

**MINUTES
VILLAGE OF ARDSLEY
PLANNING BOARD
MEETING of
MONDAY, NOVEMBER 14, 2016**

I. Call to Order

The Chair called the meeting to order at 8:08 p.m.

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

**II. New York Foundling Hospital
Dev. Ctr., 2 Sylvia Avenue
Application for a One-Year Extension of Site Plan Approvals, for a new community
residence.
Public Hearing**

The Chair read the Legal Notice.

Open Public Hearing

Present: Robert Pellegrino, Esq., Chair
Altin Batska
Susan Jainchill
Bernhard Preisser

Also Present: Lucia Chioocchio, Esq., of Cuddy & Feder.

Ms. Chioocchio stated that the request for an extension is being made because New York Family is negotiating with New York State for the additional funding needed for the planned construction, and that the negotiations are taking a long time.

The Chair asked if they were negotiation with the New York State Office of Mental Health, and Ms. Chioocchio confirmed that the negotiations were with this agency.

The Chair stated that there has been no change in the law or on the ground, and that the Planning Board remains hopeful that New York Family will receive the funding.

Close Public Hearing

Mr. Preisser moved, and the Chair seconded, to close the Public Hearing. **Vote:** 4 in favor, none opposed, none abstaining.

Mr. Preisser moved, and the Chair seconded, to grant the extension as applied for in respect to this property. **Vote:** 4 in favor, none opposed, none abstaining.

III. Carol O'Neil-Roberts

12 Dellwood Lane

Various Applications, for excess floor area, for excess land coverage, for proposed two-story addition, for driveway and walkway additions Review and Comment to Zoning Board of Appeals

Present: Robert Pellegrino, Esq., Chair
Altin Batska
Susan Jainchill
Bernhard Preisser

Also Present: Carol O'Neil-Roberts, owner
Pat Acocella, owner
Sid Schlomann, architect

The Chair announced that this matter is before the Planning Board because the Zoning Board of Appeals asked the Planning Board to hear applicant and then to provide the Zoning Board with a memorandum conveying our thoughts.

Mr. Schlomann stated that applicants have been before the Zoning Board, seeking a variance to construct a three-car garage with a storage room above it, because the house has neither a garage nor a basement. Mr. Schlomann noted that the proposed square footage and impervious surface is greater than permitted.

The Chair stated that the proposed square footage and the proposed land coverage each exceed what is permitted as of right, and each exceed the maximum permitted. The Chair pointed out that both issues are within the discretion of the Zoning Board of Appeals. The Chair commented that while the excess on the house size might not seem very significant, the land coverage requested is way beyond anything he has ever seen, as the maximum permitted is 9,200 square feet and 14,600 square feet is proposed.

Mr. Schlomann reviewed alternatives to limit the excess land coverage. The Chair suggested that even a liberal position on land coverage would likely not yield more than 10,000 square feet. Mr. Schlomann stated that the current land coverage is from the

house, and patio, as the house is between 5,000 and 6,000 square feet. Ms. Jainchill reminded Mr. Schlomann that the pool, sheds and driveway also are in the existing land coverage. Mr. Schlomann stated that they have a storm water plan to account for the additional impervious surface, adding that the driveway is mud, and owners walk to the house in the snow.

Ms. O'Neil-Roberts stated that the plan for a 3-car detached garage had been previously approved, and that she had gone through the Planning Board and the Zoning Board of Appeals at that time, which was right before the recession. Ms. O'Neil-Roberts stated that the change in the current plan over that which was previously approved is that they did not like the way the prior plan looked. Ms. O'Neil-Roberts also stated that three other houses on the block have similar garages. The Chair suggested that perhaps any prior approvals predated changes in the law, but added that the request is beyond the Planning Board's jurisdiction, and that the Planning Board would not have had the authority to grant an approval.

The Chair advised applicant that the Planning Board would send its comments to the Zoning Board of Appeals in a memorandum.

IV. Vivian and Ralph W. Dillon

65 Beacon Hill Road

Application for a Special Permit for excess land coverage, for a proposed second story addition.

Public Hearing

Present: Robert Pellegrino, Esq., Chair
Altin Batska
Susan Jainchill
Bernhard Preisser

Also Present: Ralph Dillon
Vinny Mastromarco, MDA Associates,
25 Bedford Road, Sleepy Hollow, NY, 10591.

The Chair read the legal notice.

Mr. Mastromarco stated that the proposed addition would result in land coverage of 3,446 square feet, which is approximately 290 square feet over the basic permitted of 3,154 square feet. Mr. Mastromarco also noted that approximately 500 square feet of coverage is the patio. Mr. Dillon added that the pool is constructed next to a rock outcropping, so they have put pavers and patio around the pool right up to the rock.

The Chair pointed out that the concern of visibility to neighbors is not a factor here, because of the siting of the proposed addition, and because of the sparseness of proximate neighbors in that section of town.

Close Public Hearing

Mr. Preisser moved, and the Chair seconded, to close the Public Hearing. **Vote:** 4 in favor, none opposed, none abstaining.

Mr. Preisser moved, and the Chair seconded, to grant the Special Permit. **Vote:** 4 in favor, none opposed, none abstaining, as follows: The Chair – Aye, Mr. Batska – Aye, Ms. Jainchill – Aye, Mr. Preisser – Aye.

**V. Crossroad Building Corp. (by Irvington Builders Inc.)
Cross/Sprain Roads / Ashford Avenue
Application for proposed 5.8 acre Subdivision and proposed revisions to original plans.
Informal Hearing**

Present: Robert Pellegrino, Esq., Chair
Altin Batska
Susan Jainchill
Bernhard Preisser

Also Present: Paul Petretti
Richard Blancato, Esq., Blancato Law Offices
James Kennedy
The Hon. E. John Morehouse

Mr. Petretti outlined the new proposal and outlined the changes in the new proposed plan versus the prior preliminary approval. Mr. Petretti stated that the new proposal includes a road per town specification, adds three lots for a plan of fourteen lots instead of eleven, or which the lot on Ashford Avenue would be for affordable housing.

The Chair remarked that if each lot is large enough with sufficient frontage, it would be outside of the Planning Board's purview, but that the Planning Board would want to discuss the new proposed site plan with Hugh Greechan and Pat Cleary.

The Chair summarized the history of this matter, stated that the Planning Board went through this process twice. The Chair stated that the original request was for a seventeen-lot subdivision, which resulted in a plan for an eleven-lot subdivision. The Chair noted that the preliminary plat approvals for the subdivision lapsed twice. The

Chair stated that at its October meeting, the Planning Board declared itself to be the lead agency on the old plan. The Chair noted that the storm water work Mr. Petretti did resulted in a deeper and smaller collection area, which opened up this possibility for a new plan.

The Chair pointed out that for affordable housing, the County wants the character of the affordable housing to be similar to the other homes being built, and this new proposal puts the affordable two-family house on a very small lot.

Mr. Preisser suggested that the shared driveway is also a problem, and added that the proposed driveway is opposite the Middle School. Ms. Jainchill stated that a new roadway across from a difficult intersection is a problem. Mr. Petretti stated that one driveway had been approved.

The Chair stated that Hugh Greechan had been on the property, and that everyone says that Jamie (Kennedy) and Paul (Petretti) did great job. The Chair also pointed out that this does not require any variances, as it is as of right subject to buffers, etc.

Ms. Jainchill indicated her concern about adding density on less developable land, and asked about the history of the conservation easement. Mr. Petretti reviewed the history as follows: from the 1950s to the 1970s, there were fish ponds there, and in 1975, they all were filled in; after hurricane Irene, a retaining wall was built; there is flooding there for many reasons, one of which is that there was a single barrel culvert on Ashford Avenue, which was made a two-barrel culvert in the 1990s, but then someone filled it in. Mr. Petretti stated that through his work, the fish ponds have been restored, though he's been unable to get rid of the flood plain because of that culvert. Mr. Petretti also stated that in restoring the stream, they changed the contours of the conservation water area, because they realized that the area would get too dry, which would allow invasive species to take hold so that the wetland species would not survive. Mr. Petretti added that this is the second or third conservation water area he has done, and he detailed that to make sure the conservation water area is correct, you do test pits and let it sit.

Mr. Blancato pointed out that the road would likely be the same size whether it is built as an easement or as a public road, and noted that one advantage of having it be a public road is that the lots can have frontage on it. Mr. Blancato also noted that the County wanted the affordable housing to be near bus stop.

The Chair asked if any member of the public wished to speak on this matter. Judge Morehouse asked if adding lots on the Northwest side of the stream would reduce the screening to the additional houses more than what was originally considered.

The Chair stated that at its next meeting, the Planning Board will declare itself to be lead agency. Mr. Petretti asked if he should prepare a new SEQRA based on a 14- lot subdivision. Mr. Kennedy stated that if he was to build a public road, he would need the 14 lots now proposed. The Chair noted that the Board had understood that the affordable housing lot would be on Ashford. Mr. Petretti added that it is desirable for the affordable housing to be near public transportation, and suggested that there might be tax consequences if the affordable housing were placed on a larger lot. Mr. Petretti asked if they could send notices to interested agencies without delay. The Chair stated that sending them out early is probably acceptable, but suggested that Mr. Petretti check with Mr. Tomasso. The Chair added that the interested agencies get thirty days from when the Planning Board declares itself the lead agency, so that early notice to the interested agencies may not change the clock.

Mr. Preisser moved, and the Chair seconded, that the Planning Board withdraw its motion to serve as lead agency. **Vote:** 4 in favor, none opposed, none abstaining, as follows: The Chair – Aye, Mr. Batska – Aye, Ms. Jainchill – Aye, and Mr. Preisser – Aye.

**VI. Cortese
66 Bramblebrook Road
Applications for (a) proposed Two-Lot Subdivision and Site Plan Approval for Two One-Family Dwellings on Bramblebrook Road lot; and (b) Steep Slope Permit and Site Plan Approval for One One-Family Dwelling on Shady Road lot.
Continuation of Public Hearing.**

This matter was adjourned.

**VII. R. Mohring Building & Development Corp.
611 Ashford Avenue
Applications for: proposed new One-Family Dwelling; Special Permit for Excess Floor Area; Special Permit for Excess Land Coverage; Site Plan Approval.**

This matter was adjourned.

VIII. Approval of Minutes

The Chair moved, and Ms. Jainchill seconded, to approve the minutes of the Planning Board meeting of July 11, 2016. **Vote:** 3 in favor, none opposed, one abstention, as follows: The Chair – Aye, Mr. Batska – Abstainⁱ, Ms. Jainchill – Aye, and Mr. Preisser – Aye.

The Chair moved, and Mr. Batska seconded, that the minutes of the October 13, 2016 meeting be approved. **Vote:** 4 in favor, none opposed, none abstaining, as follows: The Chair – Aye, Mr. Batska – Aye, Ms. Jainchill – Aye, and Mr. Preisser - Aye.

IX. Adjournment

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

Respectfully submitted,
Judith B. Calder
Recording Secretary

ⁱ Mr. Batska abstained as he had not been present at the July 2016 meeting.