

PLANNING BOARD

RUTHERFORD HALL
VILLAGE HALL
SCARSDALE, NY
January 25, 2017

A regular meeting of the Planning Board of the Village of Scarsdale was held in Rutherford Hall in the Village Hall on Wednesday, January 25, 2017, at 8:00 p.m.

Those members present were: James Blum, Chair, John Clapp, Linda Doucette-Ashman, Thomas Longman, Dan Steinberg and Harold Porosoff as an alternate member. Also present were Village Attorney Wayne Esannason, Village Engineer David Goessl, Village Planner Elizabeth Marrinan and Assistant to the Village Planner Cameron McLeod.

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Upon motion duly made and seconded, the minutes of the December 14, 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 Cameron McLeod at Village Hall tomorrow at 722-1131. 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 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, January 25, 2017**, at 8:00 p.m. at which time and place the Planning Board will consider the following:

1. The application of Fox Meadow Tennis Club for an amendment to the Special Use Permit and Site Plan approval, pursuant to Chapters 310-89 and 251 of the Village Code, to install lighting on three paddle tennis courts on the property located at 14 Wayside Lane, identified on the Village tax map as Sec. 3, Blk. 3, Lot 2, 91.
2. The application of the Estate of Hazel Golenbock for approval of the development, pursuant to Chapter 77-3 of the Village Code, of two new single family houses on two unimproved lots which were created as part of a three lot subdivision prior to October 1, 1974, located at 18 and 0 Cornell Street and 19 Griffen Avenue, identified on the Village tax map as Sec. 24, Blk. 1, Lots 4, 5 and 4A.
3. The application of Hitchcock Presbyterian Church for Site Plan approval, pursuant to Chapter 251 of the Village Code, to renovate the existing playground 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.
4. The application of Leslie and David Sarraf, as contract vendee, for Site Plan approval to construct a new house at 1 Brookfield Lane, identified on the Village tax map as Sec. 18, Blk. 1, Lot 15C.
5. The application of Scarsdale Gasoline Corp. to renew the Special Use Permit, pursuant to Chapter 310-89 of the Village Code, to continue the operation of a gasoline station at 999 Post Road, identified on the Village tax map as Sec. 7, Blk. 1, Lot 110.
6. The application of Quaker Ridge Golf Club for a Wetlands Permit, pursuant to Chapter 171 of the Village Code, to remove accumulated sediment from the existing irrigation pond at 146 Griffen Avenue, identified on the Village tax map as Sec. 23, Blk. 1, lots 1 and 1A1.

Copies of the above application 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 click on "Notify Me" to subscribe.

By Order of the Planning Board, Scarsdale, New York, dated January 10, 2017.
Elizabeth Marrinan AICP, Village Planner.

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CASE #12 OF 2016

1. The Chair declared the hearing open on the application of Fox Meadow Tennis Club for an amendment to the Special Use Permit and Site Plan approval, pursuant to Chapters 310-89 and 251 of the Village Code, to install lighting on three paddle tennis courts on the property located at 14 Wayside Lane, identified on the Village tax map as Sec. 3, Blk. 3, Lot 2, 91.

Bana Choura, landscape architect, Ralph Della Cava, president of Fox Meadow Tennis Club and Jim Dougherty, grounds governor of Fox Meadow Tennis Club, were present.

Ms. Choura said that the applicant would like to amend the application, and now only proposes to add lights to two courts instead of three. Mr. Dougherty said that court nine, the court closest to Stonehouse Road, has been removed from the application.

Ms. Choura said that the applicant now proposes additional landscaping along the section of property closest to Stonehouse Road to improve screening. The additions are six arborvitae at 10 to 12 feet tall, six Norway spruces at 10 to 12 feet tall and nine rhododendrons at 6 to 8 feet tall.

Mr. Dougherty said the neighbors on Stonehouse Road were primarily concerned with the glare from the lights at night time. The applicant proposes an aluminum shield that attaches to the light fixtures, blocking the majority of light from the adjacent properties.

Mr. Della Cava said they also discussed the proposed screening with the neighbors. The applicant hired a landscape architect, Anthony Acocella, to design additional landscaping to screen the property. The plan was sent to them. Mr. Della Cava said they also agreed to allow the neighbors to view the landscaping on site before installation, to ensure they are happy with it.

Ms. Doucette-Ashman asked how large the additional landscaping will be when planted. Mr. Della Cava said they will be 10 to 12 feet when planted, which the landscape architect said is the maximum possible height at planting.

Mr. Longman asked whether the amended plans are needed for the Board to make a decision. Chair Blum said the Board can make that decision during deliberation.

The Chair asked if the light shields are only going to be installed on the new lights or on the exiting lights as well. Mr. Dougherty said that the proposal is to shield any lit court that faces Stonehouse Road. The other lights do not appear to cause an issue due to their distance from neighboring properties. Mr. Della Cava said they would be happy to shield all lights if required.

Mr. Goessl said that there are storm drainage lines located in the Village right of way and on the property. He said that the plan submitted for the building permit will need to accurately show the location of the drainage system. He said that will be needed to ensure that there is no conflict with the drainage system and any of the nearby proposed plantings. A license agreement application will also be required to allow for the plantings on the Village right-of-way and to stipulate that the applicant will perform any required maintenance. Mr. Della Cava said he understands the requirement and agrees that it is appropriate.

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

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CASE #14 OF 2016

2. The Chair declared the hearing open on the application of the Estate of Hazel Golenbock for approval of the development, pursuant to Chapter 77-3 of the Village Code, of two new single family houses on two unimproved lots which were created as part of a three lot subdivision prior to October 1, 1974, located at 18 and 0 Cornell Street and 19 Griffen Avenue, identified on the Village tax map as Sec. 24, Blk. 1, Lots 4, 5 and 4A.

William Null, attorney and Susan Golenbock, trustee and applicant, were present. Mr. Null said they had submitted a revised plat, showing a distinction between 19 Griffen Avenue and the access lane, as two separate lots, consistent with the 1962 plat, as requested by the Board. Mr. Null said that the site was staked. The applicant also submitted landscaping and grading plans.

Ms. Marrinan said that the amended plat is still not identical to the 1961 plat. Mr. Null said they will increase the weight of the line separating the lot from the lane.

Marc Litofsky, owner 12 Cornell Street, was present. Mr. Litofsky said his house faces toward the side of the proposed house at 18 Cornell Street. He said the proposed landscaping does not appear to be sufficient and that the submitted landscape plan does not accurately show the existing landscaping, in that it shows existing trees that do not exist, or which have been removed over the preceding months.

Mr. Null said the applicant does not propose to put landscaping around the perimeter of the property, and asked for confirmation that it is not a requirement to screen new construction under the Village Code. The Chair said no, it is not a requirement. Mr. Null said the applicant does not currently propose to remove any landscaping around the perimeter, and that any trees that have been removed are under six inches in diameter and therefore do not require a removal permit. Ms. Marrinan said that landscaping will be considered during the Board of Architectural review process and that the Board regularly requires landscaping around property perimeters to buffer new construction from existing neighboring houses.

Mr. Litofsky said he is concerned about the proposed grading and potential stormwater runoff onto his property. The Chair said that the applicant will be required to prepare a storm water and erosion control management plan, which will be reviewed by the Village Engineer. They will be required to capture any water leaving their property. Mr. Null said the applicant is aware of the zero net increase requirement, and any designs will be in accordance.

Mr. Litofsky said he is concerned about potential damage to the improved right of way which may be caused by construction activities. The Chair said the right of way is half owned by the Golenbock Trust, which therefore has an interest in maintaining it. Mr. Null said the applicant is aware that they will need to pay for any damage.

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

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CASE #1 OF 2017

3. 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 renovate the existing playground 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.

The Chair noted that Board Member John Clapp has recused himself and Mr. Porosoff is present as an alternate member.

Adamo Maiorano, architect, was present. Mr. Maiorano described the application. The applicant proposes renovations and alterations to the existing playground, the primary objective of which is to ensure the playground is handicap accessible.

Mr. Maiorano said the current playground has a mulch surface with two distinct elevations, which will be replaced with an asphalt foundation with a rubberized surface on two elevations. The rubber surface allows water to travel underneath. Runoff from the additional impervious surface will be captured by a trench drain underneath the lower level of the playground and new drywells. The playground equipment will be upgraded and will be neutral brown and green colors.

Ms. Doucette-Ashman asked whether there was a stormwater plan submitted with the application. Mr. Maiorano said yes, a basic analysis was provided based on the increased impervious surface and the expected rate of percolation. Consequently, eight cultic units are proposed. He said this will be confirmed for the Stormwater and Erosion Control plan. Ms. Doucette-Ashman asked what the increase in impervious surfaces will be. Mr. Maiorano said approximately 3,000 square feet.

Mr. Porosoff said that the property is in a 100 year event floor plain and the drainage

system is designed for a 50 year event. He asked what the requirements are and why this decision was made. Mr. Goessl said as the property is less than two acres the Village Code design standard is for a 25 year event.

The Chair asked about the changes proposed for the retaining walls. Mr. Maiorano said a portion of the existing stone retaining wall will be raised 18 inches. The Chair said a structural detail may be required. Mr. Goessl said he is concerned about the additional load that will be caused by replacing timber ties with stone.

Mr. Longman asked whether the concrete steps are standard design features for a playground. Mr. Maiorano said removing the stairs and having a single elevation would be too expensive. He said that there are retaining walls on either side, which will prevent accidents. Mr. Longman said that it may be better if the steps are covered in rubber.

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

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CASE #2 OF 2017

4. The Chair declared the hearing open on the application of Leslie and David Sarraf, as contract vendee, for Site Plan approval to construct a new house at 1 Brookfield Lane, identified on the Village tax map as Sec. 18, Blk. 1, Lot 15C.

Eliot Senor, surveyor and David Sarraf, contract vendee, were present.

Mr. Senor described the application. The lot was created in 1980 and never improved.

Mr. Senor said the applicant proposes to construct a single family residence with a pool in the back yard. There is a drainage pipe from the property across Brookfield Lane which runs across the site and then drains onto the neighboring school property. The applicant proposes to relocate the pipe around the property. There is another pipe shown on the original subdivision plat that is unverified, which the applicant believes does not exist. If it exists, the applicant intends to relocate it to be closer to and parallel to the road.

Mr. Senor said there are a number of trees to be removed, which will be mostly replaced with arborvitae. He said a comprehensive planting plan will be prepared for the Board of Architectural Review.

Mr. Senor said a swimming pool is shown on the plan, which the applicant is aware will require a Special Use Permit from the Zoning Board of Appeals. The swimming pool is accounted for in the lot coverage and drainage calculations.

Ms. Doucette-Ashman said that it appears that there are a lot of trees proposed to be removed. Mr. Senor said that some of the trees that are shown on the plan are smaller than

six inches, and would therefore not require a removal permit. The trees proposed for removal will allow for relocation of pipes or construction of the pool, while those closer to the boundary will increase the functional space of the property.

Ms. Doucette-Ashman asked about the distance between the outlet pipe at 1 Brookfield Lane and the intake pipe on the school property at 134 Mamaroneck Road. Mr. Senor said both pipes are set back approximately five to eight feet from the boundary line. The applicant considered connecting the pipes and filling in the gully but is unsure what the process would be for getting approval from the school. The Village Engineer said if there is an easement over the school property, they might be able to conduct this work.

Ms. Doucette-Ashman asked whether there will be any regrading. Mr. Senor said yes. There will be excavation in the rear yard for the pool. The patio will be at grade, then will slope down towards the house to create a recessed area for the pool. Ms. Doucette-Ashman said the property was very wet during her site visit. Mr. Senor said that they had tried to conduct soil tests with the Village present but were unable to as it was too wet. He said that they did conduct a test without the Village present, and that the site is a perched water table, meaning the water sits on top of a clay base. Mr. Senor said this should be improved with regrading.

Mr. Longman asked whether the drainage easement will need to be amended if the pipe is relocated. Mr. Esannason said yes, the easement will need to be replaced with a new metes and bounds description and a new easement agreement.

The Chair asked whether the applicant is happy with replacing the reinforced concrete pipe (RCP) with a smaller diameter polyvinyl chloride pipe (PVC) as proposed. Mr. Senor said due to the reduced roughness of the PVC pipe the capacity will be the same as the RCP.

The Chair asked whether the applicant has considered replacing the fencing along the boundary with the school. Mr. Senor said the fence is on the school property. Mr. Senor said that the applicant will have to install a fence for the swimming pool, but has not yet decided where that will be located.

The Chair said he noticed that the roots of trees along the west boundary line were exposed. He asked whether the applicant intended to fill in the root system to ensure this screening is retained. Mr. Senor said the applicant intends to maintain the existing trees as they form part of the screening and to plant additional trees for additional screening.

The Chair asked if the proposal was for the driveway to have sections of paving and gravel. Mr. Senor said yes, the high traffic areas will be paved, including in front of the doorway, the garage and the access points onto Brookfield Lane.

Ms. Doucette-Ashman asked whether relocation of the existing pipe would require additional approvals. Mr. Esannason said that the Village Code requires approval for the piping of waterways, but not for relocating existing pipes. Mr. Senor said as discussed they

may add additional pipe to connect it with the pipe on school property. Mr. Esannason said this may require a permit.

Mr. Goessl said the Water Department determined that the water meter pit will need to be located in the front yard on Brookfield Lane and that the old water meter pit cannot be reused. He also said that the proposed drainage structures for the relocated stormwater pipe are identified as catch basins, but the Department of Public Works will require these to be enclosed with manhole covers. He said that the chamber in the front yard will need to be enclosed with a locking mechanism, as it is a safety concern. He said the plans propose stormwater detention, whereas the narrative mentions infiltration with cultecs. The narrative needs to be corrected to say detention. Ms. Marrinan asked whether Mr. Goessl would like any other amendments to the plan. He said that the plan could also show the utilities, including cable, electric and telephone and the location of the proposed water connection.

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

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CASE #3 OF 2017

5. The Chair declared the hearing open on the application of Scarsdale Gasoline Corp. to renew the Special Use Permit, pursuant to Chapter 310-89 of the Village Code, to continue the operation of a gasoline station at 999 Post Road, identified on the Village tax map as Sec. 7, Blk. 1, Lot 110.

Leo Napior, attorney and Cary Wolf, principal of Scarsdale Gasoline Corp, were present.

Mr. Napior described the application. The applicant is seeking renewal of the Special Use Permit, with no physical or operational modifications.

Ms. Doucette-Ashman asked if the applicant is in compliance with the existing Special Use Permit. Mr. Napior said yes, to the applicant's knowledge. Ms. Marrinan had notified Mr. Napior regarding a tree that had fallen in the rear yard damaging the fence on the boundary line. Mr. Napior said the applicant is happy to repair the fence.

Ms. Doucette-Ashman asked about the recent tank removals and whether all operations were compliant with any other regulations and whether the company had environmental insurance. Mr. Wolf said the site is fully compliant and is insured. Ms. Doucette-Ashman asked whether this was something staff considered. Mr. Goessl said that he had considered this during his review. He said that there were concerns raised regarding the presence of hydrocarbons during the dredging of Crane and Berkley Ponds.

The Chair asked about the age and condition of the in ground tanks. Mr. Wolf said he is not aware of the age of the tanks, but they are a mix of single and double walled fiber glass tanks that are current on inspections and are fitted with electronic inventory

monitoring.

Mr. Clapp asked whether the property line is at the bottom of the slope at the rear of the property. Mr. Napior said yes and there is a retaining wall at the top of the slope. Mr. Clapp asked whether the fence referenced as a condition on the existing permit is the wooden fence on the boundary line. Mr. Napior said yes, it runs the entire property line with neighboring properties.

The Chair asked if the applicant anticipates any expansion or amendments of the property. Mr. Napior said no.

The Chair said some of the roof trim and the exterior of the retaining wall require maintenance.

Leo Naughton, owner of 62 Taunton Road, was present. Mr. Naughton said he his property borders the south and west sections of 999 Post Road. He said he attended he last meeting for a Special Use Permit, at which time he raised concerns regarding maintenance of the fence. He said the fence was repaired but has since dilapidated, of which he notified the owner but did not receive a response. He requested that the fence be rebuilt and maintained.

Mr. Naughton said that there is a requirement to paint the windows opaque, as the station looks over a number of houses in the Crane Berkeley area. He requested that the windows be repainted.

Mr. Naughton said there is a stump in the fence line, which causes the fence to momentarily stop. Mr. Naughton said he requests that the stump be removed and the fence completed.

Joseph Friedman, owner of 3 Sunset Drive, was present. Mr. Friedman said he was told by the original service station operator that the property lease was given as a reward to a World War II veteran. The Chair said he was not aware of that, but that the gas station was constructed in 1931. Ms. Marrinan said that she was not aware of that requirement and that it was not something the Village could enforce.

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

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CASE #4 OF 2017

6. The Chair declared the hearing open on the application of Quaker Ridge Golf Club for a Wetlands Permit, pursuant to Chapter 171 of the Village Code, to remove accumulated sediment from the existing irrigation pond at 146 Griffen Avenue, identified on the Village tax map as Sec. 23, Blk. 1, lots 1 and 1A1.

Zachary Pearson, engineer and Tom Ashfield, Golf Course Superintendent, were present. Mr. Pearson described the application. Mr. Pearson said the applicant applied for a permit for pond expansion and sediment removal in 2007. The applicant is only looking to remove the sediment. The water level in the pond will be lowered with pumps and incoming water will be pumped around the pond. The pond will not be completely drained, as the deepest area will be used as a fish holding area.

Mr. Pearson said the accumulated sediment will be removed from the western and southern edges of the pond, where it is visible from the surface. The sediment will be relocated to the existing stockpile area where it will dry out and be used for general maintenance of the course.

Ms. Doucette-Ashman asked how long the process should take. Mr. Ashfield said it is weather dependent, but is estimated to take one month.

Mr. Goessl asked what method of pumping will be used and whether these will exceed the Village's noise requirements. Mr. Ashfield said the company has two large pump that are very quiet and located as far from the neighboring properties as possible. These will be used at full capability during regular working hours. After working hours, the pump closest to neighboring properties will be shut down, and the remaining pump will be used for maintenance and will not exceed noise level requirements.

Mr. Goessl said there are mature trees in the path between the pond and the stockpile area. He asked whether these trees will be damaged or removed. Mr. Ashfield no trees will be removed.

Ms. Doucette-Ashman asked whether the applicant had received or commenced application for the Department of Environmental Conservation (DEC) permit. Mr. Pearson said the project does not require a DEC permit. Mr. Esannason requested that the applicant get confirmation in writing from the DEC that a permit is not required for the proposed activity.

Mr. Goessl asked whether they had calculated the total area of disturbance. Mr. Pearson said no, the plan does show the volume but not the area. Mr. Goessl said they will need to see the dimensions and area of disturbance for the Stormwater and Erosion Control permit.

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

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CASE #12 OF 2016

1. Fox Meadow Tennis Club
14 Wayside Lane
Sec. 3, Blk. 3, Lot 2 and 91
Special Use Permit and Site Plan approval

The Board considered the application of Fox Meadow Tennis Club Case #12 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; and

RESOLVED: that after careful examination of the site and evaluation of the information submitted on the plans the Board determined the construction or expansion of a primary or accessory non-residential facility of less than 4,000 sq. ft. is considered a Type II action pursuant to 6 NYCRR 617.5(c) (7) and no further environmental review is required pursuant to those regulations; and

WHEREAS: The property, which consists of two tax lots located in the A-3 (10,000 sq. ft.) zoning district, is listed in the Assessor's records as 3.1 acres and improved with the Clubhouse, built in 1927, and tennis and paddle tennis courts; and

WHEREAS: The Board of Appeals approved alterations to the clubhouse in 1965 with certain conditions including the provision of 33 parking spaces, requiring off duty police for private evening events expected to attract more than 33 vehicles, limiting the use of the facility to members and guests and prohibiting a restaurant or bar service and in 1976, the Board of Appeals approved the expansion of access decks; and

WHEREAS: In 1994, the jurisdiction over non-residential special use permits was transferred from the Board of Appeals to the Planning Board and, in 1997, the Planning Board approved an amendment to the previously approved special use permit and granted site plan approval for the installation of lighting and an additional paddle tennis court; and

WHEREAS: In 2008, the Planning Board approved a Site plan for the construction of an addition to the clubhouse and, in 2014, the Planning Board approved a Site plan for the installation of a sign at the entrance on Wayside Lane; and

WHEREAS: Chapter 310-7 includes clubs as permitted uses in the Residence A zoning districts, subject to the approval of a Special use permit, pursuant to Chapter 310-89, by the Planning Board; and

- WHEREAS: Chapter 310-89A of the Village Code authorizes the Planning Board to permit clubs in Residence A zoning districts; and
- WHEREAS: Chapter 251 of the Village Code regulates Site Plan review; and
- WHEREAS: The original plans and application materials showed the proposed installation of lights on three paddle tennis courts in addition to the four (of nine) courts which are currently lit; and
- WHEREAS: The proposal would add lights to three courts, numbered 3, 6 and 9, and included some additional evergreen landscaping on the Village right of way to the west; and
- WHEREAS: The Board considered the application at its November 16, 2016 meeting and heard concerns regarding the existing lights impacting adjacent properties along Stonehouse Road, landscaping and hours of operation; and
- WHEREAS: The Board held the application over to a future meeting to allow the applicant time to revise the plans and discuss the proposal with the neighbors; and
- WHEREAS: The applicant submitted revised plans with additional evergreen landscaping on the Stonehouse Road side of the property and proposed light shields to prevent some light spillage onto adjacent properties; and
- WHEREAS: At the meeting, the applicant requested a further amendment indicating they would like to install the lights on two, not three, additional courts, namely courts 3 and 6; and
- WHEREAS: The Board considered the information presented at the meeting, have visited the site and are familiar with all materials submitted in connection with the application; now therefore be it
- RESOLVED: That the application of Fox Meadow Tennis Club for a Special Use Permit and Site Plan approval, pursuant to Chapters 251 and 310-89 of the Village Code, to install lighting on two additional paddle tennis courts at 14 Wayside Lane, as shown on Plan A-1 dated revised 12/20/16, be approved conditioned on the following:
1. The plans shall be amended to show the installation of lights on two additional paddle tennis courts: # 3 and #6.
 2. That lighting shields, substantially as shown in the application materials, be installed on all of the existing and proposed lights.
 3. That evergreen landscaping shall be installed as shown on Plan A-1 dated 12/20/2016.

4. A license agreement with the Village shall be required for the installation and maintenance of the evergreen trees to be planted in the Village right of way.

5. Easements should be provided for any Village sewer lines which run through the property.

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CASE #14 OF 2016

2. The Estate of Hazel Golenbock
18 and 0 Cornell Street and 19 Griffen Avenue
Sec. 24, Blk. 1, Lot 4, 5, 4A and 4B
Development Approval of two new houses

The Board considered the application of the Estate of Hazel Golenbock Case #14 of 2016, and, upon motion duly made and seconded,

WHEREAS: the Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; and

RESOLVED: that after careful examination of the site and evaluation of the information submitted on the plans and the Short Environmental Assessment Form the Board determined the action, the development of a three lot subdivision, is an Unlisted Action pursuant to Chapter 152 of the Village Code and 6 NYCRR 617.2(ak) and further determined with adequate erosion controls during construction, limited tree removal, compliance with the Village Code regarding stormwater management and planting the required replacement trees, the proposed action will not have a significant negative impact on the environment; and

WHEREAS: The property, located in the A-2 (20,000 sq. ft.) zoning district, runs from Griffen Avenue through to Cornell Street and is currently shown on the Village tax map as four tax lots: 24.1, 4, 5, 4A and 4B. Lot 4B is not the subject of this application; and

WHEREAS: According to the subdivision plat, the property totals 4.359 acres; and

WHEREAS: 18 Cornell St. (24.1.4) is shown as 0.52 acres according to the Assessor's records and is undeveloped; and is 0 Cornell St. (24.1.5) is shown as 0.53 acres according to the Assessor's records and is also undeveloped; and

WHEREAS: The balance of the property is 19 Griffen Rd. (24.1.4A, 4B) which is shown on the subdivision plat as 3.3 acres; and

WHEREAS: Chapter 77-3 of the Village Code states that "pursuant to § 7-728 of the Village Law, the Planning Board is authorized and empowered to approve the development of subdivisions, entirely or partially undeveloped, which have been filed as plats in the office of the Clerk of Westchester County or which have been otherwise created, prior to the creation and appointment of the Planning Board on October 1, 1974, and no building permit shall issue in connection with any such subdivision lot unless a plat showing such lot has been approved by the Planning Board and all applicable conditions imposed in connection with such approval shall have been complied with.."; and

- WHEREAS: A-319-27 of the Village Code outlines the General requirements for applications to the Planning Board; and
- WHEREAS: This application, required by Chapter 77-3 of the Village Board, is for Planning Board review of the development of a subdivision approved prior to the creation of a Planning Board in 1974; and
- WHEREAS: Included in the application materials as Exhibit A is the 1961 subdivision plat showing this three lot subdivision approved by the Planning Commission in 1961 and filed with Westchester County in 1962; and
- WHEREAS: The proposed subdivision plat, revised 11/29/16 shows the three lots: Lot 1 (0 Cornell St. or tax lot 24.1.5) is shown as 23,108 sq. ft. with an estimated 115 ft. of frontage along Cornell St.; Lot 2 (18 Cornell St. or tax lot 24.1.4) is shown as 22,982 sq. ft. with an estimated 119.77 ft. of frontage along Cornell St. and Lot 3 (19 Griffen Ave. or tax lot 24.1.4A which includes tax lot 4B) is shown as 3.3016 acres with an estimated 250 ft. of frontage along Griffen Ave.; and
- WHEREAS: The area in the quadrilateral has been included on the zoning table; and
- WHEREAS: 19 Griffen Avenue (tax lot 24.1.4A or Lot 3) retains a narrow strip of property which is part of an existing private "lane" running along the western property line of 18 Cornell Street, extending from the southwestern corner of 19 Griffen Ave. to Cornell Street; and
- WHEREAS: The "lane" appears on a filed map dating from 1887 and also appears on the 1961 subdivision plat; and
- WHEREAS: 18 Cornell St. is adjacent to this "lane" and therefore is considered a corner lot; and
- WHEREAS: The plat also includes the building setbacks and building footprint of each of the two houses and the application materials include lot coverage and FAR forms showing the maximum permitted development; and
- WHEREAS: The Board considered the application at its December 14, 2016 meeting and held the application over to a future meeting pending re-staking, an amendment to the subdivision plat and the submission of preliminary grading and landscaping plans; and
- WHEREAS: The applicant re-staked the property and submitted a revised plat and plans; and

WHEREAS: The Board members have visited the site and are familiar with all materials submitted in connection with the application; now therefore be it

RESOLVED: That the application of the Estate of Hazel Golenbock for approval of the development of two new single family houses on two lots created as part of a three lot subdivision prior to 1974, pursuant to Chapter 77-3 of the Village Code, at 0 and 18 Cornell Street be approved conditioned on the following:

1. Prior to the signature of the subdivision plat by the Clerk of the Board, the plat shall be revised to match the 1961 subdivision plat in its entirety.
2. Prior to the signature of the subdivision plat by the Clerk of the Board, the applicant shall pay an amount, as approved by the Village Board of Trustees, in lieu of land dedicated to park, playground or recreation purposes for the net increase of two new lots.
3. Stormwater Management and Erosion Control permits will be required for each of the two houses prior to the issuance of building permits and the plans shall be subject to the Village Engineer's review and approval. All work shall be done in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and New York State Stormwater Management Design Manual. All soil and erosion control measures shall be installed prior to the issuance of a Building Permit and maintained throughout construction; 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 July 24, 2017; and be it further

RESOLVED: the Clerk of the Board is hereby authorized to certify the plat for filing in the County Office of Land Records upon completion of items 1 and 2 above; 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 #1 OF 2017

3. Hitchcock Presbyterian Church
 6 Greenacres Avenue
 Sec. 5, Blk. 2, Lot 10, 11.12, 64, 65, 93 and 94
 Site Plan approval

The Board considered the application of Hitchcock Presbyterian Church Case #1 of 2017, and, upon motion duly made and seconded, with Mr. Clapp recused and Mr. Porosoff sitting as an alternate, 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: After careful examination of the site and evaluation of the information submitted on the plans, the Planning Board determined that such application, the construction of minor accessory structures (such as driveways, fences or pools) is a Type II action pursuant to 6 NYCRR 617.5(c) (10) and no further environmental review is required pursuant to said regulations; and
- WHEREAS: Located in the A-3 (10,000 sq. ft.) zoning district, the property is comprised of six tax lots totaling approximately 75,000 sq. ft. at the corner of Walworth and Greenacres Avenues; and
- WHEREAS: The Church was built before 1927, the “Children’s House” addition was constructed in 1927 and the church was substantially re-built in 1987 after it was damaged by fire; and
- WHEREAS: The Planning Board approved a Site Plan for the construction of porticoes at egress doorways, site work, landscaping and drainage improvements in 2010; and
- WHEREAS: In October 2016, the Planning Board approved the installation of two signs on the property; 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 regulates Site Plan review; and
- WHEREAS: Chapter 310-7 of the Village Code includes Churches as permitted uses in Residence A zones; and

- WHEREAS: The application materials and plans show the proposed renovation of the existing two-level playground to upgrade the equipment and to provide for better handicap access; and
- WHEREAS: The mulch surface will be replaced with new rubberized tiles, a new drainage system will accommodate the additional impervious areas, the retaining wall will be rebuilt and a new chain link fence installed around the playground area; and
- WHEREAS: The Board members have visited the site and are familiar with all materials submitted in connection with the application; now therefore be it
- RESOLVED: That the application of Hitchcock Presbyterian Church for Site Plan approval, pursuant to Chapter 251 of the Village Code, to renovate the existing playground at 6 Greenacres Avenue as shown on Plans A-1 and SP-2 dated 5/10/16, be approved conditioned on the following:
1. A Stormwater Management and Erosion Control permit will be required prior to the issuance of a building permit and the plans shall be subject to the Village Engineer's review and approval. All work shall be done in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and New York State Stormwater Management Design Manual. All soil and erosion control measures shall be installed prior to the issuance of a Building Permit and maintained throughout construction.
 2. The Village Engineer may also require additional information regarding the condition of the existing slab and the additional retaining wall in that area.
 3. The stairwell shall also be reviewed to ensure it is in compliance with NYS building code.

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CASE #2 OF 2017

4. Leslie and David Sarraf
 1 Brookfield Lane
 Sec. 18, Blk. 1, Lot 15C
 Site Plan approval to construct a new house

The Board considered the application of the Leslie and David Sarraf Case #2 of 2017, and, upon motion duly made and seconded, with Mr. Blum, Mr. Clapp and Mr. Longman in favor and Ms. Doucette-Ashman opposed, 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: After careful examination of the site and evaluation of the information submitted on the plans, the Planning Board determined that such application, the construction of a single family residence on an approved lot is a Type II action pursuant to 6 NYCRR 617.5(c) (9) and no further environmental review is required pursuant to said regulations; and

WHEREAS: The property, located in the A-1 zoning district, and is shown in the Assessor's records as 1.19 acres and was the result of a 1983 subdivision which required the "siting of the houses to be approved by the Planning Board;" and

WHEREAS: In 1985, the then applicant amended the original construction drawings to pipe a stream which ran through the lot; and

WHEREAS: A Site Plan for a new house was approved by the Planning Board in 1986; however that house was not built; and

WHEREAS: Chapter 251 of the Village Code regulates Site Plan review; and

WHEREAS: The plans show the proposed construction of a house, a circular driveway, patio and swimming pool; and

WHEREAS: The proposed project involves the relocation of the piped stream away from the center of the property; however it will outlet to the same location on the southern side of the property; and

WHEREAS: The proposed house location appears to meet the zoning setbacks for a corner lot in the A-1 zoning district; and

WHEREAS: The Board members have visited the site and are familiar with all materials submitted in connection with the application; now therefore be it

RESOLVED: That the application of Leslie and David Sarraf for Site Plan approval, pursuant to Chapters 251 of the Village Code, to construct a new house at 1 Brookfield Lane as shown on Plans SW-1, SW-2 and SW-3 revised 1/16/17, be approved conditioned on the following:

1. The plans submitted for the Stormwater and Erosion Control Permit and the Building Permit shall be revised to show the location of the utilities, the proposed new water meter pit location and to specify a detention system instead of an infiltration system.
2. Easements shall be provided for the relocated storm drain line and any other underground utilities on site.
3. A tree removal permit shall be required.
4. A Stormwater Management and Erosion Control permit shall be required prior to the issuance of a building permit and the plans shall be subject to the Village Engineer's review and approval. All work shall be done in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and New York State Stormwater Management Design Manual. All soil and erosion control measures shall be installed prior to the issuance of a Building Permit and maintained throughout construction.
5. A Special Use Permit from the Board of Appeals will be required for the construction of the swimming pool.

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CASE #3 OF 2017

5. Scarsdale Gasoline Corp.
999 Post Road
Sec. 7, Blk. 1, Lot 110
Special Use Permit renewal

The Board considered the application of Scarsdale Gasoline Corp., Case #3 of 2017, 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, the renewal of the Special Use Permit, is a Type II action pursuant to 6 NYCRR 617.5(c)(26) and no further review is required; and
- WHEREAS: The property is in the A-3 (10,000 sq. ft.) single family residential zoning district and is shown on the Assessor's records as 8,311 sq. ft.; and
- WHEREAS: The original permit for the nonconforming use of the property as a service station was approved by the Board of Appeals on 1/26/1931 for the construction the current building to replace a previous "automobile showroom and filling station" which predated the adoption of the Zoning Code in 1922; and
- WHEREAS: The original permit was for a period of 20 years and then, through 1995, the permit was renewed by the Board of Appeals approximately every two years; and
- WHEREAS: On 3/15/90 the Board of Appeals approved a request from the tenant to permit car detailing; and
- WHEREAS: On 4/1/94 the Board of Appeals approved a request of the tenant to permit the sale of individual items of candy, soft drinks and cigarettes; and
- WHEREAS: In 1994, the Zoning Code was amended to give the Planning Board jurisdiction over non-residential special use permits and, on 2/22/95, the Planning Board renewed the special use permit for a period of two years maintaining all of the prior terms and conditions:
- WHEREAS: On 3/26/97, the Planning Board renewed the special use permit for a period of five years, but eliminated the car detailing use on the premises while maintaining all of the prior terms and conditions; and

WHEREAS: On 5/22/03, the Planning Board renewed the permit for five years, again with the same terms and conditions; and

WHEREAS: Chapter 310-89A (2) of the Village code authorizes the Planning Board to “permit the continuance of a legal, pre-existing, nonconforming nonresidential use in a residential zoning district”; and

WHEREAS: Chapter 310-67A(5) of the Code states that preexisting, non-conforming non-residential uses in a residential zoning district may be continued subject to the issuance of a special use permit by the Planning Board and outlines the factors to be considered by the Board in granting such a permit including: Whether a nonconforming use exists on the site; what terms and conditions applied to the use of the property before it became nonconforming; and whether the use is in full conformity with the applicable terms and conditions; and

WHEREAS: Chapter 310-67A (5) (c) continues to say that if the Board determines that such use of the property is in full compliance with the “terms and conditions..., it shall grant the nonconforming use special use permit, setting forth the immediately prior terms and conditions so determined, which are to continue to pertain as long as the nonconforming use is lawfully continued”; and

WHEREAS: the applicant is seeking to continue the use as a gasoline service station with no physical changes to the property or to the use; and

WHEREAS: the members of the Board have visited the property and are familiar with the application; now therefore be it

RESOLVED: the application of Scarsdale Gasoline Corp. for the renewal of the Special Use Permit to continue the operation of a gasoline station at 999 Post Road be approved for a period of five years from the date of this resolution, through 1/25/2022 subject to the following conditions:

1. The fence on the property shall be repaired within six months of the date of this resolution, by 7/25/17, and maintained in good repair. Garbage shall be removed immediately and the property kept clean and maintained (1/25/17).
2. That such use be limited to the plot of land and to the structures shown on the plans and drawings submitted to the Board of Appeals at a meeting held on 1/26/31.
3. That said premises be used only for the servicing of motor vehicles with fuel, oil, tires, greasing and other normal servicing of motor vehicles, state

inspections, and emergency repairs, not to include heavy repairs; however car detailing, and washing shall not be continued without prior approval by the Planning Board (4/25/07).

4. That no servicing of motor vehicles, other than for fuel, oil, air and water be permitted outside of the service station building.
5. That the windows on the west side of the building be painted and maintained to render them opaque.
6. That all lighting shall conform to the "Guidelines for Lighting of Gasoline Stations", adopted by the Board of Appeals, 12/20/72.
7. That the service bell be sufficiently muffled in such manner as approved by the Building Inspector.
8. That no part of said premises be used for storage or parking purposes, except for servicing of motor vehicles as permitted in paragraphs 2 and 3 above.
9. That no overnight parking be permitted outside of the service station building.
10. That entrances and exits from the premises conform to the requirements and specifications issued from time to time by the Village Manager to promote public safety.
11. That no cars incapable of movement be permitted to remain on the premises; and
12. That the individual storage tanks on the premises be limited to underground tanks with a maximum capacity of 4,000 gallons.
13. That outdoor displays shall be limited to the fuel pumps and cans of oil kept in racks, which racks shall not exceed the height of the gas pumps.
14. That all trash be kept indoors, or in a small outdoor dumpster, provided that it is screened with fencing to the maximum extent feasible.
15. That the service station not be operated after 10:00 pm on Monday through Saturday and on Sunday said business may operate from 8:00 a.m. to 9:00 p.m.
16. That exterior signs be limited as follows (the date shown is the date of the resolution when first mentioned), other than signs as may be required by New York State regulations:

- a. No illuminated signs except on gas pumps (1/26/31).
 - b. No more than one name or advertising sign (except as above), which sign shall not be larger than 12 sq. ft. in area (1/26/31).
 - c. A “no Exterior Parking” sign be erected, no larger than 6” by 18” (11/9/77).
 - d. There shall be no outdoor signs, banners, bunting or other displays related to the sale of fuel or the sale of other items, and there shall be no such signs or displays in the windows of the office area (4/11/94).
17. That the sale of a limited number of items is permitted as a service to customers who have already stopped at the station for the purchase of fuel, but is not permitted for the sale of articles that are likely to attract people to the station who are not primarily interested in the purchase of fuel. To implement this objective:
- a. The sale of candy, soft drinks, cigarettes sold by the individual package (not by the carton), newspapers and milk is permitted.
 - b. All such sales shall be limited to the office area of the service station. None are permitted in other areas, such as in either of the service bays or in any outdoor area.
18. That all conditions and requirements not in conflict with those stated herein and which are contained in the resolution of the Board of Appeals dated 1/26/31, an all subsequent resolutions, are hereby continued in full force and effect.
19. The applicant shall provide certification that the service station is operating in compliance with all applicable Federal, State and local regulations, rules and laws, within six months of the date of this approval, by 7/25/2017, and with each subsequent Special Use Permit renewal application; and be it further

RESOLVED: That the above permission for the continued use, maintenance and operation of said service station shall be terminated forthwith in the event the operator thereof fails to correct any conditions found to be in violation of any of the above conditions by the Building Inspector of the Village within such time as may be set in a written notification to the station operator from the Building Inspector.

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CASE #4 OF 2017

6. Quaker Ridge Golf Club
146 Griffen Avenue
Sec. 23, Blk. 1, Lot 1 and 1A1
Wetlands Permit

The Board considered the application of Quaker Ridge Golf Club Case #4 of 2017, and, upon motion duly made and seconded, held the item over to a future meeting pending receipt and review of the following:

WHEREAS: the Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; and

RESOLVED: that after careful examination of the site and evaluation of the information submitted on the plans and the Short Environmental Assessment Form the Board determined the action, the dredging and maintenance of the pond, is an Unlisted Action pursuant to Chapter 152 of the Village Code and 6 NYCRR 617.2(ak) further determined the proposed action will not have a significant negative impact on the environment; and

WHEREAS: The property is located in the AA-1 (2 acre) zoning district, is listed in the Assessor's records as 138 acres and is considered a wetlands controlled lot as a portion of property is designated as a New York State regulated wetlands and an unclassified tributary to the Sheldrake River flows through the golf course; and

WHEREAS: The Quaker Ridge Golf Club dates from the 1920's there have been a variety of additions and alterations to the clubhouse and the facilities over the years; and

WHEREAS: In 2007, the Planning Board approved a wetlands permit to dredge the pond, reshape it to provide additional surface area, make streambank improvements and associated work to provide better access for maintenance of the stream and the pond; and

WHEREAS: Chapter 171 of the Village Code regulates freshwater wetlands; and

WHEREAS: The plans show the proposed dredging and sediment removal operation which will remove accumulated silt and place it on an existing berm within the Golf Club; and

WHEREAS: The plans indicate approximately 2500 sq. ft. of sediment will be dredged; and

WHEREAS: The Board members have visited the site and are familiar with all materials submitted in connection with the application; now therefore be it

RESOLVED: That the application of Quaker Ridge Golf Club for a Wetlands Permit, pursuant to Chapter 171 of the Village Code, to dredge and maintain the existing irrigation pond at 146 Griffen Avenue as shown on Plan OP-1, SP-1 and D-1 dated 12/27/16 be approved conditioned on the following:

1. A Stormwater Management and Erosion Control (SWEC) permit shall be required and the plans shall be subject to the Village Engineer's review and approval. All work shall be done in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and New York State Stormwater Management Design Manual. All soil and erosion control measures shall be installed prior to the issuance of a SWEC and maintained throughout construction.

a. The area of disturbance should be verified.

b. The applicant should confirm that all DEC or other agency permit requirements, if any, shall be met.

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Upon duly made and seconded, the minutes of the December 14, 2016, meeting were approved as amended.

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The Chair announced that the next meeting of the Planning Board would be held on Wednesday, February 22, 2017, at 8:00 p.m.

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The meeting was adjourned at 11:00 p.m.

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Cameron McLeod
Assistant to the Village Planner