MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL, ON WEDNESDAY, FEBRUARY 6, 2002

Members Present: Peter Lilienfield
William Hoffman
Jay Jenkins
Walter Montgomery, Secretary
Carolyn Burnett

Also Present: Lino Sciarretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Nicole Coddington, ECB Member
Applicants and other persons mentioned in these Minutes.

IPB Matters Considered:

94-03 – Westwood Development Associates, Inc.
Phase 1, (Tract A)

00-40 – Astor Street Associates, LLC
Sht. 7, Portion of P-25000

01-26 – Danfor Realty
Sht. 13B, P-5, P-5C

01-41 – James R. Gleason & Katherine Gleason
Sht. 14, Bl. 224, Lot 1,6,40

01-45 – Larry & Ronna Rudolph
Sht.12B, Lot 14

01-47 – Simon & Vesna Luburic
Sht. 10F, Bl. 253, Lot 2

02-01 – Vincent Anzano
Sht. 13B, P-11

02-02 – Yen & Elsie Wong
Sht. 13, P-37

02-03 – Abbott House
Sht. 10, P-21

02-04 – Joseph DeMatteo
Sht. 12B, Lot 31

02-05 – C. M. Pateman & Associates, Inc.
Sht. 11, P-27K

The Chairman called the meeting to order at 8:00 p.m.

Administrative:
With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

Note: 94-03 Westwood and 00-40 Astor Street will be heard at a Special Meeting on March 13, 2002 at 8:00 p.m.

IPB Matter # 00-40: **Application of Astor Street Associates, LLC for Subdivision and Site Development Plan Approval for Property at Astor Street.**

Paul Sirignano, Esq. appeared for the Applicant. This matter, a continuation, involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates. Mr. Sirignano reported that the Applicant and the Board are reviewing the Lead Agency's Environmental Findings Statement under SEQRA and that the Applicant is preparing a draft resolution for the Board's consideration. The Chairman requested that the Applicant provide the Board with an updated subdivision plat, consider how to proceed with the Village Board of Trustees relative to the issuance of a Special Permit, and confer with Tim Miller Associates about various SEQRA issues. The Board scheduled a special meeting on this matter for February 13. 2002.

IPB Matter # 00-41: **Application of James R. Gleason & Kathleen Gleason for Preliminary Subdivision and Limited Site Development Plan Approval for property at 115 South Broadway.**

Mr. Gleason appeared on his own behalf. This matter, a continuation, involves the proposed subdivision of a merged lot, in a Multi Family Residential District at the corner of East Clinton Avenue and Broadway, into two building lots, one of which currently has a house. The Chairman opened the Public Hearing on this matter.

For purposes of SEQRA, the Board determined that this was an Unlisted action. The Board reviewed the EAF submitted by the Applicant, and further determined that there was no significant impact; as such, it concluded to a negative declaration. Following discussion of the application with input from both the Applicant and the public, the Board reached a consensus with regard to the proposed subdivision into two lots. The Board determined that a modification to the front yard setback measured from East Clinton Avenue, would provide for a building envelope that would be more conducive to development than the narrow envelope that is presently permitted by Code. The Board agreed to forward the Application to the Zoning Board of Appeals for consideration of

reducing said front yard setback from 30' to 15'. Such reduction, however, would be conditioned upon the following, to which the Applicant agreed: a) a single shared driveway along the eastern property line serving both lots; b)any building on the lot would be restricted to a height of the lesser of 1) the average of the houses on the two adjoining lots or 2) that allowed by the Zoning Code; c) a rear yard setback of 30' measured from the edge of the driveway easement, resulting in a 45' setback from the eastern property line; and d) any residence to be constructed on Lot B (at the corner of Clinton and Broadway) would be limited to a single, one (1)family house. The Board emphasized its intent to ensure the new structure conforms to the character of the neighborhood.

Mr. Hoffman agreed to draft a letter to the Zoning Board outlining the Board's concepts and conditions. Subsequent to the ZBA's determination, the Applicant will return to the IPB to continue the review of the Application.

IPB Matter # 02-05: **Application of C. M. Pateman & Associates for Determination of Site Capacity for property at 200 Mountain Road.**

Mr. Charles Pateman appeared before the Board to discuss the Application, which is seeking a Determination of Site Capacity from the Planning Board as the first step towards development of the property. Applicant submitted: Subdivision Map prepared for Frank & Ruth Nicodemus, prepared by Charles Riley, L.S., dated March 15, 1985 last revised April 16, 1986, Topographical Survey of Property prepared for Frank and Ruth Nicodumus by Donald J. Donnelly, Land Surveyor, P.C., dated December 19, 2001 and Resource Protection Plan for C.M. Pateman & Associates, Inc., by Cronin Engineering P.E., P.C., dated January 25, 2002.

Mr. Pateman reviewed the history of the property, noting that the Planning had granted subdivision approval in 1985, subject to a variance granted by the ZBA for a reduction in frontage from 150 feet to 117 feet. Also discussed was the proximity of the property to a public sewer. The Board noted that the Environmental Conservation Board submitted a letter, dated February 6, 2002, urging a careful review of the Application in light of the environmental sensitivities of the property.

Several members of the public indicated their objections to the development of this site and indicated its importance from an environmental standpoint. Heidi Jellinghaus of 204 Mountain Road (1 Hermit Road) submitted a letter requesting that there be no building permitted on the property. Two other individuals who were present in the audience expressed concerns about the potential environmental problems that a house on the property would create.

The Chairman pointed out that the Application indicated that the property has a site capacity of zero, and that any potential development would require action on the part of

the ZBA. The Board then voted unanimously, on motion duly made and seconded, to set the site capacity at zero.

IPB Matter # 02-03: **Informal Discussion of Abbott House for Renewal of Special Permit.**

Marianne Sussman, Counsel, and Robert Costello, Director of Operations of Abbott House, appeared for the Applicant.

Ms. Sussman briefly reviewed a history of the Special Permits for Abbott and cited the last IPB Resolution for a Special Permit (issued in 1997). The Chairman emphasized that the renewal process is still in the informal stages, and that Mr. Marron will furnish a report on this matter to the Board.

Ms. Sussman submitted an Irvington Police Department report on accidents on Strawberry Lane; the report covered the period from April 1,1997 to January 18, 2002 and showed one incident in December, 1999, involving damage to a stone wall that appeared to have been caused by a motor vehicle.

The Chairman and Mr. Sciaretta said that a checklist of issues should be prepared and reviewed at a public hearing. At this point, the Board set March 6th as the date of its next Regular Meeting.

Mr. David Kaplan of 39 Circle Drive, who had submitted a letter of January 3, 2002 to the Board, asked about the legal basis for Abbott House's use of Strawberry Lane. The Chairman said this question needed to be checked by Mr. Sciaretta. Mr. Kaplan also stated that his concerns include speeding and reckless driving by Abbott House drivers. The Chairman said that such issues should be aired at a public hearing, which at the request of the Applicant was deferred until April.

IPB Matter #01-45: **Application of Larry & Ronna Rudolph for Waiver of Site Development Plan Approval for Property at 56 Manor Pond Lane.**

There was no appearance on behalf of the Applicant.

IPB Matter #01-47: **Application of Simon and Vesna Luburic for Site Development Plan Approval for property at Northwest corner of Fieldpoint Drive and Harriman Road.**

Mr. Rudolph Petrucelli, P.E., and Mr. Barry Milowitz, Architect, represented the Applicant, and Mr. Luburic appeared before the Board as well. Site Development Plan Approval is being requested for a 56,785 square-foot parcel of land that is part of the Approved Subdivision Map for Louis Goodkind. Plans entitled: Proposed Site Plan for Mr. Simun Luburic by Petruccelli Engineering dated October 22, 2001, revised January 22, 2002 (three sheets), and Luburic Residence by The Milowitz Office dated November 21, 2001, revised January 21, 2002 (four sheets). The Chairman opened the Public Hearing.

Mr. Petrucelli reported that the plans for the house had been modified, dropping the height of both the house and the garage to 33' 6" at the mid-point of the house roof and 26'11" to the top of the garage.

Mr. Marron said there are no coverage issues, except for the proposed rear deck, which would encroach on the rear yard setback; this would require a variance. The IPB can approve the site plan with the deck, conditioned upon the approval of the variance by the Zoning Board of Appeals. The Chairman said the Applicant should stipulate on the site plan that the plan is null and void if the ZBA denies a variance.

Mr. Robert Markfield, a neighbor, said that he is concerned that the stream on the site may affect his property during the construction process. The Chairman noted that there will be no redirection of the stream, and also that, per Mr. Mastromonaco's memorandum of January 9, 2002, revisions to the bridge are not to reduce the area of the existing stream. The Chairman said that the site plans should note that work in the culvert is to be reviewed by the Village's engineering consultants. In addition, any disturbance by construction in or near the 100 year flood plain will require full review to the satisfaction of Mr. Marron, to be sure the flood plain is restored to its present condition. The Chairman also said that Mr. Mastromonaco should be present at the site during the construction process affecting the culvert. In response to Mr. Markfield's concern about what will happen to trees at the back of the property, Mr. Petrucelli said that two trees may come down, due to grading.

This matter was continued to the March meeting with the Applicant to revise plans regarding the culvert, notes, and perhaps the rear yard intrusion.

IPB Matter # 01-26: **Application of Danfor Realty for Subdivision Approval for property at Harriman Road.**

Paul Petretti, Civil Engineer and Land Surveyor, appeared for the Applicant. This matter is a continuing application for preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved).

Mr. Petretti reviewed changes in the plans that he believed addressed concerns expressed by the Board – e.g. the right-of-way, parking, radius of the cul de sac, tree preservation, width of the easement. The Chairman noted that such issues need to be highlighted in the notice for a public hearing, and that the frontage along several lots should be carefully scrutinized. He also said the drawings should be recreated with overlays to show clearly how various issues are being addressed.

Mr. Sciaretta said that the conveyance of the "lot" at the corner of Harriman and Park remains an issue, and that the creation of such lot can occur solely for the purpose of conveyance and not for development on that lot. Mr. Petretti reiterated that this lot would not be developed.

The Chairman stated that the Board can go no further with this application until the Lead Agency status is established; with the concurrence of the Board, he directed that the applicant circulate notification of the Board's intent to be Lead Agency. A neighboring property owner asked how this new development would affect his property. The Chairman said that the building envelope and setback issues will be handled at subsequent meetings at which the public will have opportunity to raise their concerns.

At the request of the Applicant, this matter was continued by the Board to its April meeting.

Matter #02-04: **Application of Joseph DeMatteo for Site Development Plan Approval for property at 39 North Brook Lane.**

Greg Gates, Architect, representing Richard Henry Behr Architect, appeared for the Applicant along with Mr. DeMatteo. Plans entitled DeMatteo residence by Richard Henry Behr, Architect, P.C. last revised January 23, 2002 (three sheets) were submitted.

The Chairman noted that a survey is required, and that there is a critical outstanding question regarding ownership of land between the private road and the DeMatteo property; the plans indicate that the driveway serving the DeMatteo lots crosses over land that is part of an adjoining lot. The Applicant indicated that he was in the process of acquiring the land, which required the approval of other property owners who used the same private road. The Board indicated that this would likely necessitate subdivision Approval from the Board, which in turn would require receipt of additional information, including approval of other affected property owners, modifications to easements, etc. The Board, the Chairman added, cannot approve changes to lot lines that may make a lot non-conforming vis-à-vis the Village Code, necessitating further information.

Several specific issues were raised by the Board with regard to the Applicant's plans, including the configuration of the proposed fence. The Chairman said that the Environmental Conservation Board submitted a letter regarding the preservation of trees. Mr. Marron stated that the proposed work as envisioned would also require a letter from the Tennessee Gas line company. The Chairman said, and the Board concurred, that a legal transfer of the land in question and a complete application are necessary before a public hearing can be held. This matter was continued.

IPB Matter #02-01: **Application of Vincent Anzano for Site Development Plan Approval for Property at 220 Harriman Road.**

The Applicant appeared for himself. The Application relates to the legalization of an existing above ground swimming pool that was built without Planning Board approval.

The Chairman recused himself, and Mr. Hoffman presided; he opened the Public Hearing on this Application. The Board concurred that all outstanding questions regarding this application had been resolved. There were no additional comments from Mr. Mastromonaco or the Public. The Board closed the public hearing, determined that the application was for a Type II action under SEQRA, and took the following action. On motion duly made and seconded, the Board unanimously granted site development plan approval for the plans entitled Anzano Pool Project, prepared by Louis Lemond, P.E., dated September 4, 2001 last revised January 14, 2002.

IPB Matter # 02-02: **Application of Yen and Elsie Wong for Site Development Plan Approval for property at 36 Butterwood Lane East.**

Emilio Escaladas, Architect, appeared for the Applicant, seeking site development plan approval for construction of a single-family residence on a presently undeveloped lot that was previously subdivided by the Board.

The Chairman cited Mr. Mastromonaco's memorandum of February 6, 2002, which noted that concerns previously raised by Mr. Mastromonaco had been adequately addressed. It was confirmed that there are no issues with drainage, coverage, the height of the proposed stone wall, or the drywell. There followed a discussion about the grading and the height of the proposed garage. Mr. Marron said that the proposed construction meets Code requirements.

Upon motion duly made and seconded, the Board unanimously approved plans entitled Proposed Resubdivision of a Lot, Yen and Elsie Wong, Site Plan, Miscellaneous and Other Details prepared by Escaladas Associates last revised February 5, 2002.

The Board confirmed March 6, 2002, at 8:00 p.m. as the time of its next regular meeting, and February 13th, 2002, at 7:30 p.m. as the time of a Special Meeting to review IPB matters # 94-03 (Westwood) and #00-40 (Astor Street).

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Walter Montgomery