

The meeting was opened at 8:00 p.m. on Wednesday, April 25, 2012.

Board Members Present: Chairman Goodfarb, Ms. Hoffman, Ms. Kaboolian, Mr. Amir, Mr. Wiskind

Announcements – Next Meeting

The May meeting is scheduled for 8:00 p.m., Wednesday, May 23, 2012.

Approval of Minutes:

February 22, 2012 – A motion to approve the February minutes, as amended, was made by Ms. Kaboolian, seconded by Ms. Hoffman and passed unanimously.

The changes have been made to the February 22, 2012 minutes and a final version has been submitted to the Village Clerk.

Respectfully submitted,

Lorraine McSpedon

Board Members Present: Chairman Goodfarb, Ms. Hoffman, Ms. Kaboolian,
Mr. Wiskind

**ELIZABETH TAMPONE
50 HEATHERDELL ROAD
ARDSLEY, NEW YORK
SECTION 6.50, BLOCK 20, LOTS 6 & 7
IN AN R-3 ONE-FAMILY RESIDENTIAL DISTRICT**

Chairman Goodfarb read the legal notice for area variances for a proposed subdivision into three building lots with proposed: (1) street frontages of less than 60 feet and (2) a distance of less than 15 feet between an existing swimming pool and a proposed side boundary (Code subsection 200-24,- 28B).

Mr. Paul Petretti, Civil Engineer and Landscape Architect, presented himself to the Board and produced the Return Receipt cards which he gave to the secretary. Mr. Petretti is representing Mrs. Elizabeth Tampone and explained that the application concerns area variances for property located on Heatherdell Road. This proposal has been before the Planning Board for a couple of months and has gone through a couple of renditions.

Mr. Petretti explained that the Planning Board would like to see individual driveways off of Heatherdell Road. Mr. Petretti stated that all of the three lots are larger than are required in the proposed zone; Lot A is 15,382; Lot B is 11,794 and Lot C is 13,532 sq. ft. There is an existing house which will be demolished. There is an existing swimming pool, built in 1988, which will remain.

Mr. Petretti gave an overview of the area surrounding the property and explained how the driveways would exit onto Heatherdell Road. There would be one driveway for Lot A and a common driveway for Lots B and C, which will require an easement. The configuration of the driveways meets the standards of the ASHTO Code. The site distance is up to standards also.

Chairman Goodfarb stated that, according to Mr. Tomasso, the original plan which was submitted and included a cul-de-sac, conforms to the Code. However, the Planning Board stated that the cul-de-sac was unsafe. Mr. Petretti explained that the cul-de-sac was safe and the driveways were placed in almost the identical spot as the current proposal. The Planning Board does not want a cul-de-sac. Mr. Amir questioned whether or not the Planning Board gave a reason for not wanting a cul-de-sac. Mr. Petretti explained that the Planning Board had many concerns, however, he feels that either option should be acceptable.

Mr. Wiskind stated that Mr. Tomasso's memo indicates concerns regarding the aesthetics of the neighborhood.

Ms. Hoffman questioned the aesthetic differences between a cul-de-sac versus three driveways. Ms. Hoffman stated that the Planning Board has sent this request to the Zoning Board for an application which, when originally designed required no variances. Therefore, the Zoning Board's requirement is that if no variances, or minimum variances, are required it is their obligation. She expressed concerns that the Planning Board has requested a situation be created which now require variances for non-conforming lots.

Ms. Hoffman went on to state that the Zoning Board must now determine whether or not variances should be created where, originally, none were required. Ms. Kaboolian agreed with Ms. Hoffman.

Mr. Petretti explained that he is not opposed to either design. He showed the Board the plan with the cul-de-sac and explained that each option achieved the same goal in terms of safety. Mr. Petretti explained that the Planning Board did not like the idea of the big turn around with all of the pavement.

Ms. Kaboolian questioned why the three driveways at the end could not be merged, similar to the cul-de-sac design. Mr. Petretti mentioned that the design would become rather complicated. The issue of plowing could also cause a problem. Mr. Petretti also explained why he added an island to the design. Mr. Petretti went on to explain that the Planning Board did not like the mass of the cul-de-sac and therefore, they pointed Mr. Petretti in the direction of the common driveways.

Chairman Goodfarb again stated his concern as to whether or not the Planning Board has the authority to make that request. Since the original design conformed to the Code, Chairman Goodfarb questioned whether or not the Planning Board had the authority to request changes be made because they do not like it. Chairman Goodfarb also stated that he believes the Planning Board has exceeded their authority.

Mr. Petretti explained that his first concern with design is safety.

Mr. Carolyn Freidash, neighbor of the proposed cul-de-sac/driveways, stated that her understanding of the issue was that the property is steep and, therefore, a steep slope variance was needed in addition to the cul-de-sac. She also stated that she did not believe a cul-de-sac could be built without a variance. Ms. Freidash also expressed concern regarding emergency vehicle limitations with a cul-de-sac.

Mr. Petretti explained that the cul-de-sac is a statutory application to Code. The steep slope issues were explained also and it was explained that no variances were required for the steep slopes.

Mr. Petretti elaborated on the Planning Board's decision and mentioned that maintenance was a concern. He also defended the new three driveway plan since dry wells would not be required.

Mr. Amir questioned whether or not safety was a concern with regard to emergency vehicles. Mr. Petretti stated there were not with either plan.

Mr. Amir brought up the point of easements to the various lots. Mr. Petretti explained his design.

Ms. Kaboolian confirmed the width of the three driveways with Mr. Petretti.

Ms. Hoffman stated that she was in agreement with Chairman Goodfarb as far as the Planning Board's inability to refer a new application to the Zoning Board due to the fact that they did not like the cul-de-sac, which does not require variances.

Discussion took place regarding the rights of the Planning Board to decline a design which conforms to the Code. Mr. Petretti explained that the cul-de-sac would need to be maintained by the Village. Ms. Hoffman disagreed since the maintenance issue should not be a concern; it is a cost of doing business and should not be a reason to decline a design.

Ms. Hoffman questioned the difference in impervious surface between the two designs. Mr. Petretti explained that the cul-de-sac has approximately 25% more impervious surface.

Mr. Petretti defended the Planning Board decision. Ms. Hoffman questioned the Village's right to deny a design due to the fact that they would have to pay to maintain it.

Mr. Petretti stated that, contrary to what is believed to be true, Stonegate is not getting flooded out.

Ms. Kaboolian stated that a legal opinion was necessary to determine if the Planning Board has a right to forward this application to the Zoning Board of Appeals. She also mentioned that the Zoning Board needs to see the Planning Board minutes. Chairman Goodfarb agreed.

Ms. Hoffman clarified the requested variances. Since there is no subdivision as yet and, therefore, no Lot "A", a variance cannot be granted for side yard since there is currently no side yard.

Mr. Wiskind referred to Mr. Tomasso's memo stating that the proposed opening of Chimney Pot Lane would cause a safety issue. Therefore, there are alternate solutions which are undesirable.

Chairman Goodfarb expressed his concern for setting a precedent if a variance is granted for something that alternately, could comply with Code, and stated his desire to obtain an opinion from Attorney Ponzini.

Ms. Hoffman questioned the animal hospital application and it was determined that, after being referred to the Zoning Board and being granted a variance, the Planning Board did not grant the subdivision anyway.

Mr. Petretti suggested the Board consider the benefit to the applicant of the driveway design since the impervious area is being reduced and the burden on the Village is being minimized.

Mr. Petretti did a comparison of the two designs. Mr. Petretti mentioned that in order to proceed with the application, he planned to return to the Planning Board with the second (driveway) design.

Ms. Elizabeth Tampone, applicant, questioned why there was a problem with the driveway design. Mr. Petretti explained the mechanics of attending the Planning Board meeting in order not to miss the next Zoning Board meeting. Ms. Tampone stated that, according to Mr. Tomasso, the cul-de-sac was too close to Heatherdell and needed to be moved back since there was only a 15 foot setback and Mr. Tomasso stated that the driveway scenario was safer.

Mr. Joseph Rittola, 39 Heatherdell Road, requested a Planning Board meeting take place in order for the application to progress.

Ms. Tampone questioned whether or not there is any way the subdivision can be approved prior to the design being approved. Ms. Hoffman explained that a conformity issue was being questioned.

Mr. Petretti suggested the Zoning Board speak to the Village Planner and Attorney Ponzini.

Ms. Kaboolian stated that perhaps the Planning Board was concerned about safety issues with the cul-de-sac.

Ms. Carolyn Freidash, neighbor, expressed her respect for the Zoning Board of Appeals' members. She mentioned that a walk through did take place on the property and the engineer at the site stated a cul-de-sac would look like a Walmart parking lot and that it would change the character of the neighborhood. Mr. Petretti stated that the current design of the cul-de-sac is as small as it can get to be practical.

The meeting was adjourned until May, 2012 in order to seek legal advice.

**ARDSLEY MALL, INC.
(BY ARDSLEY RESTAURANT GROUP, INC.)
925 SAW MILL RIVER ROAD
ARDSLEY, NY
SECTION 16, SHEET 1, BLOCK 0000/0, LOT P13K
(901-935 SAW MISS RIVER ROAD)
IN A B-3 SHOPPING CENTER BUSINESS DISTRICT
(CONTINUATION)**

For a use variance to permit live entertainment at Pumpernickel Restaurant (Subsection 200-80. 1A).

Ms. Kaboolian made a motion to adjourn the application until next month. Seconded by Ms. Hoffman and passed uananimously.

A motion was made by Ms. Kaboolian, seconded by Ms. Hoffman, and passed unanimously to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Lorraine McSpedon
Recording Secretary