

MINUTES
VILLAGE OF ARDSLEY
PLANNING BOARD MEETING
MONDAY, JULY 14, 2014

Chairman Pellegrino called to order the regular meeting at 8:00 p.m.

Approval of Minutes

Minutes tabled.

The session was called to order at 8:00 p.m.

Board Members in Attendance:

Robert Pellegrino, Chairman
Art Hunter (Absent)
Robert Paley (Absent)
Jerry Parnes
Bernhard Preisser

Present:

Richard Blancato, Esq.

Ms. Elizabeth Tampone
50 Heatherdell Road

**Proposed One-Year Extension Public Hearing
of Steep Slope Permit and
Site Plan Approvals for Three
New Homes**

Mr. Pellegrino read the notice into the record.

On Motion of Mr. Preisser, seconded by Mr. Parnes, the Public Hearing was opened.

VOTE: 3-0

Open Public Hearing

Richard Blancato, Esq. of Blancato Law Offices, P.C. handed up the certified mailing return receipts indicating that he served the necessary Notices of the Public Hearing. Richard submitted an Affidavit of Service. No one else was present for this hearing. He stated that the matter was the subject on an extended Public Hearing which resulted in the original approval. The owner now has a contract to sell the three (3) lots to Robert James Contracting Corp. Mr. Blancato said he encountered a number of difficulties prior to scheduling a closing and he indicated that they are finally ready to close in about a month or so. None of the circumstances have changed in terms of the facts. A demolition permit was obtained.

Mr. Pellegrino said that the site plan was extensively studied at the time with the assistance of the consulting engineer and planning consultant and that the Building Inspector reported that there had been no changes in the law or conditions at the site that would warrant re-examination of the site plan.

There being no one present from the public or any further questions, Mr. Pellegrino moved to close the hearing then to approve extension of the site plan and steep slope permits for one (1) more year. Jerry Parnes seconded. Vote 3-0 in favor.

The session was called to order at 8:15 p.m.

Board Members in Attendance:

Robert Pellegrino, Chairman
Art Hunter (Absent)
Robert Paley (Absent)
Jerry Parnes
Bernhard Preisser

Present:

James Wong, Architect
John Walter, Director of Facilities of
New York Foundling
John W. Furst, Esq. of Cuddy & Feder
Jill Gentile, Programs at New York Foundling
Marybeth Wittcock, Programs at New York
Foundling

**New York Foundling Hospital
a/k/a St Agathas Ardsley ICF
2 Sylvia Avenue**

Proposed New Building

**Continuation Informal
Hearing**

Open Informal Hearing

John W. Furst, Esq., attorney with Cuddy & Feder, LLP introduced everyone present indicated above. Jill Gentile and Marybeth Wittcock explained to Mr. Pellegrino that they oversee the residents. Mr. Furst mentioned that Mr. Wong, Mr. Walter and Mr. Furst were present last month at the informal hearing. They are looking to replace an existing facility and explained that the place has been there for well over thirty (30) years and it is need of repair and they would rather construct a new facility than repair the existing facility. It will be about 175 feet from the existing location and a little further East. They had some discussions about the location and they looked at other areas on the property and took the comments from last month. They examined multiple locations by the existing facility and prepared a new layout in the area a little further to the East which will hopefully address some concerns.

Mr. Pellegrino stated that he wanted to recap to Jill and Marybeth since they were not present at the first Informal Hearing. He stated that the consensus of the Board last time (all five Members) was that if the existing building was not in its current location, any new building would be located in that same general area. Mr. Pellegrino noted that two buildings are not

permitted on the site, and to allow the existing building to remain and avoid the need for relocation of the residents, is an accommodation which is fair if the new building is located in or near the same place as a replacement would have been if the accommodation was not made.

Ms. Gentile stated that they were originally looking to rehab the house but there were so many issues with the water and the environment that they decided to request new construction. Mr. Pellegrino stated that the Board looked at the three (3) proposals presented and was not keen on having it built up at the far end of the slope. Mr. Wong said that there was a problem moving it to the West because of the septic system and its added expense. The plans were reviewed at the Bench. Mr. Pellegrino stated the building should be put in front of the building and thought that it was feasible. Mr. Pellegrino stated it was time to put the matter on for a Public Hearing as the public should be heard, and requested that they come back with two (2) of the original drawings. Mr. Wong presented in detail the options once again before the Board. The existence of an oil tank was discussed which would create a temporary drive through and the contractor would have to maintain fencing and also presented that they would need permission for vehicles on Sylvia Lane during construction. Mr. Wong does not really know what the cost would entail and he explained that to his client. The Board asked when Mr. Wong planned on starting construction. Mr. Wong stated that he planned on starting in March.

Jill Gentile stated that their preference is not the location in front of the building. Parking spaces were discussed among the Board members. Bernie Preisser inquired about trash pickup at the facility and was advised that it is brought curbside. It was discussed that the temporary relocation is where the cost comes in and lastly, Mr. Preisser expressed concern about where the aqueduct is located.

The session ended at 8:43 p.m.

The session was called to order at 8:45 p.m.

Board Members in Attendance:

Robert Pellegrino, Chairman
Art Hunter (Absent)
Robert Paley (Absent)
Jerry Parnes
Bernhard Preisser

Present:

Lucia Chiocchio, Esq., Attorney
of Cuddy & Feder, LLP
Eliot Senor, P.E. of Gabriel E. Senor, P.C.

Mr. Yen Wong

Proposed Subdivision

Informal Hearing

88 Lincoln Avenue into 2 Lots

Mr. Pellegrino read the notice into the record.

Mr. Pellegrino noted that before there was a railroad and before there was an Ardsley there was a farm owned by the Lefurgy family on both sides of Ashford Avenue on which the grew cucumbers for pickling, and the house at 88 Lincoln was owned by one of the Lefurgys. Later the more well-known King family moved to the Village and operated a pickle factory on King Street.

Ms. Chiocchio and Mr. Senor introduced themselves to the Board. Mr. Senor stated that this is a two (2) lot subdivision with a building lot in the back of 88 Lincoln Avenue. There is a right of way on the subdivision map that is adjacent to Prospect Avenue. The part of it would be to extend the sewer up Lincoln to provide sewer service for the two properties and currently the house is on a septic system. There is a site on the floor plan showing the driveway coming off of Prospect on the outside of the curb and there is also a gulley under there. It would be argued that there is frontage by virtue of the right of way. It was stated that the owner, Mr. Wong came informally years ago and the Board did not think that is was doable. Ms. Chiocchio explained that briefly with respect to the right of way, it is on a filed subdivision map which is referenced in case law and is enforceable on subsequent property owners. A copy was submitted to Mr. Ponzini. Mr. Pellegrino noted that the property belongs to the Village and is not a dedicated street. Ms. Chiocchio stated that she has cases on point which supported the use of the area for frontage and access.

Mr. Pellegrino asked Ms. Chiochio to submit all caselaw.

Respectfully submitted,

Donna Fusco
Recording Secretary