

MINUTES
VILLAGE OF ARDSLEY - PLANNING BOARD
MEETING of MONDAY, JUNE 8, 2015

The Session was called to order at 8:13 p.m.

Board Members in Attendance: Robert Pellegrino, Chair
 Altin Batska
 Jerome Parnes
 Bernhard Preisser

Mr. Pellegrino stated that the agenda will be taken out of order.

I. Barbara and Patrick Harrington, Fairmont Avenue
Application for 1-Year Extension of Site Plan Approval for 4 New Homes, including
Steep Slope & Wetlands Permits, and Special Permit for House Size
Public Hearing

Mr. Pellegrino read the Legal Notice on this matter.

Please take notice that the Planning Board of the Village of Ardsley will conduct a Public Hearing at 8:00 PM, Monday, June 8th, in the Boardroom of the Municipal Building, 507 Ashford Avenue, Ardsley, NY, to consider an application of Barbara and Patrick Harrington, 652 Ardsley Road, Scarsdale, NY, affecting the premises known as “end of road, North side, Fairmont Avenue, Ardsley, New York,” designated as Sec. 6.80, Block 55, Lots 1.1, 1.2, 1.3, 1.4 and 1.5 on local tax maps, in R-3 one-family residential district, formerly known as 23 Park Avenue, Ardsley, NY, Sec. 6.80, Block 55, Lot 1 and Section 17, Sheet 4, Lots B28C and B28B.

Applicants request a one-year extension of site plan approval by the Planning Board, effective June 11, 2012, and extended one year on June 9, 2014, including a special permit to increase basic permitted floor area, and steep slope and wetlands permits, for construction of four new single family residences at the premises. Anybody wishing to be heard in the application is invited to attend. Application materials filed in the Village Clerk’s Office may be viewed during office hours, Monday to Friday, 9:00 AM to 4:00 PM.

Mr. Pellegrino then recused himself, as he is a neighboring property owner.

Open Public Hearing

Mr. Parnes served as Chair and opened the Public Hearing in accordance with the Notice.

Mr. Parnes noted that Larry Tomasso, Building Inspector for the Village of Ardsley, had sent a memo to the Planning Board, which he read:

This application was originally approved in the summer of 2012, reapproved in June of 2013 and June of 2014. As was the case the last two years, the subdivision map was filed, but construction has not begun. As such, the applicants applying for an extension to the site plan approval of this project, which also include steep slopes, wetlands permit, and special permit for house size. There have been no code changes this past year that would affect and/or prohibit the approval of this project. Provided there have been no changes to the plans, there is no reason why the extensions could not be granted, subject to the terms and conditions of the original approvals.

Mr. Steven Basini of Petruccelli Engineering appeared for applicant Barbara Harrington, and stated that there have been no changes to the plans.

Mr. Michael Ader, 30 Park Avenue, reviewed two concerns which he said were raised when the project was first discussed.

The first concern was that the original entrance at 23 Park Avenue was too narrow to allow access of fire equipment. Mr. Ader said that the Village of Ardsley apparently owned 6 or 12 inches of the end of Fairmont, which the house currently on the property had been using for access, but Mr. Ader did not know where on the tax rolls these 6 or 12 inches fit. Mr. Ader said that as access had been allowed for decades, he believes common law precludes objecting to that.

The second concern Mr. Ader voiced was that an area of Park Avenue has had a tremendous drainage problem in the winter. He stated that where Orlando meets Park, there is an underground stream that opens up and is dammed to form a pond at one of the properties; this stream continues, eventually draining into an unmarked water drainage thing that is not on any of the maps; and that this pipe goes under Park Avenue, underneath other houses, and exits on King Street, where there is a small bridge; and then the water continues down the hill by the Ardsley Public Library. Mr. Ader expressed concern that removing trees and using space for basements and parking areas would render existing drywells insufficient to absorb all the water, and that this would exacerbate the existing drainage problems. Mr. Ader noted that the area across from his house is often a sheet of ice in the winter, and that the Highway Department puts down a lot of salt there. Mr. Ader also pointed out that under certain conditions much of Park Avenue beyond 23 Park Avenue gets wet, and that the basements of several of the houses on the Eastern side of the street have been flooded. This raises the concern that the site plan does not provide adequate water handling during heavy rains and such.

Mr. Basini responded, stating that the concerns about drainage downstream on Park Avenue and for the neighboring properties, about storm water run-off on Fairmont, and about the increase in curbiage for the houses, was all addressed in the subdivision hearings. There was much back and forth between the Village Engineer and the public during the time initial approval process. Mr. Basini reported that, based on the Village Engineer's comments, there was an increase in the design for the storm water. There are infiltrators placed underneath the cul-de-sac at Fairmont Avenue that picks up all of the storm water off of the road, none of that will run off into the

properties, 100% will be stored there. The houses themselves have drywells installed on the property, which are oversized for their capacity because of the concerns of the slopes and the hill here, and I don't believe that any runoff would occur outside of what's already there – ground water sloping down that hill. This was approved by the Village Engineer at the time. Nothing has changed. The site hasn't changed. I do not believe that there has been any increased erosions due to any storms or any other storm events, tree fallings or anything. The ground is still the same, the perks are still the same, and we believe that this plan would prove beneficial, and not increase the storm run-off.

Mr. Parnes noted that the Planning Board had gone through all of this carefully for a year or two along with the Village's consulting engineer. There is a large drainage catchment area beneath the cul-de-sac, and it had been agreed that a homeowner's association comprised of the homeowners of the new houses would be responsible for maintaining the system. Mr. Preisser emphasized that the system was created because the Board had required tremendous capacity be placed under the cul-de-sac to capture water. Mr. Parnes also recalled the discussion of the pipe, which had taken up several meetings. Mr. Parnes reminded the Planning Board that the building inspector has said that there has been no change since those discussions around the initial approval.

Close Public Hearing

On Motion of Mr. Parnes, seconded by Mr. Preisser, the public hearing was closed.

VOTE: 3-0. (Of the 4 Planning Board members present, Mr. Pellegrino had recused himself.)

Approval of One-Year Extension of Time on Subdivision Map and Site Plan

Mr. Parnes moved that the Planning Board approve a one-year Extension of Site Plan from June 8, 2015 to June 7, 2016, for the construction of four (4) single family residences on the property known "end of road, North side, Fairmont Avenue, Ardsley, New York," subject to the terms and conditions of the original approvals. Mr. Preisser seconded the motion.

VOTE: 3-0. (Of the 4 Planning Board members present, Mr. Pellegrino had recused himself.)

After the vote, Mr. Pellegrino resumed the Chair.

II. Robert Powers (by Richard Mohring, contract vendee), Ridge Road Proposed Single Family Residence Preliminary Review

Stephen Anderson, of Gabriel E. Senor, P.C, land surveyor engineers, addressed the Board. He recalled presenting to the Board in 2007, when the project was initially approved. He advised that the house footprint is changed slightly, but everything else on the site is "pretty much the same." The house footprint has changed in that the jogs in the front of the house are a little bit different than what was there originally, but the setbacks are the same as in 2007.

Mr. Anderson reported doing an extensive drainage report in 2007. They also had checked into some of the storm structures going down across the road and down. The report showed that all of the structures had capacity for the overflow, but they also did a study to show that the post-development would have no net increase to the pre-development.

Mr. Pellegrino asked Mr. Powers if he now had a buyer for the property, and Mr. Powers indicated toward Mr. James Mulvey, Jr. Mr. Mulvey stated that he was representing his father-in-law, the purchaser, who is currently developing the Tampone property on Heatherdell Road.

Mr. Pellegrino noted that the Building Inspector listed the required approvals: site plan review, storm water management, steep slope permit, and a driveway curb cut permit. A wetlands permit is also required unless the applicant proves that wetlands do not exist at the property.

Mr. Pellegrino stated that the Planning Board would require a Consulting Engineer for the project. Mr. Pellegrino advised Mr. Mulvey that the initial escrow should be \$5,000, to be, which will be used to pay actual out of pocket expenses in connection with the Engineer's report.

Mr. Pellegrino also advised Mr. Mulvey to contact Larry Tomasso to put this matter on for a hearing and to check on the appropriate notices required, so as not to have the matter put over for another month.

Mr. Pellegrino asked Mr. Mulvey to discuss his plans for the house. Mr. Parnes pointed out that drawings submitted show a proposed two story frame dwelling with some site plan notes, but not a proposed site plan itself. Mr. Anderson stated that the plan is "pretty much the same" as the prior plan. Mr. Pellegrino replied that "pretty much" is not "the same," and suggested that Mr. Anderson check with Larry Tomasso to make sure that he has everything he needs.

Mr. Parnes pointed out that the steep slope permit requirement may not have been in effect in 2007. Mr. Parnes also asked if there was runoff, and suggested that if there was a management study, it should be updated and resubmitted. Mr. Pellegrino pointed out that runoff from this property is to the North.

III. Approval of Minutes

Mr. Pellegrino moved to approve the minutes, as amended, of the Planning Board's April 2015 meeting.

VOTE: 3-0. (Mr. Preisser abstained, as he had not been present at the April meeting.)

Mr. Pellegrino moved to approve the minutes, as amended, of the Planning Board's May 2015 meeting.

VOTE: 3-0. (Mr. Parnes abstained, as he had not been present at the May meeting.)

Adjournment

There being no other business, the meeting of the Planning Board was adjourned at 8:25 PM.

Respectfully submitted,

Judith B. Calder
Recording Secretary