

PLANNING BOARD

RUTHERFORD HALL
 VILLAGE HALL
 SCARSDALE, NY
 September 28, 2016

A regular meeting of the Planning Board of the Village of Scarsdale was held in Rutherford Hall in the Village Hall on Wednesday, September 28, 2016, at 8:00 p.m.

Those members present were: James Blum, Chair, John Clapp, Linda Doucette-Ashman, Thomas Longman, Dan Steinberg and alternate member Harold Porosoff. Also present were Village Attorney Wayne Esannason, Village Engineer Frank Balbi and Village Planner Elizabeth Marrinan.

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Upon motion duly made and seconded, the minutes of the August 3, 2016, meeting were approved as amended.

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The Chair said good evening. As we begin this evening's meeting I'd like to take a few moments to explain the Board's procedure. We hear each application in the order in which it is noticed -- we hear first from the applicant and then from any persons speaking in favor of or in opposition to the application.

After all of the evening's hearings, the Board deliberates. Deliberations are not open to the public, but the Board's voting on all applications is done in public once the deliberations are over. You are free to leave at the conclusion of your hearing or to wait outside Rutherford Hall during deliberations and return for the Board's vote. Should you decide to leave before the vote, you can obtain the Board's decision by calling Elizabeth Marrinan at Village Hall tomorrow at 722-1132. Also, tomorrow the decisions will be posted on the web at www.scarsdale.com under Planning. Whether you stay or go has no bearing on the Board's deliberations or decision.

At the conclusion of deliberations on each application, the Board attempts to reach a consensus. For an application to be granted, at least three of the Board's five members must vote in favor of that application. The Board's decision is memorialized in a written resolution. The resolutions are filed at Village Hall and are available to the public.

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The Chair noted that the request from Karl Friberg, Evelyn Peterson and Anne-Marie Peterson, for a Preapplication conference, pursuant to Chapter A319-39 of the Village Code, to discuss a potential two lot subdivision with a private road at 54 Park Road, identified on

the Village tax map as Sec. 16, Blk. 3, Lot 7, would be held over at the request of the applicant.

The reading of the following legal notice was waived by unanimous vote of the Board.

**LEGAL NOTICE
PUBLIC HEARING
PLANNING BOARD
VILLAGE OF SCARSDALE**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Village of Scarsdale in Rutherford Hall in Village Hall, 1001 Post Road, Scarsdale NY 10583, on **Wednesday, September 28, 2016**, at 8:00 p.m. at which time and place the Planning Board will consider the following:

1. The application of Hitchcock Presbyterian Church for Site Plan approval, pursuant to Chapter 251 of the Village Code, to install two free-standing identification signs on the property located at 6 Greenacres Avenue, identified on the Village tax map as Sec. 5, Blk. 2, Lots 10, 11.12, 64, 65, 93 and 94.
2. The application of F.S. Fish #32/ S. Oder TIC for an amendment to the Site Plan to relocate the fitness room, reconfigure the lower parking area, provide a more direct secondary egress from 2 Weaver St. and to make certain changes to the south, west and north facades of the new building located at 2-4 Weaver Street, identified on the Village tax map as Sec. 18, Blk. 2, Lot 88A

The Board will also consider:

3. The request from Karl Friberg, Evelyn Peterson and Anne-Marie Peterson for a Preapplication conference, pursuant to Chapter A319-39 of the Village Code, to discuss a potential two lot subdivision with a private road at 54 Park Road, identified on the Village tax map as Sec. 16, Blk. 3, Lot 7.
4. The application of 970 Post Road LLC for an amendment to the re-subdivision approval of 8 Roosevelt Place and 972 Post Road to relocate the water connection for 972 Post Road, identified on the Village tax map as Sec. 11, Blk. 4, Lots, 24A1 and 24B1.
5. The request from Brookby Holdings LLC for an extension of time to file the subdivision plat for 35 Brookby Road, identified on the Village tax map as Sec. 18, Blk. 1, Lot 46.

Copies of the above applications are on file in the Coordinating Office at Village Hall and may be viewed by interested parties at any time during usual business hours. To receive meeting agendas by e-mail, visit www.scarsdale.com and "Subscribe to News". By Order of the Planning Board, Scarsdale, New York, dated September 15, 2016. Elizabeth Marrinan AICP, Village Planner.

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CASE #7 OF 2016

1. The Chair declared the hearing open on the application of Hitchcock Presbyterian Church for Site Plan approval, pursuant to Chapter 251 of the Village Code, to install two free-standing identification signs on the property located at 6 Greenacres Avenue, identified on the Village tax map as Sec. 5, Blk. 2, Lots 10, 11.12, 64, 65, 93 and 94.

Reverend Pete Jones, Betsy Bush, Jim Buck and Bob McFarlane, representatives, were present.

Mr. McFarlane described the application.

Mr. McFarlane said that the Church has experienced an uptick in new visitors. He said that the current small and obscure sign on Walworth Avenue is insufficient for new visitors. He said that this can result in dangerous traffic maneuvers and confused visitors, which negatively affect the surrounding neighborhood and village.

Mr. McFarlane said that the proposed positions for the two larger signs would ensure visibility from all approaches. One sign will be visible from Walworth and Greenacres Avenues, and the other will be visible from Greenacres Avenue and the exit from the Metro North parking lot. Mr. McFarlane said that the signs are compatible with the Church's architecture, comply with the Village Code's rules applicable to commercial signs and do not impair sight distance requirements at the Church's driveways.

Ms. Doucette-Ashman asked if the signs will be illuminated. Mr. McFarlane said yes, the sign on Walworth and Greenacres Avenue will use an existing power supply while the other will rely on solar power. The lights will be recessed into the ground shining upward onto the signs.

Ms. Marrinan asked whether the applicants had considered the hours the signs would be illuminated. Mr. McFarlane said that this had not been established but the signs would not be illuminated for the whole night. He said that the Church spire is illuminated and is on an automated timing mechanism. He suggested that the signs would be on a similar timeframe.

Mr. Longman asked if the design shown in the application is to scale and whether this will be the final design and position. Mr. McFarlane said yes, they are to scale and will be the final design and position. He said that the Church has given significant consideration to the appearance of the sign, because the applicant values the aesthetics of the building.

Mr. Porosoff asked whether the sign will be double sided, as he felt that a single sided sign would not be visible when travelling north on Walworth Avenue. Mr. McFarlane said that the applicant had considered this, and the sign has a sufficient setback from the roadside, which ensures that the sign is visible to both north and southbound traffic.

Mr. Porosoff asked why the applicant had decided on the proposed dimensions, and whether they had considered making it smaller. Ms. Bush said that due to the length of the words, the applicant wanted to ensure that it would be sufficiently visible. The applicant had worked with a signage company to determine the necessary size.

The Chair asked Mr. Balbi whether the Village was aware of any traffic issues around the Church. Mr. Balbi said that the Village Police would know if there were traffic issues in the area, but he had not asked them about this. Reverend Jones said that there is a pre-school located at the Church, and this was one of the main reasons for proposing the signs in order to alleviate traffic issues, such as u-turns on Greenacres Avenue.

The Chair said that it was not readily apparent where the Church's onsite parking is located. Ms. Bush said that the signs have a message board component that could be used to indicate where the parking is.

The Chair asked if the applicant had considered whether a sign outside of the Village's right of way would be an option. Mr. McFarlane said yes, the applicant had used a mock up to test different locations, and the proposed location is the only position that ensures visibility from both directions on Greenacres and Walworth. Reverend Jones also said that the location had been chosen as the safest option for motorists attempting to read it.

Ms. Doucette-Ashman asked what type of mechanism the Village would use if the sign were to be located in the right of way. Mr. Balbi said the Village would require a license agreement with the property owner. The Chair asked whether the property owner already had this agreement for the existing sign. Mr. Balbi said yes, they should already have it for the existing sign, in which case the agreement would need to be amended.

Mr. Balbi said that he felt the sign did not pose a visual obstruction when exiting from the on-site parking onto Greenacres Avenue, but that the tree directly to the left did, as it obscures the view of oncoming traffic. He asked whether the Church intended to rectify this. Reverend Jones said the applicant will consider this.

The Chair asked whether the applicant had considered that having a sign that was not square to the building may make it seem less permanent. Reverend Jones said that the applicant had worked with a company that regularly designs signs for churches. They recommended that the sign be slightly off-set to be visible from both Walworth and Greenacres Avenues. The Chair said he was more concerned with the sign on the other side. Ms. Bush said that this sign was intentionally directed towards traffic coming from the Bronx River Parkway exit, as the most common approach on that side.

The Chair asked if there was anyone in the audience who would like to speak to the application either in favor or opposition.

No other person desiring to be heard, the Chair declared the hearing closed.

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CASE #8 OF 2016

2. The Chair declared the hearing open on the application of F.S. Fish #32/ S. Oder TIC for an amendment to the Site Plan to relocate the fitness room, reconfigure the lower parking area, provide a more direct secondary egress from 2 Weaver St. and to make certain changes to the south, west and north facades of the new building located at 2-4 Weaver Street, identified on the Village tax map as Sec. 18, Blk. 2, Lot 88A.

Mark Behr, project architect, Steve Oder, Fred Fish, Andrew Fish, owners, Al Kroll, the owners' representative and Joseph Plouffé, architect, were present.

Mr. Behr described the proposed changes as described in correspondence submitted with the application.

Mr. Clapp asked Mr. Behr to describe the transition between materials at the corner of the south and east elevations. Mr. Behr said that the stone on the south elevation will gradually fade to stucco as it approaches the first archway.

Mr. Longman asked whether the Village Code requires carbon monoxide detectors in parking garages. Mr. Balbi said that once you exceed the 20% threshold of open air ventilation you do not require detectors.

The Chair asked about the decision to try to replicate the wood and stucco look on the west elevation around the garage, which he felt may not be necessary. Mr. Behr explained that their goal is to maintain a very residential appearance, by using the wood and stucco materials along with the railings in the openings of the garage and decks.

Ms. Doucette-Ashman asked whether the property includes the piece of land between the rear of the building and the Heathcote Bypass, which has existing landscaping. Mr. Behr said no, it is county land, it is part of the bypass right of way. Ms. Doucette-Ashman asked whether the landscaping plan goes up to this boundary line. Mr. Behr said yes.

Mr. Clapp asked Ms. Marrinan about the design monitor representing the Village, and whether the Village has received any reports. Ms. Marrinan said she has not worked directly with the monitor who was appointed by the Board of Trustees to advise the building department in monitoring the building and unit permits. She said that the monitor's role is to enforce any approvals by the Board of Architectural Review and the Planning Board.

Ms. Marrinan asked whether there were any changes to the proposed landscaping along the rear of the property. Mr. Behr said no. He described the proposed plan, which is to plant both evergreen and deciduous plants along the rear of the property. He said the intention of the plantings is to screen the parking garage and the view from the bypass.

Ms. Doucette-Ashman asked if the applicant intends to install a fence along the rear

boundary line. Mr. Behr said no. Ms. Doucette-Ashman asked whether the lattice on the openings of the lower parking garage is proposed as an alternative security measure. Mr. Behr said yes, the lattice will allow for an open air environment while ensuring the area is secure.

Mr. Longman asked whether there is a requirement for the new stairway in the northeast corner of the parking garage to have a two hour rated fire wall, like the approved stairways that service the residential units. Mr. Behr said no, as it is not a means of egress.

The Chair asked if there was anyone in the audience who would like to speak to the application either in favor or opposition.

No other person desiring to be heard, the Chair declared the hearing closed.

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CASE #10 OF 2016

4. The Chair declared the hearing open on 970 Post Road LLC for an amendment to the re-subdivision approval of 8 Roosevelt Place and 972 Post Road to relocate the water connection for 972 Post Road, identified on the Village tax map as Sec. 11, Blk. 4, Lots, 24A1 and 24B1.

Matthew Miller, the owner, was present.

Mr. Miller described the application.

Mr. Clapp asked Mr. Balbi to confirm that there were no engineering concerns about the proposal. Mr. Balbi said no, there is water available and it is adequate in Post Road. They are already working to install the sewer and gas connection, so the anticipated installation effects are minimal.

The Chair asked if there was anyone in the audience who would like to speak to the application either in favor or opposition.

No other person desiring to be heard, the Chair declared the hearing closed.

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CASE #10 OF 2016

5. The Chair opened the discussion regarding the request from Brookby Holdings LLC for a second extension of time to file the subdivision plat for 35 Brookby Road, identified on the Village tax map as Sec. 18, Blk. 1, Lot 46.

The Board members did not have any questions.

The Chair asked if there was anyone in the audience who would like to speak to the application either in favor or opposition.

Mr. Longman made a motion to approve the request for the second extension of time to file the subdivision plat. Ms. Doucette-Ashman seconded. The Board voted unanimously in favor of the motion.

No other person desiring to be heard, the Chair declared the hearing closed.

CASE #7 OF 2016

1. Hitchcock Presbyterian Church
6 Greenacres Avenue
Sec. 5, Blk. 2, Lot 10, 11.2, 64, 65, 93. 94.
Site Plan Approval – Two Signs

The Board considered the application Hitchcock Presbyterian Church, Case #7 of 2016, and, upon motion duly made and seconded, held the application over to a future meeting pending receipt and review of the following:

1. An alternative design which reduces or minimizes the overall size of the proposed signs as well as the size of the lettering and/or technical justification as to why the size is required.

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CASE #8 OF 2016

2. F.S. Fish #32/ S. Oder TIC
2-4 Weaver Street
Sec. 18, Blk. 2, Lot 88A
Site Plan Amendment

The Board considered the request from F.S. Fish #32/ S. Oder TIC, Case #8 of 2016, and, upon motion duly made and seconded, unanimously adopted the following resolution:

- WHEREAS: the Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it
- RESOLVED: the Planning Board, on May 23, 2012, acting as Lead Agency, adopted a Negative Declaration which found the proposed construction of the new 11 unit building and the terms of the then non-binding term sheet including up to 4 residential units in the tavern building would not have a significant adverse impact on the environment and therefore no further environmental review is required at this time; and
- WHEREAS: the property is located in the Business A zoning district and totals .9 acres; and;
- WHEREAS: the project, currently under construction, involves the construction of a new 11 unit multi-family residential building, the conversion of the existing former tavern building into 3 units as well as associated drainage and landscaping improvements; and
- WHEREAS: one of the 14 units will be a “Fair and Affordable unit” as required by the Village Code; and
- WHEREAS: the Planning Board approved the Site Plan, a parking waiver and a lot merger for the project on September 17, 2014 after several public hearings and referral to the Board of Architectural Review; and
- WHEREAS: a “Non-binding Term Sheet,” developed over several years for the sale of Village-owned property adjacent to the site provided parameters for the project and included restrictions on both the Village and privately owned land; and
- WHEREAS: the applicant and the Village closed on the sale of the Village owned property, the covenants and restrictions were filed as required and building and SWEC permit applications were approved for construction on both buildings; and

- WHEREAS: the Village retained an independent architect and design consultant to monitor construction activity for conformance with the approved plans; and
- WHEREAS: the Planning Board, on May 27, 2015 approved an amendment to the Site Plan for the conversion of the tavern building into the three residential units and the construction of a stair egress addition; and
- WHEREAS: Chapter 77-1 of the Village Code authorizes the Planning Board to consider Site Plan approval for the construction or alteration of non-residential structures; and
- WHEREAS: Chapter 251 of the Village Code requires Site plan review for the alteration of non-residential and multifamily buildings and gives the Planning Board the authority to consider all aspects of building and site development; and
- WHEREAS: the correspondence submitted with the application indicates that as construction proceeded, the applicant identified certain changes which would enhance the building's design and function; and
- WHEREAS: the correspondence and plans submitted with the application describe the proposed changes summarized as follows:
- 1) modifying the terrace between the two buildings to allow for more direct secondary egress from 2 Weaver St. and the addition of an interior stair between the upper and lower levels of the parking garage to provide additional access from the lower parking level to 2 Weaver St.; and
 - 2) relocating the fitness center from the basement level of 2 Weaver St. to the space under the terrace; and
 - 3) enlarging and increasing the number of the arched window openings to the garage to classify it as an "open air" facility, eliminating the need for a supplemental mechanical exhaust system; and
 - 4) changing the exterior treatment of the garage on the western (Heathcote By-pass), northern and southern sides to stucco and timber, consistent with the rest of the building, from the approved stone veneer; and
 - 5) two changes to windows/doors including adding French doors on the penthouse level on the eastern (front) side and eliminating a window on the northern side; and
- WHEREAS: the proposed changes are consistent with the filed covenants and restrictions based on the "Non-binding Term Sheet"; and

WHEREAS: The Board members have visited the site, understand the neighborhood context and are familiar with the materials in the application; now therefore be it

RESOLVED: that the application of F.S. Fish #32/ S. Oder TIC for an amendment to the Site Plan, pursuant to Chapter 251 of the Village Code, for 2-4 Weaver St. as shown on Plans A-SP, A-100, A-101, A-300, A-301, A-302 and A-429, all dated 9/1/2016 be approved based on the following findings:

1. The elimination of the noise of the mechanical exhaust system will benefit the future residents and the surrounding neighborhood.
2. The proposed change to stucco and wood timber from the stone veneer on the exterior of the garage, along with the additional and larger arched openings, serve to “lighten” the appearance and, given the limited visibility from adjacent properties and roadways, is not a significant change.
3. The Site plan amendment is limited to those changes specified in the plans noted above.

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CASE #9 OF 2016

3. Karl Friberg, Evelyn Peterson and Anne-Marie Peterson
54 Park Road
Sec. 16, Blk. 3, Lot 17.
Pre-Application Meeting – Two Lot Subdivision

The Board considered the request from Karl Friberg, Evelyn Peterson and Anne-Marie Peterson, Case #9 of 2016 and, upon motion duly made and seconded, held the application over to a future meeting at the request of the applicant.

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CASE #10 OF 2016

4. 970 Post Road LLC
 972 Post Road and 8 Roosevelt Place
 Sec. 11, Blk. 4, Lot 24A1 and 24B1.
 Re-Subdivision Amendment

The Board considered the request from 970 Post Road LLC, Case #10 of 2016, for an amendment to the re-subdivision approval of 8 Roosevelt Place and 972 Post Road and, upon motion duly made and seconded, unanimously adopted the following resolution:

- WHEREAS: the Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it
- RESOLVED: that after careful examination of the site and evaluation of the information submitted on the plans and on the EAF, the Board determined that such application, an amendment to the re-subdivision plat, is an Unlisted Action pursuant to Chapter 152 of the Village Code and 6 NYCRR 617.2 and further determined that with adequate erosion controls during construction, compliance with the Village Code, the proposed action will not have a significant negative impact on the environment; and
- WHEREAS: the property, located in A-4 (7,500 sq. ft.) zoning district, totals 15,679 sq. ft. and was created as part of a three lot subdivision approved by the Planning Board in 2001 which created 2 lots accessed from Roosevelt Place and the subject lot, 972 Post Road; and
- WHEREAS: at that time, the applicant intended to maintain an existing house on the property; however given its age and condition the house was ultimately demolished; and
- WHEREAS: the Planning Board, in 2004, approved the re-subdivision of two of the lots, the property at 8 Roosevelt Place and 972 Post Road which relocated the lot line between the two properties; and
- WHEREAS: the Planning Board retained Site Plan review authority for the two new lots located off of Roosevelt Place which were constructed in 2007 and 2008; and
- WHEREAS: a new house is currently under construction at 972 Post Road; and
- WHEREAS: Chapter 77 of the Village Code authorizes the Planning Board to consider subdivisions and re-subdivisions; and
- WHEREAS: Chapter A319 of the Village Code outlines the requirements for the information to be included on the subdivision plat; and

- WHEREAS: the water connection and related easement to the lot at 972 Post Road was shown from a new water main which was built in the access drive from Roosevelt Place on both the original 2001 subdivision plat and on the 2004 re-subdivision plat; and

- WHEREAS: the 2001 subdivision plat noted that the water connection to the Post Road for the original house was to be disconnected and water was to be provided to all three houses from the new main; and

- WHEREAS: the 2001 and 2004 plats showed an easement across 8 Roosevelt Place to 972 Post Road for the water connection; and

- WHEREAS: the applicant is now seeking to amend the plat to eliminate the easement across 8 Roosevelt Place and to provide a water connection for 972 Post Road to a water main in the Post Road; and

- WHEREAS: The Board members have visited the site, understand the neighborhood context and are familiar with the materials in the application; now therefore be it

- RESOLVED: that the application of 970 Post Road LLC for an amendment to the Re-Subdivision Plat, pursuant to Chapter 77 of the Village Code, for 972 Post Road as shown on the amended plat dated 9/15/2016 be approved; and be it further

- RESOLVED: the approval of this subdivision plat shall be void and of no effect unless the plat is filed with the Westchester County Office of Land Records within 180 days from the date of this resolution or by March 27, 2017; and be it further

- RESOLVED: following filing of the plat with the Westchester County Office of Land Records, the applicant shall supply one copy of the plat in ink on Mylar to the Village Engineer, and supply copies on paper to the Village Assessor, Village Engineer, and the Clerk of the Board. All such copies shall include the date the plat was filed and the County's file number.

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CASE #17 OF 2015

5. Brookby Holdings LLC
35 Brookby Road
Sec. 18, Blk. 1, Lot 46
Second extension of time to file the subdivision plat

The Board considered the request from Brookby Holdings LLC, Case #17 of 2015, for an extension of time to file the subdivision plat and, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: The Planning Board granted approval of this two lot subdivision resulting in one additional lot located at 35 Brookby Road at its January 27, 2016 meeting creating one new lot; and

WHEREAS: the subdivision approval is null and void if the plat is not filed within 180 days of the resolution or by July 25, 2016, and

WHEREAS: the Planning Board has the authority to grant two 90 day extensions of time to file the subdivision plat; and

WHEREAS: the Planning Board granted the first 90-day extension of time to file the subdivision on June 22, 2016 which will expire on October 23, 2016; and

WHEREAS: the applicant has requested additional time to file the subdivision plat; now therefore be it

RESOLVED: that the Planning Board hereby grants the second 90-day extension of time to file the subdivision plat for the two lot subdivision resulting in one additional lot located at 35 Brookby Road which will expire on January 21, 2017.

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The Chair announced the next meeting of the Planning Board would be held on Wednesday, October 26, 2016.

The meeting was adjourned at 9:30 p.m.

Elizabeth Marrinan
Village Planner