proposal includes removing a portion of the driveway on the right side. In addition, to address run-off, the proposal provides for a trench drain in the rear of the patio, and for two 3-way XL HD Cofac units to capture rain water.

Mr. Thomas Carlin, of 21 Revere Road, stated that he thought the original variance was for replacing a hardscape patio with a structure as an addition to the house. He stated that fill from digging out the existing patio and preparing the foundation for the new addition was placed where they now intend to put the new patio. He said that he was told at that time that storm water management wasn't required except for the structure. He also said that he had asked if they were going to change the topography of the backyard, and they said no, that all we're required to cover for is for structure where the patio stood, so we're not increasing anything. Mr. Carlin expected that he would end up with the same landscape, topography and slope after the addition as existed before the addition.

The Chair asked Mr. Tomasso for his comments. Mr. Tomasso stated that the placement of the fill behind the proposed patio site was not part of the variance application before the Zoning Board, and did not need to be. The spreading of fill in the backyard is overseen by the Building Department, and is not a decision for the Zoning Board. The Chair also pointed out that relocation of fill or yard leveling does not necessarily require approval of the Planning Board either.

Mr. Carlin said he is concerned about “trespassing water” that regularly occurs from what is no longer the same back yard. The Chair explained that run-off is something that nearly everyone deals with in hilly Ardsley, and there is no right to keep water from flowing as gravity would direct it. The Chair noted however that the applicant is now asking the Planning Board to grant a special permit to allow increased land coverage, and drainage is an issue to be considered.

Mr. Carlin asked for an explanation of a variance versus a special permit. Mr. Tomasso explained that a variance is sought for something not permitted by code. For example, when the present applicant sought a variance for the addition, the Code requires that any structure be twenty feet from a neighbor’s property line, but because of the design of the house, the applicant needed to ask for a variance to place the structure fifteen feet from the neighbor’s property line. As this distance is not permitted by Code, it required a variance from the Zoning Board. The Zoning Board had granted the variance, and it actually moved the addition further up the hill and further away from Mr. Carlin’s property. Mr. Tomasso went on to distinguish that one seeks a special permit for something that is permitted by code, but where features such as, for example, land coverage affecting drainage, can require more scrutiny. While the Building Inspector cannot simply demand drainage or drywell systems, the Planning Board can require such additional safeguards as part of their discretionary “special permit” approval.

The Chair stated that he preferred to see the site and have other Planning Board members visit it as well to see the contours.

Mr. Carlin asked to state for the record that the fill, whether permitted or not, has been a detriment to his property, and has resulted in an increase in more trespassing water.

The Chair assured Mr. Carlin that all public comments are “for the record,” and invited Mr. Carlin to attend the next meeting, when the matter will be considered after the Planning Board has had the opportunity to visit the property.

Mark E. Constantine, Esq., attorney for the applicant, stated that he had appeared on behalf of the applicant at the Zoning Board meeting. Mr. Constantine stated that several years ago a Public Hearing was held by the Zoning Board, which issued a variance, and every condition was complied with. He stated that this is now a separate matter and he would like the Planning Board to consider this application on its merits, and invited the Planning Board to look at the property and do its due diligence.

The Chair stated that some of Mr. Carlin’s concerns are relevant to the present application. Because the issue is an impervious surface at that elevation, it may require drainage improvements.

The Public Hearing was continued for the site visit, and the matter was adjourned at 8:18 PM.

**III. Anthony Santavicca, 85 Heatherdell Road
Proposed regrading and curb cut widening
Continuation of Site Plan Review**

Mr. Santavicca's engineer, John Annunziata, presented a new drawing showing less driveway area than originally sought, but which still allows a car to pull out of the driveway going forward. The driveway is currently 14 feet wide, the original request was for 30 feet wide, and the new drawing is for 20 feet wide with a flare to 25 feet. The original request exceeded allowable land coverage, whereas this version does not exceed allowable land coverage. Mr. Preisser noted that the current impervious surface is 1950 square feet, and that the request brings it up to 2200 square feet, which is below the basic as of right figure. The Chair also noted the particular difficulty with the geometry of the driveway and roadway at this point along Heatherdell Road. Mr. Annunziata advised that the drawing showed where a low retaining wall will be installed, and stated that other drawings show that the wall will have drainage pipe at its base.

With the exclusion of the proposed 6 feet by 8 feet square of driveway furthest from the street, the Planning Board unanimously approved the revised application, as expressed in the reconfigured drawings presented this evening.

The matter was thus concluded at 8:29 PM.

**IV. New York Foundling Hospital
Proposed relocation of new building
Continuation of Informal Discussion**

The Chair reported that he has been advised that New York Foundling Hospital does not intend to pursue the informal discussion at this time.

**V. Christopher and Kiki Mose, 24 Grandview Avenue
Proposed driveway grading and filling
Site Plan Review**

Mr. Larry Nardecchia, representing the applicants, stated that they had recently purchased a one family house on a non-conforming lot. The driveway slopes down 16% toward the house. The proposal is to build a driveway, still pitched toward the house, but leaving a buffer and putting a planting strip between the curb and the house. Mr. Nardecchia pointed out that in addition to the stone wall shown on the picture, there is a second stone wall, which means that there presently are two parking strips divided by parapet wall in between them. The proposal is to remove the parapet wall, fill in the area between the two parking strips, and put a complete foundation wall across the garage door. Mr. Nardecchia also stated that the existing curb cut

into the driveway in front of the house and onto the paved area on the other side of the wall had been in existence for many years.

Mr. Preisser asked what will happen to the garage. Mr. Nardecchia explained that the garage will be converted to a storage room, and that windows will be added for light.

Mr. Nardecchia added that there is currently a drain in the bottom of the driveway, and the plan calls for moving the drain to the back. He pointed out that the additional net impervious surface requested is 56 square feet. He notes that there is presently a deck in the back of the house which may be taken down, and that the deck exceeds the 56 square feet requested in this proposal.

At the Chair's request for information, Mr. Tomasso stated that the setback is 21.5 feet, that the depth of the proposed driveway is 27 feet from the front, and that the driveway as proposed gets them off of the right of way.

Mrs. Mose informed the Planning Board that the homeowners cannot use the driveway in its current condition. The Chair advised the applicants that Board members will visit the site.

The matter was adjourned at 8:36 PM.

VI. Title Boxing Club, 901 Saw Mill River Road Proposed Parking Plan Review and Comment to Board of Trustees

Mr. William ("Bill") Witt, A.I.A., of WP Witt Architects PLLC, appeared on behalf of Frank Palumbo in support of his application for a fitness club in the previous location of Foodland. Title Boxing will be taking the end of the space Foodland had occupied, approximately 4800 square feet of the 7200 square foot space. The operation is a personal service business, which would require one parking space for every 150 square feet occupied by the business, which is the same requirement as had applied to Foodland. Mr. Witt also believes that there may be a one-third waiver on this property.

Mr. Tomasso informed the Board that this type of use is classified as personal service, because there are set classes as opposed to an open gym. A personal service business has the same parking requirement as a retail business, so there is no increase in the parking requirement. Over the years, the Village Board of Trustees has granted a 33% reduction in parking in several shopping centers, including the one of the present application. The overall parking requirement for this shopping center would be 250 spaces, a 33% reduction would bring the requirement to 167, and there are 170 parking spaces. Mr. Tomasso further stated that most likely there will eventually be another retail establishment in the remainder of the space previously occupied by Foodland, and the determination as to the adequacy of parking for that establishment will be determined at that time based upon the specific use.

Mr. Preisser pointed out that a difference between Title Boxing and Foodland was how long customers would be there. Mr. Palumbo advised that one class is 75 minutes, and most of them are an hour. Mr. Preisser also pointed out that Foodland customers did not use parking spaces in the evening when restaurant customers use them. Mr. Palumbo indicated that class size is capped at twenty-five, so that including four employees, the maximum number of people needing to park at one time is twenty-nine. Mr. Preisser asked if they might ever have a class of forty students. Mr. Palumbo stated that he would not expect that, based on his experience in the establishment's Nanuet location, which has been open for three years.

The Chair reminded the applicant and the public that the Planning Board's role on this matter is advisory. He stated that Mr. Preisser raises good points, and that there might be slightly more use by this retail establishment than there had been by Foodland. Mr. Tomasso noted again that 48 parking spaces were required for Foodland's 7,200 square feet, and the corresponding requirement for Title Boxing's 4,800 square feet, if the Board of Trustees followed its prior ruling, is 32 spaces, and that the anticipated requirement of 29 spaces is below that figure. The Chair advised the applicant that the Planning Board will reflect its thoughts in its advisory memo to the Village Board of Trustees.

The matter was concluded at 8:41 PM.

VII. Fitness Now, LLC, 15 Center Street Proposed Parking Plan Review and Comment to Board of Trustees

Maurice Hyacinth, the Vice President of 1535 Center Street and the owner of the property, addressed the Planning Board. He stated that his company had received from the Board of Trustees a discretionary waiver of one third of the parking spaces for all the businesses at the premises. The material provided to the Planning Board includes the current and proposed parking plan. The numbers do not change, assuming the new operation is classified as personal services. Mr. Tomasso assured the Planning Board that it is so classified.

The Chair again pointed out that the Board of Trustees has jurisdiction and the Planning Board's role in this matter is merely advisory. He then asked what traffic was expected. Mr. Lou Cleveland, who will be managing the space, stated that the 2,000 square feet space would accommodate no more than five trainers and trainees at a time. Ten parking spaces for these clients and three for the three employees that would be there at the same time, would comprise his allowed 13 parking spaces.

Mr. Preisser asked about the hours of operation. Mr. Cleveland has not set the hours yet, but anticipates opening at approximately 5:30 or 6:30 am and closing at 9:00 pm.

The Board members stated that they had no objection to the Board of Trustees' approval of the application.

The matter was concluded at 8:45 PM.

**VIII. Crossroad Building Corp. (by Irvington Builders, Inc.)
Sprain & Cross Roads / Ashford Avenue
Proposed preliminary subdivision plat, including storm water pollution prevention
plan, to develop 5.8 acre site (“Sprain Brook Manor at Ardsley”)
Proposed Resolution: Preliminary Plat Approval and Negative SEQRA Declaration**

Present: James Kennedy
Hugh Grecian

The Chair recapped that at the last meeting, the Board closed the public hearing and asked that the Resolutions be drafted for resolution tonight.

The Chair followed up on the earlier discussion of cash bond. Mr. Grecian said that the amount of the bond requested and accepted was \$20,000, just for the work within the right of way, not for the subdivision going forward.

The Chair also followed up on the requested schedule and notice to neighbors, of which Mr. Grecian has already been apprised. Mr. Grecian noted that there is one other permit needed from Westchester County, and that Mr. Tomasso will be signing the application which will then be sent to the County.

Mr. Preisser read the Resolution on the **SEQRA DETERMINATION OF SIGNIFICANCE NEGATIVE DECLARATION of SPRAIN BROOK MANOR AT ARDSLEY SUBDIVISION**, as follows:

WHEREAS, the Village of Ardsley Planning Board is in receipt of a Subdivision application submitted by Irvington Builders, Tarrytown NY for property located between Cross Road, Sprain Road and Ardsley Road (Ashford Avenue), more specifically known and designated as Section Section 6.120, Block 103, Lot 1 (formerly Section 18, Sheet 8B, Block 0, Lot 79D); and

WHEREAS, the action involves the subdivision of the Site to create 10 new single-family residential lots and one separate lot for possible future development, with lots ranging in size from 10,653 square feet (.24 acres) to 19,332 square feet (.44 acres) as well as a twelfth 56,381 square foot (1.29 acre) conservation and stormwater quality parcel, the 10 residential lots being accessed via a new cul-de-sac off Cross Road and the one single lot being accessed via Ashford Avenue; and

WHEREAS, the project is defined as an Unlisted Action; and

WHEREAS, on April 13, 2015, the Village of Ardsley Planning Board designated their intention to serve as Lead Agency for the SEQRA review of this action, and thereafter circulated the notice to all Involved Agencies; and

WHEREAS, upon completion of the required circulation period, and there being no objections, the Planning Board's Lead Agency designation was subsequently confirmed on July 13, 2015;

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Village of Ardsley Planning Board serving as Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

On a motion of The Chair, seconded by Mr. Hunter, this resolution was approved by the following vote: **4 AYES, 0 NAYS, 0 ABSTENTIONS, 0 ABSENT.**

Mr. Preisser then read the Resolution for the **PRELIMINARY SUBDIVISION APPROVAL OF THE PLANNING BOARD OF THE VILLAGE OF ARDSLEY for SPRAIN BROOK MANOR AT ARDSLEY SUBDIVISION**, as follows:

WHEREAS, on July 9th, 2012, the Planning Board granted Preliminary Subdivision Plat Approval and adopted a SEQRA Negative Declaration for the "Sprain Brook Manor at Ardsley" subdivision. That project involved the subdivision of the Site to create 11 new single-family residential lots ranging in size from 10,653 square feet (.24 acres) to 27,800 square feet (.64 acres) as well as a twelfth 56,381 (1.29 acre) conservation and stormwater management parcel which would not be developed. 10 of the new lots would be accessed via a new cul-de-sac off Cross Road and the 11th lot would be accessed via a private driveway on Ardsley Road (Ashford Avenue); and

WHEREAS, the applicant failed to advance that application through to final approval, and as a result, the Preliminary Subdivision Plat approval granted by the Planning Board in 2012 expired; and

WHEREAS, in April of 2015, Irvington Builders, Tarrytown, New York (hereinafter referred to as the "Applicant"), who was also the applicant in 2012, submitted an application to the Planning Board for re-approval of a preliminary subdivision plat titled "Sprain Brook Manor at Ardsley;" and

WHEREAS, the site is a 5.8 acre wooded and undeveloped parcel of land that extends from Cross Road in the north to Ardsley Road (Ashford Avenue) to the south, and supports a length of the Sprain Brook along its western edge. The site is located within the R-3 Zoning District and is more specifically known and designated as Tax Map Section 6.120, Block 103, Lot 1 (formerly Section 18, Sheet 8B, Block 0, Lot 79D) (hereinafter referred to as the "Site"); and

WHEREAS, the Applicant is proposing the subdivision of the Site to create 10 new single family residential lots and one separate lot for possible future development, with lots ranging in size from 10,653 square feet (.24 acres) to 19,332 square feet (.44 acres) as well as a twelfth 56,381 square foot (1.29 acre) conservation and stormwater quality parcel, the 10 residential lots being accessed via a new cul-de-sac off Cross Road and the one single lot being accessed via Ashford Avenue; and (hereinafter referred to as the "Project"); and

WHEREAS, the preliminary subdivision plans consist of the following drawings prepared by Paul J. Petretti, Civil Engineer & Land Surveyor, Dobbs Ferry, NY, dated January 30, 2015 (hereinafter referred to as the "Preliminary Subdivision Plat"):

- 1/5 Site & Utility Plan.
- 2/15 Site Grading & Drainage Plan.
- 3/15 Stormwater Pollution Prevention Plan (SWPPP) and Erosion & Sediment Control Plan (E&SCP).
- 4/15 Stormwater Pollution Prevention Plan (SWPPP) and Erosion & Sediment Control Plan (E&SCP).
- 5/15 FEMA Floodplain Map.
- 6/15 Zoning & Steep Slopes Plan.
- 7/15 Zoning & Steep Slopes Plan.
- 8/15 Trees Location & Removal Plan.
- 9/15 Tree Replacement & Planting Plan.
- 10/15 Existing County Trunk Sewer, Proposed sewer line – A & B.
- 11/15 Drain Line – A & B, Water Main and Road Profile.
- 12/15 Proposed Sprain Brook profiles & Conservation & Stormwater Quality Sections.
- 13/15 BFE Sections.
- 14/15 Notes, Sections & Details.
- 15/15 Notes, Sections & Details.

WHEREAS, a public hearing was held pursuant to Section 175-6 C of the Village of Ardsley Subdivision Regulations on the proposed Preliminary Subdivision Plat at Village Hall. All persons wishing to speak on the application were provided an opportunity to be heard; and

WHEREAS, on October 6, 2014, the Planning Board, serving as SEQRA Lead Agency, adopted a Negative Declaration, indicating that the proposed action would not result in any significant adverse environmental impacts; and

WHEREAS, the requirements for preliminary subdivision plat approval contained in the "Subdivision Regulations of the Village of Ardsley" have been met by said subdivision application.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Village of Ardsley hereby classifies the Proposed Action as a "Major Subdivision" pursuant to §175-3 of the Subdivision Regulations; and

BE IT FURTHER RESOLVED, that upon full consideration of the above, the Planning Board of the Village of Ardsley hereby grants Preliminary Subdivision Plat Approval for that the application submitted by Irvington Builders as depicted on the plans identified above, subject to the following conditions:

CONDITIONS PRIOR TO FINAL PLAT APPROVAL

The following conditions shall be completed by the Applicant prior to the endorsement of the approval of the Final Subdivision Plat by the Planning Board Chairman:

1. A Final Subdivision Plat and associated plans, prepared in accordance with §175-7 of the Village of Ardsley Subdivision Regulations, shall be submitted to the Planning Board for review and approval.
2. The Final Subdivision Plat shall be substantially similar to the Preliminary Subdivision Plat approved herein. Significant modifications shall require an amendment to this Preliminary Subdivision Plat approval, subsequent to a public hearing.
3. The Final Subdivision Plat shall fully comply with all Village of Ardsley ordinances and regulations.
4. The Applicant shall pay to the Village of Ardsley, by certified check, any outstanding professional review fees, and shall maintain the escrow account throughout the review of the Project in accordance with Chapter 38 of the Village Code.
5. The Village Consulting Engineer shall determine that all proposed site engineering improvements are satisfactory and suitable for consideration for final approval.
6. Prior to final subdivision approval, the Applicant shall obtain a Steep Slopes Permit, in accordance with Article X of the Village Code.
7. The final Stormwater Pollution Prevention Plan, prepared in accordance with the requirements of Chapter 171 of the Village Code and the NYSDEC SPDES program, shall be submitted along with the Final Subdivision Plat.
8. The full wetland mitigation planting plan shall be provided along with the Final Subdivision plat, depicting all proposed wetland plantings and other proposed mitigation measures.
9. Prior to final subdivision approval, the Applicant shall obtain approval from the US Army Corps of Engineers and Village of Ardsley for all regulated activities within the site wetland.
10. Prior to final subdivision approval, the Applicant shall obtain a Wetland Permit, in accordance with Article X of the Village Code.
11. Prior to final subdivision approval, the Applicant shall obtain a Westchester County Stream Control Permit.
12. All improvements and modifications to Sprain Brook shall be reviewed and approved by the NYSDEC, prior to final subdivision approval.

13. NOI for Stream Restoration and Conservation and Storm Water Quality Parcel will be filed for this action and a Notice of Termination (NOT) will be filed. A second NOI will be filed for the Subdivision Project. No work and clearing, with the exception of the minimum amount of clearing to extend the water main to the location of the proposed cul-de-sac, on the remaining part of the subdivision, "The Subdivision Project", shall be performed on until the Stream Restoration and Conservation and Storm Water Quality Parcel is action is accomplished including full restoration.
14. All easements depicted on the Preliminary Subdivision Plat shall be submitted along with the Final Subdivision Plat and shall be reviewed by the Village Attorney, prior to Final Subdivision Plat approval.
15. Prior to final subdivision approval, a Road Opening Permit shall be obtained from the Town of Greenburgh for the subdivision roadway connection to Cross Road.
16. The Applicant shall provide a certified cost estimate, prepared by a licensed Professional Engineer, covering all proposed improvements for the purpose of setting a performance bond and engineering inspection fee.

BE IT FURTHER RESOLVED, that this Preliminary Subdivision Approval shall expire within six months of the date of this resolution unless a Final Subdivision Plat is filed in accordance with the Village of Ardsley Subdivision Regulations and this resolution of Preliminary Subdivision Approval, unless such time is extended by the Planning Board, and

BE IT FURTHER RESOLVED, that no construction, utility or site work of any kind is authorized pursuant to this resolution of Preliminary Subdivision Plat approval, and

BE IT FINALLY RESOLVED, that this Preliminary Subdivision Plat resolution shall have an effective date of October 6, 2015.

On a motion of The Chair, seconded by Mr. Hunter, this resolution was approved by the following vote: **4 AYES, 0 NAYS, 0 ABSTENTIONS, 0 ABSENT.**

The Chair noted that Mr. James Kennedy was present.

The Chair thanked Mr. Grecian for his assistance to the Planning Board in this matter.

IX. Approval of Minutes

Mr. Hunter moved, and the Chair seconded, that the Planning Board adopt the minutes of its meeting of September 15, 2015, as amended. Motion passed unanimously.

Mr. Hunter moved, and The Chair seconded, that the Board adopt the minutes of the meeting of August 10, 2015, as amended. Motion passed unanimously.

X. Adjournment

There being no other business, the meeting of the Planning Board was adjourned.

Respectfully submitted,

Judith B. Calder
Recording Secretary