

**MINUTES
VILLAGE OF ARDSLEY
PLANNING BOARD MEETING of
MONDAY, JUNE 10, 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. John Rhee and Michelle Kim
33 Captain Honeywell's Road
Application for Grading and Filling Permit for Proposed New Retaining Wall in
Rear Yard
Review**

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

Also Present: John Rhee
Ed Marron, architect
Michael McGarvey, M.J. McGarvey, P.E., P.C.
Jack Polman, 44 Beacon Hill Road, Ardsley, NY
Larry Tomasso

Mr. Marron stated that the proposal is to replace an existing railroad tie wall with a mason block wall and to add a patio. Mr. Marron showed the Board pictures of the proposed wall, and Mr. Polman showed the Board that his property is adjacent to the subject property. Mr. McGarvey explained that the proposed wall will reach

approximately the same grade as the existing wall, and that the wall will not be visible to the neighbor due to the grade differential between the two properties. Mr. Polman asked about the drainage, and Mr. McGarvey stated that they would be installing Cultechs.

**III. James R. and Andrea B. O'Neill
5 Captain Honeywell's Road
Special Permit Application to Increase Basic Permitted Floor Area from 3540 to
3627 Square Feet for Proposed Addition
Public Hearing**

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

Also Present: James R. O'Neill
Paul Bialowas, architect
Larry Tomasso

The Chair read the Legal Notice.

Open Public Hearing

Mr. James R. O'Neill produced 18 green cards received in response to the Notices mailed.

Mr. Bialowas began by noting that he had recused himself from consideration of the matter.

Mr. Tomasso advised the Board that a Special Permit is required due to the so-called "Thirty Percent Rule," and that absent that rule (which is intended to cover more complex circumstances), the requested square footage would be almost 500 square feet less than the square footage permitted as of right.

Mr. Bialowas provided the Board with a map of neighboring properties. Mr. Bialowas stated that the proposed addition is over the garage in the back of the house, and that the house after the addition will not be overpowering but will be in keeping with the neighborhood. The Chair noted that the proposal reduced the amount of impervious land coverage, so the impacts are negligible, given also the location of the addition.

Lastly, the Chair noted the Building Inspector's point regarding the square footage being within that permitted as of right, subject to the Thirty Percent Rule.

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

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

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

Rob Pellegrino, Chair – Aye

Altin Batska – Aye

Susan Jainchill – Aye

Bernhard Preisser – Aye

Close Public Hearing

The Chair moved, and Mr. Batska seconded, that the Planning Board grant a special permit to increase the floor area to 3627 square feet.

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

Rob Pellegrino, Chair – Aye

Altin Batska – Aye

Susan Jainchill – Aye

Bernhard Preisser – Aye

IV. Drs. D. Aranbayev and R. Amable 905-907 Saw Mill River Road Application for Joint Use of Shopping Center Parking Spaces for Proposed Change of Use to Dental Offices Review and Comment to the Board of Trustees

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

Also Present: Larry Tomasso, Building Inspector

Mr. Tomasso advised the Board that applicants will be using the space in the remaining vacant space of what had been the Foodland store.

The Planning Board stated that the Board of Trustees should be advised that the Planning Board has no objection to the requested parking reduction.

**V. 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, Esq.
Steve Lopez, landscape architect
Larry Tomasso, Building Inspector
Alvaro Lorenzo, Woodward & Curran
Pat Cleary, Cleary Consulting

Mr. Blancato stated that the prior meeting on this matter had been adjourned, as the Planning Board had wanted Mr. Petretti to mark the difference in grades as an overlay, which depiction has now been provided. Mr. Blancato noted that the grades were changed in one area to try to save trees and that Mr. Lopez is available to answer questions. Mr. Blancato then requested that the Public Hearing be closed.

Mr. Lorenzo stated that they have reviewed this latest submission of the overlay of grade differential. Ms. Jainchill asked if the dark lines were the grades that were approved in 2017, and Mr. Lorenzo stated that they were. Mr. Lorenzo noted that subsequent to that, some slight changes took place in response to Health Department requirements, that they noted those changes, found that none of those changes were significant, and concluded that the current plan is in substantial agreement with the preliminary approved plan.

Mr. Cleary concurred that the current plan is in substantial compliance with the approved preliminary plan and that the Planning Board can consider moving this to final approval. Mr. Cleary stated that the Planning Board's SEQRA review is complete. Ms.

Jainchill stated that the purpose of SEQRA is to start doing the environmental review, and that one can continue to talk about the environmental impact.

Ms. Jainchill asked if the Planning Board could be given a plan that shows the limit of disturbance. Mr. Blancato stated that except for the road and the right of way for utilities on the side of the road, the rest of site will not be touched until applicant comes before the Board for each lot for site plan approval. The Chair asked Mr. Tomasso his opinion of a drawing to indicate the limit of disturbance. Mr. Tomasso explained that building permits are issued incrementally, and that applicant may not build on any lot until the site plan for that lot is approved.

Ms. Jainchill asked about the process of site approval for each lot and suggested that some buyers may prefer a wooded lot to one with a lawn. Mr. Lopez stated that each buyer will indicate their preferences for their lot. The Chair pointed out that neither the developer nor the homeowner will be able to create the landscape plan and grading desired without Planning Board approval.

Mr. Bialowas asked about the procedure for protecting trees during construction. Mr. Tomasso stated that before work begins, both Woodward & Curran and the Building Inspector insure that there are erosion controls in place and that trees are marked before permission is granted to remove or harm a tree; that questions about a tree may be decided on the field and if unresolved there, would return to the Planning Board. Mr. Tomasso added that a breach could result in a stop work order and that if applicant is brought to Court, they would have to return to the Planning Board.

Mr. Bialowas asked if there is an escrow account for this. Mr. Tomasso stated that the escrow account is for hiring consultants, and that there is a \$300-400,000 bond for all infrastructure work, which includes drywells on individual lots.

Mr. Bialowas asked if storm water drainage is in place for everything or if that is reviewed with each lot site plan. Mr. Tomasso stated that every new house has cultechs with the overflow going into the retention basin. Mr. Bialowas asked what would occur if there were a flood after the developed properties are sold. The Chair pointed out that village governments do not insure homeowners' properties. Mr. Tomasso stated that there are regulations for construction in flood plains, that the homes will have flood plain certificates, and that the buyers' attorneys will advise buyers that they must have flood plan insurance. Mr. Preisser added that the buyers' mortgagors also will require it. Mr. Blancato noted that all the engineering within the homes are currently two feet above flood plain.

Ms. Jainchill asked about the regulations of moving and filling (earth) within a flood plain and asked about the wording of a permit for fill. Mr. Tomasso stated that for every lot in the flood plain, there must be a flood plain development permit as well as a

building permit. Mr. Tomasso stated that for fill added, there must be a reduction elsewhere, that this is why the work was done on the stream and the retention pond.

The Planning Board discussed pedestrian access. The Chair stated that he would like there to be a sidewalk on Cross Road to the light at Ashford Avenue, but that if that is not possible (due to the Town of Greenburgh and/or individual property owners), he would like to require sidewalks in the development on both sides of both cul-de-sacs. The Chair believes that it is not for the applicant to negotiate with the Town of Greenburgh, and therefore recommended that money be put aside to create safe pedestrian access. The Chair also stated his view that creating a passage between the two cul-de-sacs (across the stream) is a liability and an “attractive nuisance” because the stream can rise six or seven feet and roars.

Ms. Jainchill suggested that a homeowners’ association could be created so that the association could subsequently decide whether to create a crossing over the stream. The Chair stated that he would not want the homeowners to decide whether to create passage over an area that floods, and that he does not think that anyone should walk through or have kids playing on its banks. Mr. Bialowas stated that it would be human nature to walk through or play there and that he feels that would constitute individual “assumption of risk.” Mr. Bialowas also stated that he believes it is possible to construct a safe raised walkway and added that anyone can slip and fall on a sidewalk too. Mr. Bialowas further pointed out that people might put boards across the stream of their own volition. Ms. Jainchill reiterated that she would like future homeowners to have that option. Mr. Batska stated that if the Board cannot mandate access, the future is open to possibility.

Mr. Blancato asked if the Board would be asking for both sidewalks and a credit or for either sidewalks or a credit. The Board advised that it would be either, not both.

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

This matter was adjourned.

VII. Approval of Minutes

The approval of minutes was adjourned.

VIII. Adjournment

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

Respectfully submitted,
Judith B. Calder
Recording Secretary