

**MINUTES
VILLAGE OF ARDSLEY
PLANNING BOARD MEETING of
MONDAY, MARCH 12, 2018**

I. Call to Order

The Chair called the meeting to order.

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

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

**II. Andrew Cortese
7 Shady Lane
Special Permit Application for Excess House Size for Proposed New One-Family
Dwelling
Public Hearing**

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

Also Present: John M. Scavelli, P.E., ResReal Designs, 361 Route 202, Ste. 7,
Somers, NY, 10589
Jill Strick, 60 Bramblebrook Road, Ardsley, New York

The Chair read the Legal Notice.

Open Public Hearing

The Chair stated that this home is in a subdivision for which the site plan had been approved, but that the square footage of the garage had not been included in the calculations. The Chair pointed out that the garage is beneath the house, there is neither increase in land coverage nor change to the footprint or site plan. The Chair

stated that the basic permitted floor area is 3,043 square feet with a maximum within the Planning Board's discretion of a little over 3,500 square feet, and that including the garage the floor area would be 3,378 square feet, and noted that the Board of Architectural Review already approved the house itself.

The Chair asked if any member of the public wished to speak in support of or in opposition to the application.

Ms. Strick stated that the proposed house is in view of her backyard, showed where her home is relative to subject property, and asked if applicant can be required to do landscaping. The Chair acknowledged that applicant had exercised its property rights over what had been a wooded area that had been the view from Ms. Strick's backyard, whereas now her view will be of three homes.

The Chair stated that the Planning Board's discretion on Floor Area is informed by both land coverage and topography. Mr. Scavelli pointed out that the subject property slopes up toward the back and the garage is thus at the basement level.

Mr. Bialowas stated that he had served on the Board of Architectural Review when it had reviewed the subject house and another house in the subdivision. Mr. Bialowas stated his opinion that this house has destroyed the character of the 1960s wooded neighborhood and stated that he would not support any square footage in excess of that permitted as of right.

The Chair pointed out that this project was reviewed, including by the Board of Architectural Review, which saw the plans and the elevations, and that the present application reflects what was contained in those reviewed and approved plans. The Chair stated his opinion that the additional requested square footage is not significant in that the site plan has not changed and that the additional square footage of the garage will not alter anyone's view. The Chair also stated his opinion that this home does not destroy the character of the Bramblebrook area as the homes at Bramblebrook's top are much larger and that the 1960s homes on the left side of Bramblebrook are different in character from the homes on the right side.

Ms. Jainchill and Mr. Preisser stated that the requested excess floor area is below the maximum permitted, and that the Planning Board may well have granted a permit for the excess house size had it been included in the original application and site plan. The Chair added that there have been instances when the Planning Board has not given one foot over the basic permitted, that he does not recall the Planning Board having ever granted the maximum permitted, and that the Board always takes into account how it is screened, what does it affect, is it more land coverage.

The Chair advised Mr. Scavelli to have Mr. Cortese contact Ms. Strick about the landscaping. The Chair noted that the Planning Board recently has required applicants to return to the Planning Board with a landscaping plan prior to the issuance of a Certificate of Occupancy.

After waiting to allow potential latecomers to speak, when no one appeared, the Chair moved, and Mr. Preisser seconded, to close the Public Hearing at 8:25 PM.

Vote: 4 in favor, none opposed, none abstaining, as follows:

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| Rob Pellegrino, Esq., Chair – | Aye |
| Paul Bialowas – | Aye |
| Susan Jainchill – | Aye |
| Bernhard Preisser – | Aye |

Close Public Hearing

The Chair moved, and Mr. Preisser seconded, to grant the Special Permit for Excess House Size, which is requested due to a presumed error in the calculation of floor area, which was originally shown as within the basic permitted 3,043 square feet, but which is actually 3,378 square feet including the square footage of the garage, where the additional requested square footage of the garage that is underneath the house neither changes the footprint of the house or the site plan nor materially affects the topography of the site or the visibility, and where the plans including elevations were presented to and reviewed and approved by the Board of Architectural Review (BAR) with whatever changes the BAR requested, with the proviso that this Special Permit only relates to the additional square footage of the inclusion of the garage, and does not waive any requirement for planting plan.

Vote: 3 in favor, 1 opposed, none abstaining, as follows:

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| Rob Pellegrino, Esq., Chair - | Aye |
| Altin Baksta - | Aye |
| Paul Bialowas - | Nay |
| Susan Jainchill - | Aye |

III. 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
Continuation of Public Hearing

Present: Rob Pellegrino, Esq., Chair
Paul Bialowas

Susan Jainchill
Bernhard Preisser

Also Present: Mr. Besharat, architect

The Chair noted that this matter had been on the agenda in January, had been continued to February, at which meeting applicant did not appear.

The Chair stated that, pursuant to the escrow the Planning Board had required, the Planning Board had asked Woodward and Curran, the Village's consulting engineers, to examine the brook restoration that had been done, and that Woodward and Curran had advised the Planning Board that the section of the brook that had been restored appeared to be properly stabilized with natural stone, and that any further restoration would entail substantial disturbance of the steep slope, which neither Woodward and Curran nor the Planning Board would be inclined to recommend.

The Chair added his opinion that applicant should return to the Planning Board to present a landscape plan prior to the issuance of a Certificate of Completion. Mr. Besharat stated that he had already contacted a landscape architect, Robert Sherwood. The Chair advised that the landscape architect should examine the property after a rain or two because, as Mr. Bialowas had pointed out at a previous meeting, down slope from the subject property are wetlands. Ms. Jainchill added that plantings should be native and non-invasive. Mr. Besharat assured the Board that Mr. Sherwood has worked locally and is licensed in New York.

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

The Chair moved, and Mr. Preisser seconded, to close the Public Hearing at 8:23 PM.

Vote: 4 in favor, none opposed, none abstaining, as follows:

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| Rob Pellegrino, Esq., Chair – | Aye |
| Paul Bialowas – | Aye |
| Susan Jainchill – | Aye |
| Bernhard Preisser – | Aye |

Close Public Hearing

The Chair moved, and Mr. Preisser seconded, that the Planning Board grant the Wetlands Permit for the proposed Rear Deck, Tree Removal, Filling and Grading, Stream Bank Restoration, all of which have been completed and reviewed by the Village's Consulting Engineer but for Tree and Shrub Planting, which is part of the application, subject to and conditioned upon applicant returning to the Planning Board with a

Landscape Plan signed by the Landscape Architect that takes into account species appropriate for the area and the site conditions.

Vote: 4 in favor, none opposed, none abstaining, as follows:

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| Rob Pellegrino, Esq., Chair – | Aye |
| Paul Bialowas – | Aye |
| Susan Jainchill – | Aye |
| Bernhard Preisser – | Aye |

**IV. 708 Yellow Jersey LLC
708 Saw Mill River Road
For Proposed Building and Site Construction: (a) Proposed Site Plan; and (b)
Proposed Parking Plan
Review and Comment to Board of Trustees (Lead Agency)**

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

Also Present: Joseph G. Thompson, Registered Architect, DeGraw & DeHaan,
55 North Street, Ste. 101, Middleton, NY, 10940
Diego Villareale, PE, Associate Principal, 120 Bedford Road,
Armonk, NY, 10504

The Chair noted that this matter, involving the building formerly occupied by a drug store, was before the Planning Board strictly on a review and comment basis. Mr. Thompson stated that the present building is not presently habitable, adding that the suites on the two bottom floors have been vacant for some time, and that the four residential units had to be vacated earlier in the year due to mold.

Mr. Thompson explained that the plan is to reconstruct the existing front portion of the footprint, making minor façade improvements, while maintaining the laundromat in the back as is. Mr. Thompson stated that the plan involves generally the same footprint and the same amount of impervious coverage, as well as the same number of parking spaces, for which a variance had previously been granted, and that the plan anticipates retail use on the ground floor and reduces from four residential apartments to three more spacious apartments.

Mr. Villareale pointed out that a site plan had been included in the package, showing the proposed freshening up of the existing conditions including new sidewalk along the property frontage tying in to the existing dropped curbs and ramps on either side of the

driveway to maintain access, and keeping all the parking spaces essentially the same but adding a 42-inch wide sidewalk between the parking spaces and the building.

The cantilevered second floor and the runoff therefrom was discussed.

Applicant indicated the capacity for a green roof which is not in the plans and which Ms. Jainchill stated would be desirable.

Mr. Preisser asked about lighting, and Mr. Thompson stated that the plan is to illuminate the building.

Planning Board Consensus on Recommendations:

The Planning Board wants to see all easements that affect the property, including any for utilities or sanitary sewer. Mr. Thompson stated that they are not all shown on the survey but will get them from the title report and show them on the survey.

The Planning Board's memo to the Board of Trustees is attached.

**V. 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.

VI. Approval of Minutes

The Chair moved, and Mr. Preisser seconded, that the Minutes of the February 2018 meeting of the Planning Board be approved as amended.

Vote: 4 in favor, none opposed, none abstaining, as follows:

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| Rob Pellegrino, Esq., Chair – | Aye |
| Paul Bialowas – | Aye |
| Susan Jainchill – | 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