

PLANNING BOARD

RUTHERFORD HALL
 VILLAGE HALL
 SCARSDALE, NY
 February 22, 2017

A regular meeting of the Planning Board of the Village of Scarsdale was held in Rutherford Hall in the Village Hall on Wednesday, February 22, 2017, at 6:30 p.m.

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

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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, February 22, 2017**, at 6:30 p.m. at which time and place the Planning Board will consider the following:

1. A recommendation to the Village Board regarding the amount of the recreation fee to be assessed to the applicant, the Estate of Hazel Golenbock, for the three lot subdivision which resulted in two new lots 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.

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 February 7, 2017.
Elizabeth Marrinan AICP, Village Planner.

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CASE #14 OF 2016

1. The Chair declared the hearing open on the recommendation to the Village Board regarding the amount of the recreation fee to be assessed to the applicant, the Estate of Hazel Golenbock, for the three lot subdivision which resulted in two new lots 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.

Ms. Doucette-Ashman asked what has been done in the past with recreation fees. Ms. Marrinan said New York State law gives planning boards the authority to require park land to be established as part of a subdivision, or to require an in lieu recreation fee. The recreation fee must be spent in accordance with a recreation plan, for recreational purposes such as infrastructure improvements but not maintenance costs and must be kept in a separate account.

Ms. Marrinan said the Village has been requiring recreation fees since 1957, at which time they required a flat fee of \$250 per lot. It is now based on a percentage of the value of the lot. The value is set for each zoning district by the Village Assessor and was last updated in 2006. There was a proposal before the Village Board of Trustees to update the recreation fee base values to be in accordance with the recent revaluation, but a decision is yet to be made. The recreation fee must therefore be based on the 2006 values. Ms. Marrinan said in recent years the board has consistently opted to recommend the recreation fee at 5% of the valuation, out of a possible 4% to 6%.

Mr. Longman asked if the Board of Trustees has always accepted the Planning Board's recommendation. Mr. Esannason said yes for all but one case.

Mr. Steinberg asked the staff position on the letter from William Null, attorney for the applicant, requesting that the recreation fee be based on the purchase price, as per the original bill of sale. Mr. Esannason said the purchase price may not represent the true value of the lot, therefore it is more appropriate to rely on the value provided by the Assessor. Furthermore, the Board is restricted by the regulations regarding assessment of recreation fees, established by the Village Board.

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

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CASE #14 OF 2016

1. The Estate of Hazel Golenbock
 18 and 0 Cornell Street and 19 Griffen Avenue
 Sec. 24, Blk. 1, Lots 4, 5, 4A and 4B
 Recreation fee for two additional lots created as a result of a three lot subdivision

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

WHEREAS: The Planning Board approved this three lot subdivision at the January 25, 2017 meeting creating two new lots; and

WHEREAS: The property, located in the A-2 (20,000 sq. ft.) zoning district, runs from Griffen Road through to Cornell Street and is currently mapped as 4 tax lots: 24.1, 4, 5, 4A and 4B; and

WHEREAS: According to the subdivision plat which shows three lots, the property totals 4.35 acres with 18 Cornell St. (24.1.4) shown as 0.52 acres and undeveloped, 0 Cornell St. (24.1.5) shown as 0.53 acres and is also undeveloped, and (24.1.4A, 4B) shown as 3.3 acres is developed with a house built in 1975; and

WHEREAS: New York State Village Law 7-730(4) provides for the reservation of parkland on subdivision plats with residential units or, in the alternative, funds in lieu of the dedication of land; and

WHEREAS: This subdivision application was required by Chapter 77-3 of the Village Code which requires Planning Board review of the development of a subdivision approved prior to the creation of a Planning Board in 1974; and

WHEREAS: This three lot subdivision was approved by the Planning Commission in 1961 and the subdivision plat was filed with Westchester County in 1962; and

WHEREAS: The Village Board of Trustees authorized subdivision recreation fees as early as 1957; however no evidence was found in the 1961 and 1962 Planning Board, Village Board or Village Treasurer's records that a recreation fee was paid or land dedicated in connection with the subdivision at that time; and

WHEREAS: The Planning Board finds that dedication of land for park, playground or recreation purposes is not feasible in view of the small amount of land available in this three lot subdivision; and

- WHEREAS: The Village Department of Parks, Recreation and Conservation provides a variety of facilities to meet the interests and needs of the community which includes parks, playgrounds, ball fields and an outdoor pool; and
- WHEREAS: The Village Department of Parks, Recreation and Conservation has a Five Year Capital Plan that calls for the replacement of facilities and equipment as well as additional facilities that will be needed in the future; and
- WHEREAS: The Village Board, on February 27, 2007, updated the Guidelines and Fee Schedule for monetary payment in lieu of land for new building lots and determined the Recreation Fee for new lots is a range from 4% to 6% of the 2006 property value based on the zoning district; and
- WHEREAS: The Board considered the calculations prepared by staff based on a Guideline Value of \$1,350,000 for lots in the A-2 zoning district; now therefore be it
- RESOLVED: The Planning Board recommends to the Village Board that the applicant, the Estate of Hazel Golenbock, be required to pay a monetary fee in lieu of the dedication of parkland in the amount of 5.0 percent of the Guideline Value for properties in the A-2 zoning district, or \$67,500 for each of the two new lots created as a result of the three lot subdivision at 18 and 0 Cornell Street and 19 Griffen Avenue, identified on the Village tax map as Sec. 24, Blk. 1, Lots 4, 5, 4A and 4B, a total of \$135,000.

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Upon duly made and seconded, the minutes of the January 25, 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, March 22, 2017, at 8:00 p.m.

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The meeting was adjourned at 6:40 p.m.

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Elizabeth Marrinan
Village Planner