

**MINUTES
VILLAGE OF ARDSLEY
PLANNING BOARD MEETING of
MONDAY, DECEMBER 11, 2023**

I. Call to Order

The Chair called the meeting to order at 8:04 PM.

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Larry Tomasso

The Chair announced that the Agenda would be taken out of order.

II. Approval of Minutes

Mr. Preisser moved, and Ms. Jainchill seconded, that the Planning Board approve the Minutes of its meeting of November 13, 2023.

Vote: 4 in favor, **0** opposed, **0** abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

III. Anthony and Helen Racanelli

18 Mount View Avenue

**Applications for 2-Lot Subdivision and Site Plan Approvals, for Proposed
Demolition of Existing Dwelling and Construction of Two New Dwellings
Continuation of Public Hearing**

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Anthony Racanelli
David Smith, Village Consultant
Larry Tomasso

The Chair stated that the application for the 2-lot subdivision and for the site plan are subject to the provisions of the State Environment Quality Review Act (“SEQRA”), and that the applicants accordingly had submitted the required Environmental Assessment Form (“EAF”). The Chair stated the Planning Board had declared itself to be the lead agency for SEQRA, had sent notice of that declaration to all appropriate parties¹, and have received no objection to the Planning Board designating itself lead agency.²

The Chair introduced David Smith, the Village’s consultant regarding planning and the Village’s consultant relating to environmental matters. The Chair invited Mr. Smith to sum up the process and information relevant to this application.

Mr. Smith stated that this is an “unlisted” action under SEQRA, which required the applicants to complete Part I of the EAF, which was included in the application to the Planning Board, and which was circulated together with the Planning Board’s Notice of Intent.

Mr. Smith stated that Mr. David Sessions, the Village’s Consulting Engineer, had reviewed the application and the applicants’ plans for the subdivision and related improvements, and had provided more than thirty comments, to all of which applicants have now responded. Mr. Smith further stated that a Public Hearing was opened, during which the Planning Board received substantial input from the public, and during which the site plan and subdivision were further perfected and additional information was provided.

Mr. Smith explained that before deciding on the applications, the Planning Board next must complete Part 2 of the EAF to determine environmental significance under SEQRA. Mr. Smith outlined the eleven areas of potential impact that SEQRA requires the lead

¹ The interested parties were: Ardsley Board of Architectural Review, Westchester County Department of Planning, Westchester County Department of Health, and New York State Department of Environmental Conservation.

² Mr. Smith received an email from Westchester Department of Planning (“DOP”), saying that this action does not meet the criteria requiring County review, and thus the DOP had no objection to the Planning Board acting as lead agency nor any further comments.

agency to consider before issuing either a Negative Declaration (if it concludes that the proposal has no significant adverse impact on the environment) or a Positive Declaration (if it finds one or more significant adverse impacts on the environment).

The Chair thanked the Village Consulting Engineer for his memo, and Mr. Smith for his presentation.

The Chair stated that the Planning Board will be considering all issues as it considers a proposed Resolution regarding the application.

The Chair asked if any member of the public wished to speak on these applications, and none so wished. The Chair noted that the Public Hearing on this matter was opened on November 14, 2022, has remained open, and that throughout the duration of the Public Hearing, there have been many prior public comments, all of which are on the record.

Mr. Preisser moved, and Mr. Bialowas seconded, that the Planning Board close the Public Hearing.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Close Public Hearing

The Chair asked Mr. Smith to draft a proposed resolution for the Planning Board to consider when it votes on this matter at its next meeting.

III. Christopher Petit and Jee-Young Ham 7 Dellwood Lane Applications for Steep Slopes Permit and Site Plan Approvals, For Proposed Building Demolition and New Construction Continuation of Public Hearing

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Alan Filch, Architect for applicants
David Smith
Larry Tomasso

The Chair stated that this is an application for a steep slope permit and site plan approval for proposed building demolition and new construction, and noted that the steep slope in this case is created by grading in connection with the construction of the house, and not the natural condition, and that given the lot size and setbacks of this and the neighboring homes, and general topography, there is no adverse condition created by the steep slope.

The Chair asked Mr. Smith if all the Village's consultant's comments have been addressed, and Mr. Smith advised that they have.

The Chair noted that the subject property is on a large lot, which the Board members have all visited, and that the site plan now appears to be in order in all respects.

The Chair asked if any member of the public wished to speak on these applications, and none so wished.

Mr. Preisser moved, and Ms. Jainchill seconded, to close the Public Hearing.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Close Public Hearing

The Chair moved, and Mr. Preisser seconded, that the Planning Board approve the application for a Steep Slope Permit and for Site Plan approval, for proposed demolition and new construction, in accordance with plans of August 3, 2023 as to grading and utilities, and otherwise in accordance with plans of July 28, 2023.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

**IV. Joseph McGlawn and Aimee Lin
19 Fairmont Avenue
Application for Steep Slope Permit, for Construction of Proposed New Decks
Continuation of Public Hearing**

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Joseph McGlawn and Aimee Lin
Pete Gulick, of Michael Lewis Architects
Larry Tomasso

The Chair stated that it is critical to address drainage, and Mr. Tomasso stated that applicants will install a Cultec. The Chair stated there has been significant erosion on both sides, and that they should also capture the water from the South side.

The Chair advised that the Board expects some type of lattice on all sides of the deck, and would make it a condition of any approval. Mr. Tomasso added that the Board of Architectural Review will also want to see lattice.

The Chair stated that members of the Planning Board had walked the property and a tree that looked dead but that was not tagged for removal. The Chair advised that Ms. Jainchill or applicants' arborist should examine the trees on the property when applicants are ready to proceed, because it would be proper to remove any dead trees when they remove those already slated for removal. The Chair added that the Planning Board may make that a condition of any approval.

The Chair stated that for steep slopes, the Planning Board considers both environmental concerns and the visual impact, and noted that the proposed new deck will dramatically improve the visual, as it currently looks frightening and unappealing.

The Chair asked if any member of the public wished to speak on this application, and none so wished.

Mr. Chair moved, and Mr. Preisser seconded, that the Planning Board close the Public Hearing.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Close Public Hearing

The Chair moved, and Mr. Preisser seconded, that the Planning Board approve the application for a Steep Slope Permit for construction of a new deck, subject to the condition that there be lattice on all three sides of the new deck, and subject to the condition that the trees be re-examined and that dead trees be removed, and subject to the condition that Cultec drainage be installed, the final design of which will be subject to Mr. Tomasso’s review and approval.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

The Chair reminded applicants that this also requires the approval of the Board of Architectural Review.

**V. J. Rosell and Kenneth D. Masiello
37 Beacon Hill Road
Proposed Plans for New Driveway Curb Cuts
Review**

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Kenneth Masiello
Larry Tomasso

Mr. Masiello stated that they would like to add an eight-foot square of pavement to the existing driveway, and they would like a curb cut to match up with the existing fifteen-foot wide driveway and the additional paved eight-foot square, for a total curb cut width of twenty-three feet.

The Chair advised that the maximum curb cut used to be fourteen feet, that the maximum is now eighteen feet, and that the Planning Board has discretion above that. The Chair polled the Board, and no member was willing to support a curb cut of more than twenty feet.

The Chair moved, and Mr. Bialowas seconded, to close the Review.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair – Aye
Paul Bialowas – Aye
Susan Jainchill – Aye
Bernhard Preisser – Aye

Close Review

The Chair moved, and Mr. Preisser seconded, to approve the proposed expansion of the existing curb cut, up to and not to exceed a total of twenty feet in width for the existing and added curb cut together, and to approve the widening of the driveway pavement to match up with the new curb cut.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair – Aye
Paul Bialowas – Aye
Susan Jainchill – Aye
Bernhard Preisser – Aye

**VI. Ms. Floria Uli
23 Fuller Avenue
Applications for Site Plan Approval, and Curb Cut and Steep Slope Permits,
for Proposed New Driveway, Grading and Filling
Continuation of Public Hearing**

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Ed Marron, Architect, of Kevin J. Kelly RA
Larry Tomasso

Mr. Marron explained the lines he had painted on the property site, and stated that the walls would be four-feet high.

Mr. Marron stated that they struggled with providing drainage from the driveway, so instead drainage from the house will be installed to address the total drainage needs. Mr. Marron pointed out the pavement they will remove to bring land coverage to within the basic amount permitted as of right. And Mr. Marron stated that they are moving the shed from within the side yard setback to a code-compliant location.

The Chair sought assurance that no land swaps were contemplated, and Mr. Marron agreed none were planned.

The Chair had asked Mr. Tomasso to confirm that the removal of the violating improvements and revised plan result in their being no excess land coverage nor side yard setback violation, and Mr. Tomasso did so.

Mr. Tomasso stated that although the prior violations will be undone by the planned work, there will be a legalization fee which the Village is seeking in court. The Chair stated that the Planning Board would not want to approve the application while the owners are fighting the Village and contending that they are in compliance. Mr. Tomasso stated that the Court required the owners to resolve this first, so a stay was requested, pending the Planning Board's resolution. Mr. Tomasso also stated that the owners' attorney indicated that if the Planning Board approves the applications, the owners will plead guilty.

The Chair asked if any member of the public wished to speak in support of or in opposition to the application, and none so wished.

The Chair noted that based on the information provided at the last meeting and at this meeting, and the removal of all violating structures and improvements per the plans, the resulting site will contain nothing out of compliance.

The Chair moved, and Mr. Preisser seconded, to close the Public Hearing.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Close Public Hearing

The Chair moved, and Mr. Preisser seconded, that the Planning Board approve the application for site plan approval, including a curb cut permit, for a steep slope permit for the proposed new driveway, and for grading and filling, all in accordance with the plans prepared by Kevin Kelly architects, last dated May 20, 2023.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

**VII. Ms. Ximena Cassanello
56 Eastern Drive
Applications for Site Plan Approval and Excess Gross Land Coverage Special
Permit, for Proposed New Detached Garage and Driveway Addition
Continuation of Public Hearing**

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas
Susan Jainchill
Bernhard Preisser

Also Present: Gabrielle Salman, architect
Larry Tomasso

The Chair expressed dismay that Ms. Salman had stated that the primary reason for the placement of the proposed garage was an issue with the grades and that it would not be possible to locate the garage anywhere else. The Chair said that that he and two other Board members, Mr. Preisser and Mr. Bialowas, had visited the site and found other places where the garage could be located.

The Chair and the other Board Members stated that the Board wants to see alternatives that place the garage nearer to the house. The Chair stated that absent a compelling reason, the Board does not want to see a detached garage on a rise in front of the building which would be the first thing people would see from the street, where most homes have deep setbacks. Other Board Members echoed the point.

Ms. Salman stated that the owners do not want the garage where Board members suggested was a more sensible location. The Chair replied that it might be the case that the owners simply did not want to look at a garage but that this does not constitute a compelling reason for the Board. The Chair also stated that Ms. Salman should have been forthright and should not have attributed the choice of location to a grading issue.

Ms. Salman stated that she will talk with the owners. The Chair and Board Members encouraged Ms. Salman that she would be able to design the garage to make the owners' view of it appealing.

The Chair asked if any members of the public wished to speak in support of or in opposition to the application, and none so wished.

This matter was then adjourned and will be continued.

**VIII. Mr. Yen Wong
88 Lincoln Avenue
Applications for Excess Floor Area Special Permit and Site Plan Approvals,
for Proposed Building Demolition and New Construction
Continuation of Public Hearing**

This matter was adjourned.

**IX. 774 Saw Mill River Road LLC
(By Kristina Capolino and M. Capolino MBR)
774 Saw Mill River Road
Proposed Plans for Demolition of Existing 3-Unit Multi-Family Building,
And Construction of New 9-Unit Multi-Family Building
Continuation of Review and Comment to the Board of Trustees**

This matter was adjourned.

**X. Ferdinand Markushi
27 Abington Avenue
Application for Approval of Proposed Landscape Plan (Condition of March 12,
2018 Wetlands Permit for Rear Deck, Filling and Grading, Stream Bank
Restoration, and Tree and Shrub Removal and Planting)
Continuation of Review**

This matter was adjourned.

XI. Adjournment

Mr. Preisser moved, and the Chair seconded, that the Planning Board adjourn the meeting at 9:06 PM.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Rob Pellegrino, Chair –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Respectfully submitted,
Judith B. Calder, Recording Secretary