

**MINUTES  
VILLAGE OF ARDSLEY  
PLANNING BOARD MEETING of  
WEDNESDAY, JANUARY 8, 2018**

**I. Call to Order**

The Chair called the meeting to order.

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

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

**II. Michael and Mary Pipolo**

**4 Cross Road**

**Application for Steep Slope Permit, for proposed rear yard: Regrading, Retaining Walls, Steps, Patio, and Walkway  
Public Hearing**

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

Also Present: Michael and Mary Pipolo  
Ed Marron  
Larry Tomasso

The Chair read the Legal Notice.

**Open Public Hearing**

Mr. Bialowas expressed concern about the height of the proposed retaining wall relative to the ground being retained. Mr. Bialowas asked about the regrading in terms of land disturbance, and Mr. Marron stated that they would be redistributing dirt uphill and some to the front and not taking it off site. The Chair pointed out that this would not affect the stone wall or neighbors.

The Chair asked if anyone present wished to speak in support of or in opposition to the application, and no one present so wished.

The Chair moved, and Mr. Preisser seconded, to close the Public Hearing at 8:15 PM.

**Vote:** 3 in favor, none opposed, none abstaining, as follows:

Robert Pellegrino, Esq., Chair –	Aye
Paul Bialowas –	Aye
Bernhard Preisser –	Aye

### **Close Public Hearing**

The Chair moved, and Mr. Preisser seconded, to grant the application of Michael and Mary Pipolo for a Steep Slope Permit, along with the proposed regrading and construction of a new retaining wall, steps, walkway and patio, as shown on the November 10, 2017 plans of M.J.McGarvey P.E., subject to the condition that both Mr. McGarvey and the manufacturer of the retaining wall both certify as to the construction of the retaining wall, including specifically as to the intersection of the slope and the retaining wall.

**Vote:** 3 in favor, none opposed, none abstaining, as follows:

Robert Pellegrino, Esq., Chair –	Aye
Paul Bialowas –	Aye
Bernhard Preisser –	Aye

### **III. Sunshine Elmsford Realty Corp.**

**By Mr. Sumeng Ngan**

**Saw Mill River Road / Sylvia Avenue**

**Applications for new One-Family Dwelling: (a) Proposed Site Plan, including Curb Cut and Storm Water Pollution Prevention Plans; (b) Special Permit for Excess Land Coverage**

**Continuation of Public Hearing**

This matter was adjourned.

### **IV. John L. Ferrara and Maryann Casale**

**9 Overlook Road**

**Proposed Site Plan for New Two-Story Dwelling**

**Informal Hearing**

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

Also Present: John L. Ferrara and Maryann Casale  
Salvatore J. Triano, P.E., Principal, Crossland Engineering, PLLC,  
Larry Tomasso

Mr. Triano reported that applicants had received a variance for the side yard setback requirements. Mr. Triano advised that the proposal is to replace the footprint with a new structure, keeping the foundation and driveway, and that there would be no increase of impervious surface and no grade change.

Mr. Triano stated that they would like to leave the property with limited drywell capacity to accommodate the “first flush” one inch of rainfall because the site is tight, and that they would like to run a set of drywells in one quadrant where they would have the requisite ten feet separation between drywells and the house and between drywells and the property line. The Chair advised that the Planning Board would have the Village’s consulting engineer examine the proposal.

Mr. Tomasso stated that the escrow amount would be \$5,000 because there is a local SWPP requirement of inspections for new construction.

Mr. Preisser asked about the driveway and the garage, and Mr. Triano stated that the driveway would not be changed and the garage would remain in the same location.

The Chair asked if there were an issue of land coverage. Mr. Triano stated that there would be a minimal reduction in land coverage as the new deck will be a bit smaller than the existing deck, as the new deck will conform to the twenty foot rear yard setback requirement, which the existing deck does not. The Chair asked if the Zoning Board’s variance included the proposed new deck relative to the side yard setback, and Mr. Triano stated that it did.

**V. Ferdinand Markushi**  
**27 Abington Avenue**  
**Application for Wetlands Permit, for proposed: Rear Deck, Tree Removal, Filling**  
**and Grading, Stream Bank Restoration, Tree and Shrub Planting**  
**Public Hearing**

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

Also Present: Mr. Besharat, architect  
Larry Tomasso

The Chair read the Legal Notice.

### **Open Public Hearing**

The Chair asked Mr. Tomasso to brief the Planning Board on the history of this matter.

Mr. Tomasso reported that applicant had undertaken roofing and siding work without a permit, and that he did not stop the work but advised owner to get permits for the work, which the owner did. Mr. Tomasso further reported that he subsequently learned that work also was being done on the interior, for which he issued a violation notice. Mr. Tomasso stated that when he noticed a big pile of rocks, the owner told him that that he was repairing the stream, which had originally been lined with boulders, and asked Mr. Tomasso's permission to take down trees, a few of which were dead. Mr. Tomasso reported that he gave permission to take down the dead trees to avoid imminent danger, but told the owner that he would need a wetlands permit to remove the other four or so trees. Mr. Tomasso stated that the owner put rocks in the stream and took the other trees down without a permit, so Mr. Tomasso issued further violations. Mr. Tomasso reported that the owner paid fines in court for legalization fees, and that the owner is now respecting the way the process works.

Mr. Tomasso added that the owner is before the Planning Board seeking a wetlands permit, but that the replacement deck will be within the twenty-five foot buffer, so will need a permit for that as well.

Mr. Preisser asked if the work has been done except for the deck. Mr. Tomasso stated that once the property was already disturbed, he gave permission to stabilize and get grass down before the winter.

Mr. Besharat stated that applicant proposes replacing the trees that were taken down with twelve trees, and adding a hedge along the length of the stream. The Chair reported that the Planning Board will reserve on plantings until Ms. Jainchill is present, especially as the land is intermittently wet.

Mr. Bialowas pointed out that both Westchester County and New York City have guidelines on stream restoration. The Chair stated that the Planning Board will get guidance from Mr. Greechan at the next meeting, and noted that as the owner disturbed the stream, the Planning Board is entitled to make sure that it is done properly, especially as it may affect wetlands.

The applicant was advised to put \$2,000 in escrow, and to return for Ms. Jainchill's comments on plantings and Mr. Greechan's review and comments on restoration of a stream of this kind, which is not as much a natural stream as a drainage swale.

## **VI. Approval of Minutes**

Mr. Preisser moved, and the Chair seconded, to approve the Minutes of the December 2017 meeting of the Planning Board.

**Vote:** 3 in favor, none opposed, none abstaining, as follows:

Rob Pellegrino, Esq., Chair -	Aye
Paul Bialowas -	Aye
Bernhard Preisser -	Aye

## **VII. Adjournment**

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

Respectfully submitted,  
Judith B. Calder  
Recording Secretary