

**MINUTES  
VILLAGE OF ARDSLEY  
PLANNING BOARD MEETING of  
MONDAY, APRIL 8, 2019**

**I. Call to Order**

The Chair called the meeting to order at 8:00 PM.

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

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

**II. Andrew Cortese (by John M. Scavelli, P.E.)  
4 Shady Road  
Special Permit Application to Increase Basic Permitted Floor Area from 3540  
Square Feet to 3684 Square Feet for Proposed New Dwelling  
Public Hearing**

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

Also Present: John Scavelli, engineer, Res Real Designs  
Larry Tomasso, Building Inspector  
Peter and Nancy Malkin, 64 Bramble Brook Road, Ardsley  
Tom Bassini, 2 Shady Road, Ardsley  
Jeffrey Zuckerman, 30 Euclid Avenue, Ardsley

The Chair read the Legal Notice.

**Open Public Hearing**

Mr. Scavelli introduced himself and produced the seventeen green cards received in response to the twenty-five notices mailed.

Mr. Scavelli described the layout of the proposed two-story dwelling and showed the proposed elevations.

Mr. Tomasso stated that based on the lot size, the basic permitted square footage would have been 3,973 square feet, with the proposed 3684 being more than 300 square feet lower than the basic, but that under the "30% Rule," the proposed square footage is 144 square feet over.

The Chair asked if any member of the public wished to speak on this matter.

Mr. and Mrs. Malkin asked how the size of the proposed house would impact proximity to their house and if it changed the required distance to property lines. Mr. Scavelli stated that the proposed house is 150'11" to the Malkins' property line and does not encroach on any setbacks.

Mr. Zuckerman asked what the setback rules are and Mr. Tomasso stated that in an R-3 zone, the setbacks are twenty feet to the front and the rear and fifteen feet on each side. Mr. Scavelli stated that the proposed house is 20'7" from the rear property line.

Mr. Zuckerman asked if a contractor would be allowed to dig into a berm. The Chair stated that that would depend upon the site plan.

Mr. Bassini and Mrs. Malkin stated that applicant had paved as promised.

Ms. Malkin asked how long the digging and jackhammering would continue. Mr. Scavelli stated that the target is to complete work by the end of this year, depending on approvals, and added that the work related to the foundation should not last long.

Mr. Bassini stated that he had no complaints with the proposal.

Ms. Jainchill asked if there is a fence on top of the five-foot wall. Mr. Scavelli replied that he would verify that on the site plan drawings.

The Chair moved, and Mr. Preisser seconded, to close the Public Hearing.

**Vote:** 5 in favor, None opposed, none abstaining, as follows:

Rob Pellegrino, Chair – Aye  
Altin Baksta – 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 a special permit to allow an additional 144 square feet to be added to what is otherwise the permitted house size under the "30% Rule," on basis of de minimus impact from the configuration of the lot, the location of the house on the lot, the setbacks and the distance from the property downslope.

**Vote:** 5 in favor, None opposed, none abstaining, as follows:

Rob Pellegrino, Chair – Aye

Altin Baksta – Aye

Paul Bialowas – Aye

Susan Jainchill – Aye

Bernhard Preisser – Aye

### **III. Mr. Richard Mohring Robert James Contracting Corp 33 Judson Avenue Proposed Site Plan, including Storm Water Pollution Prevention Plan, for Proposed New Dwelling Public Hearing**

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

**Also Present:** Richard Mohring, applicant  
Michael Mastigiamo, project designer  
Larry Tomasso, Building Inspector  
Joon and Hannah Im, 21 Judson Avenue  
Jeffrey Zuckerman, 30 Euclid Avenue, Ardsley

The Chair read the Legal Notice.

### **Open Public Hearing**

Mr. Mastigiamo produced the thirteen green cards received in response to the thirty Notices mailed.

Mr. Tomasso stated that there had been no informal hearing and no escrow account established, so the Village's consulting engineers have not yet reviewed the proposal.

In response to questions from Ms. Jainchill and Mr. Zuckerman, Mr. Mastigiamo advised that the finished floor is at 133.38 grade, that in the front and back of the property there are six-foot high walls about four feet apart, which will probably be of engineered unilock, and that the distance from the second wall to the property line is approximately forty feet. Ms. Jainchill asked that applicant provide pictures of the proposed unilock.

Mr. Zuckerman asked if the slope would be compromised and expressed concern about the trees and wildlife between his and the subject property. Mr. Mastigiamo stated that the slope will not be compromised, that applicant is not touching the foliage in the back of the property and noted that a restriction of the subdivision maintains an area in the back of the property. The Chair added that the application will include a tree plan.

Mr. Zuckerman asked if applicant could build a pool, and the Chair advised that this would depend upon the original subdivision approval and the required setbacks.

Mr. Bialowas expressed concern about building due to the steep slopes. The Chair informed the applicant that although there were no steep slope statutes at the time of the subdivision in 1993, applicant is now subject to the steep slope statutes, and that if there are slopes of 25% or greater in grade, applicant will face additional requirements pursuant to Article X of the Village Code.

Mr. Bialowas and Ms. Jainchill asked about flag lots. Mr. Tomasso explained that under the Ardsley Code a flag lot is not defined by shape but by frontage. Mr. Tomasso stated that the lot, though non-conforming now, is legal, as it was approved when fifty feet was the minimum frontage required. Mr. Tomasso added that if there are steep slopes, the Planning Board has to consider safeguards, but that this would not reduce the lot size or what can be built on it because it is a pre-existing lot.

Mr. Im asked about the time line of the review process. The Chair advised that the Planning Board could review this matter at its next meeting or the meeting after. Mr. Tomasso stated that after any Planning Board approval, applicant would need approval from the Board of Architectural Review and then a State code plan review, after which the developer could begin construction.

The Chair asked applicant to establish an escrow account so that the Village's consultant could review the proposal. The Chair also advised applicant to provide a location map that included driveway openings, tree removal and landscape plans, to revise the zoning worksheet, and to be exactly sure on the topography, to go out and show it, noting that the average is also a factor. Mr. Tomasso added that applicant should make sure that the physical measurements match the scale, which they presently do not.

This matter will be continued.

**IV. New York Foundling Hospital  
2 Sylvia Avenue  
Proposed Landscaping Plan for New One-Story Dwelling (conditionally approved  
May 8, 2017)  
Review as Condition of Site Plan Approval**

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

Also Present: Jay Diesing, architect  
Larry Tomasso, Building Inspector  
Jeff Sparr, Sylvia Avenue, Ardsley

Mr. Diesing stated that the Planning Board had wanted to review the landscaping plan once the house was up, that the house is under construction and that they have submitted a new landscaping plan, revised to reflect the Board's comments at the May 2017 meeting. Mr. Diesing specified that the revisions include removing invasive species and adding more plantings in some areas. Mr. Diesing showed that the plan has screening around the parking area with both deciduous and evergreen trees, including blue spruce, red maple and a mixture of holly, boxwood and ornamental grasses, that there is a planting island in the middle of the loop-around driveway with another red maple and sweet pepper bush around the maple, and that there are similar plantings around the front of the building with grasses and pepper bush and hollies.

Mr. Sparr asked if they could shield the cable and electrical equipment. The Chair noted that the cable and electrical equipment was not on applicant's property. Mr. Diesing showed Mr. Sparr how they are screening his view of the parking lot.

Ms. Jainchill stated that the revised landscaping plan overall looks pretty good as it has non-invasive plantings appropriate for the climate and that the plantings are primarily native. Ms. Jainchill noted that she would prefer a Norway or white spruce rather than the bluish color and suggested that applicant use pines, American holly or Alix Glaboso.

The Chair moved, and Mr. Preisser seconded, that the Planning Board approve the landscape plan, subject to adding two more trees in one area and adding larger non-compact bushes in another area, and subject to replacing the blue spruce with another native spruce of eight feet high.

**Vote:** 5 in favor, None opposed, none abstaining, as follows:

Rob Pellegrino, Chair – Aye

Altin Baksta – Aye

Paul Bialowas – Aye

Susan Jainchill – Aye

Bernhard Preisser – Aye

**V. Mr. and Mrs. Martin Dahlgaard**

**559 Ashford Avenue**

**Special Permit Application to increase Basic Permitted Floor Area, for a Proposed 1,224 Square Foot Addition on the Northwest Side of Existing Dwelling  
Continuation of Public Hearing**

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

**Also Present:** Martin Dahlgaard, applicant  
Larry Tomasso, Building Inspector

The Chair stated that after applicant appeared before the Board of Architectural Review (BAR), the Planning Board received a memorandum from the Chair of the BAR stating that it had *“recommended placing a hip roof at the top of the new addition, which could entail a height variance from the Zoning Board of Appeals. The applicant replied that he desired the terraces as shown on the drawings and not a hip roof. Subsequent submission drawings should show correct elevation heights and details on how the new addition attaches to the existing roof.”*

Mr. Dahlgaard stated that applicants’ purpose for the flat roof is to create a roof deck. The Chair stated that the Planning Board’s purpose is to consider things such as integration with the existing home and neighboring properties, and suggested that a partial hip or mansard or a façade of such would still leave ample room for a deck.

Mr. Dahlgaard asked if the roof as a design feature was not solely within the purview of the BAR. The Chair explained that when the Planning Board evaluates issuing a special permit, it considers much more than drainage, including visibility from neighboring properties, the character, interest and scale of a proposed roof or building façade, the architectural design features, materials and colors, landscaping and tree removal.

Mr. Bialowas pointed out that there is about ten feet of exposed basement wall and the finished elevation is about three feet above grade, which makes this look like a three-story 1,500 square foot addition rather than a two-story 1,200 square foot addition. Mr. Tomasso explained that because there are no bedrooms in the basement which, according to the plans are not a full story above grade, the basement square footage is not included in the calculations. Mr. Tomasso stated that the basic square footage permitted is 3,741; the maximum that can be granted by the Planning Board is 4,326; and that applicants' proposed 4,259 square feet is approximately 75 below the maximum and approximately 500 over the basic. Mr. Bialowas stated that the house as proposed would be out of scale with its neighbors along Orlando and that from heavily travelled Ashford Avenue it will look like a three-story house.

Ms. Jainchill also stated that a more thoughtful design would respect the view from the street and would better fit in Ardsley. Ms. Jainchill echoed that a good portion of the basement wall is visible now, that when the house is extended out, more of the basement wall will be visible as the land slopes down, which gives the impression of a taller house. Ms. Jainchill suggested bringing in grade to improve the impression from the road and noted that there was no grading plan in the application package.

Ms. Jainchill pointed out that a lower maximum height is allowed for flat rooves and requested an analysis of what height would have been permissible for the proposed flat roof absent the existing non-conforming roof line.

Mr. Dahlgaard expressed his desire to begin his project. To make Mr. Dahlgaard's return to the BAR most efficient, the Chair polled the Board members on their opinions so that these could be shared with the BAR. Three members want the grade changed so that the basement wall is not visible on the South and West sides of the building and will defer to the BAR as to the roof, with two of those three members preferring a sensitively designed addition. Two members want the roof to have some type of slope, such as a mansard or hip, even if just a false front, and also want the grade changed and the basement wall screened. Ms. Jainchill will write a memo to the BAR expressing these views of the Planning Board.

Applicant is to return to the Planning Board with a site plan that shows the grading.

**VI. Crossroad Building Corp.  
By Patrick Kennedy, Irvington Builders Inc.  
Sprain Road and Cross Road / Ashford Avenue  
Application for Final Subdivision Approval for a Proposed 5.8 Acre Subdivision  
(based on Preliminary Subdivision Plat Approved May 8, 2017)  
Continuation of Public Hearing**

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

Also Present: Patrick Kennedy, applicant  
Richard Blancato, Atty  
Paul Petretti, engineer  
Steve Lopez, landscape architect  
Larry Tomasso, Building Inspector  
Alvaro Lorenzo, Woodward & Curran  
Pat Cleary, Cleary Consulting

The Chair stated that this is for consideration of final plat. The Chair also addressed two items that had arisen at a prior meeting, the concept of a work session and the possibility of requiring a bridge. The Chair advised the Board that Village attorney Ponzini had informed him that a work session after preliminary plat approval is going back and is therefore not within the rights of the Planning Board, and that a bridge was not to be considered due to potential liability.

Mr. Cleary advised the Board that the preliminary approval that the Board modified in 2017 was conditional, that the applicant has pursued obtaining permits from the Health Department, etc., in conformance with that preliminary approval, and they now return with the final subdivision plat for final approval. Mr. Cleary stated that the final plat must substantially conform to the preliminary plat and applicant must demonstrate compliance with all the conditions of the preliminary approval. Mr. Cleary clarified that the Planning Board adopted a Negative Declaration based on the theoretical development of this property and evaluated the impacts, and that if consistency with the thresholds then established has been maintained, the task has been accomplished.

Mr. Lorenzo stated that the final plat is generally consistent with the preliminary plat. Mr. Lorenzo added that applicant has furnished all required materials and permits. Ms. Jainchill asked if the final plat is also consistent with the Negative Declaration and stated that the Board has not reviewed each item on the Negative Declaration. Mr. Lorenzo stated that each item is not reviewed at this stage, as it was thoroughly examined when



the Negative Declaration was issued. Mr. Lorenzo stated that the present review is to determine if there has been any substantial change to the environmental impact. Mr. Lorenzo concluded that the disturbance limits have been satisfied and that they find the environmental impact of the final plat to be equivalent to the original.

Mr. Cleary stated that in his and Mr. Lorenzo's opinions, applicants have fulfilled the thresholds established in the Negative Declaration and the Board is now in a position to review the final plat. Mr. Cleary pointed out that the lot lines, footprints and roadways have not changed, that a positive modification has been made at the Board's request in supplemental landscaping, and that it is unnecessary to go to step one as what is now before the Board is the evolution from preliminary to final plat.

Ms. Jainchill asked if and when the Planning Board determined that this was a final application for final plat approval. Mr. Cleary replied on behalf of himself and Mr. Lorenzo that the application is now complete, subject to the consultants' memos, and that the Board can move forward with the application once those issues are addressed.

Ms. Jainchill and Mr. Bialowas expressed concerns about the grading. Mr. Baksta asked if the new landscaping impacted the grading, and Mr. Lopez replied that it did not. Mr. Lorenzo stated that the cubic feet and areas of disturbance on the final plat are equivalent to those on the preliminary grading plan, and that on this point, applicant has the right to advance to final approval stage. Mr. Lorenzo added that his memo does not comment on trees, but does summarize the changes for the Board, such as a new retaining wall to preserve a tree and a 30" oak now shown to remain.

Mr. Lopez reviewed the landscaping plan, noting that every plant is native except for two from the Pacific Northwest. Mr. Lopez explained that there is a street tree presence on the cul-de-sac, with one major tree and one minor tree on each lot outside of the right-of-way which will be the responsibility of the property owners. Mr. Lopez showed the evergreens for screening on the back of Sprain Road, along the perimeter of the cul-de-sac to protect from car headlights, and on lot 13 so it doesn't look into the existing pool. Mr. Lopez added that the side yard fronting Ashford Avenue will have some deciduous trees but mainly evergreens. Mr. Lopez stated that they are introducing plantings such as river birches along the stream, both to soften the edge of the stream and to keep the stream water cooler for amphibians. Mr. Lopez added that behind the constructed wetlands there will be mixed woodland plantings. Mr. Blancato added that the current plan calls for planting 100 trees that are not on the original plan. Mr. Kennedy stated that that one lot had been made longer to save two trees that the Planning Board wanted saved.

There was a discussion about the water table, specifically of the lot with the pond.

There was a discussion about the goal of providing a sidewalk and the challenges this presented, including space, easements, municipality of property, etc.

The Chair noted that despite the consultant's advice that the preliminary and final plats are consistent, some Board members still voiced concerns about grading and tree preservation. The Chair therefore requested that the Board be provided an overlay with the preliminary and final plats highlighting the differences.

The Chair reminded the Board that each lot will come back for site plan approval, which will give the Board the opportunity to look at and comment on walls and grading for each lot. Mr. Cleary confirmed this, adding that there is a benefit to building over time, such that the site will evolve with each lot, giving the Planning Board the opportunity to mitigate conditions associated with the construction activities.

The Public Hearing was then adjourned to the following month.

## **VII. Approval of Minutes**

The Chair moved, and Mr. Preisser seconded, that the Planning Board approve the Minutes of the Planning Board meeting of January 15, 2019.

**Vote:** 5 in favor, None opposed, None abstaining, as follows:

Rob Pellegrino, Chair – Aye  
Altin Baksta – Aye  
Paul Bialowas – Aye  
Susan Jainchill – Aye  
Bernhard Preisser – Aye

The Chair moved, and Mr. Preisser seconded, that the Planning Board approve the Minutes of the Planning Board meeting of February 11, 2019.

**Vote:** 5 in favor, None opposed, none abstaining, as follows:

Rob Pellegrino, Chair – Aye  
Altin Baksta – Aye  
Paul Bialowas – Aye  
Susan Jainchill – Aye  
Bernhard Preisser – Aye

The approval of the Minutes of the March 2019 Planning Board meeting was adjourned.

## **VIII. Adjournment**

There being no other business before the Planning Board, the Planning Board adjourned its meeting at 9:50 PM.

Respectfully submitted,  
Judith B. Calder  
Recording Secretary