

**MINUTES
VILLAGE OF ARDSLEY
PLANNING BOARD MEETING of
MONDAY, JULY 10, 2023**

I. Call to Order

The Chair called the meeting to order at 8:05 PM.

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

The Chair announced that the Agenda would be taken out of order.

II. Approval of Minutes

Mr. Preisser moved, and Ms. Jainchill seconded, the approval of the minutes of the Planning Board meetings of February 13, 2023, of April 10, 2023, of July 13, 2020, and of November 9, 2020, all as amended.

Vote: 5 in favor, none opposed, none abstaining, as follows:

Rob Pellegrino, Esq., Chair –	Aye
Altin Batska –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

**III. Anthony and Helen Racanelli
18 Mount View Avenue
Applications for Two-Lot Subdivision and Site Plan Approvals,
For Proposed Demolition of Existing Dwelling and
Construction of Two New Dwellings
Continuation of Public Hearing**

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

Also Present: Paul Pettretti, Engineer for applicant
Dave Sessions, Kellard & Sessions, Consulting Engineer
Justin Maron, 23 Mountain View Avenue
Michael DiSimone, 36 Wilmoth Avenue
Larry Tomasso, Building Inspector

The Chair advised that at the last meeting at which this matter was addressed, the Planning Board had announced its intention to declare itself lead agency for SEQRA, and notice was sent, including to Westchester County Health, Planning, and Environmental Conservation; no objection was received.

Mr. Preisser moved, and Ms. Jainchill seconded, that the Planning Board declare itself lead agency for SEQRA.

Vote: 5 in favor, none opposed, none abstaining, as follows:

Rob Pellegrino, Esq., Chair –	Aye
Altin Batska –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

The Chair stated that the Board had received comments at the last meeting on this matter and that there has been a further memorandum from the Village's Consulting Engineer. The Chair noted that any materials the Board receives are available upon request for viewing at the Village office.

Mr. Petretti advised that nothing has changed in the layout. Mr. Petretti stated that the Consulting Engineer had provided many comments, that he had addressed most of those comments, and that most of the two or three that remain outstanding pertain to the retaining wall and drainage. Mr. Petretti stated that the only other outstanding item related to the neighbor on the right, whose driveway and curb extends into the subject property.

The Chair asked about the drainage issues and about the grading and width of the driveway.

The Chair advised that the Board will review the Consulting Engineer's comments and the latest plans, and may have additional comments at the next meeting.

The Chair asked if any member of the public wished to speak on this application.

Mr. Maron suggested that the way the property is being divided is only to avoid the need of a variance. Mr. Maron also stated that the proposed house is exactly fifteen-feet from the property line, so he hopes the construction will be precise. Mr. Maron further stated that he mistrusts the applicants, and therefore also the applicants' landscaping and construction companies.

Mr. DiSimone reminded the Board that he had submitted a memo about the Planning Board's discretion, with which the Village attorney had disagreed, and asked the Board to review his memo. Mr. DiSimone reiterated allegations about the applicant's legal and tax liabilities, and about police reports about applicant's tenants.

The Chair assured the members of the public that their comments will be reflected in the record, as they had been at the last meeting on this matter.

The public hearing then was adjourned and will be continued.

**IV. 55 Ridge Road Equity LLC
55 Ridge Road
Application for Subdivision Plat Amendment,
For Proposed Sanitary Sewer Main Extension Plan Revisions
Public Hearing**

Present:¹ Rob Pellegrino, Esq., Chair
Altin Batska
Susan Jainchill
Bernhard Preisser

Also Present: Dan Collins, Hudson Engineering
Gabriel Dan, applicant
Dave Sessions, Kellard & Sessions
Paul Pederson, 4 Shady Road, Ardsley, New York
Larry Tomasso, Building Inspector

¹ Mr. Bialowas recused himself on this matter because of a prior business relationship with applicant.

The Chair read the Legal Notice, noting that this matter was originally scheduled for the May meeting and was adjourned to tonight.

Open Public Hearing

The Chair advised that this is an application for a subdivision plat amendment and site plan changes, all relating to the sewer, and that this is not a question of the subdivision itself being revisited.

Mr. Collins stated that this had been approved in 2021 by both the Village and the County Health Department. Mr. Collins stated that a field investigation revealed that they would not be able to connect to the sewer main where originally planned, so they now propose connecting to an existing sewer main at the top of Shady Road via an extension that comes up between 7 and 4 Shady Road. The Chair asked if the entirety of the proposed line would be in the right of way and would not cross anyone else's property, and Mr. Collins so confirmed.

Mr. Collins described the pumps that would be in the proposed residences, and the maintenance responsibilities thereof. Mr. Tomasso added that the Village will be responsible for the line and the main, from the cleanout up to the forced main to where it ties into the extension.

The Board asked Mr. Tomasso to confirm that the County Health Department will have to approve the plans, and Mr. Tomasso advised that it will. Mr. Sessions added that the Health Department must sign off on the pump design, capacity, etc. Mr. Collins advised that they have submitted the revised plans to the Health Department, which has already provided comments.

The Chair asked if any member of the public wished to speak on this application.

Mr. Pederson contended that the pipe would traverse private land of his and of the other owners of the previously subdivided property on which his house sits. Mr. Pederson expressed concern that the applicant will use the "private" road for access, which may exacerbate traffic and damage the road. Mr. Tomasso stated that no private property is being utilized as the subject area is not a private, but a mapped, road, and that the Village never deeded the right of way to the owners of that prior subdivision.

Mr. Pederson expressed concern that the applicant wants to cut down trees or run the sewer line directly adjacent to large trees. Mr. Pederson stated his belief that some trees to be cut down are not shown on the submission. Mr. Pederson also stated that the plans do not address replanting, and opined that trees should be preserved for erosion and flooding. Mr. Collins stated that a mini-excavator would trench from the top, that the pipe was located to save as many trees as possible, and suggested air-

blading to protect the roots. Ms. Jainchill stated that she would like an arborist to prescribe how to best protect the tree roots and to have that reflected on the plans.

Mr. Pederson stated that the Village Code prescribes that all sewer mains be laid straight, whereas the proposed is a semi-circle. Mr. Collins explained that this applies only to gravity pipes, and that laying the pipe straight would affect more trees.

Last, Mr. Pederson suggested that because the property has languished for two years, this applicant should not be constructing a sewer.

The Chair stated that the Board will considers all comments with seriousness, but added that Mr. Pederson should neither assume that his understanding of the law is correct, nor make statements that are not entirely true, such as omitting the words “in general” in his statement that the law requires sewer line to be “straight.”

Mr. Sessions stated that he has thirteen or fourteen comments, most of which are minor engineering details. Mr. Sessions stated that one significant comment is that the New York City DEP aqueduct runs across the right of way, and that while this is not a septic system, he suggests the applicant contact DEP about the sewer line.

**V. Christopher Petit and Jee-Young Ham
7 Dellwood Lane
Applications for Steep Slopes Permit and Site Plan Approvals,
For Proposed Building Demolition and New Construction
Public Hearing**

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

Also Present: Alan Filch, architect
Dave Sessions, Kellard & Sessions
Larry Tomasso

The Chair read the Legal Notice, noting that this matter was originally scheduled for the May meeting and was adjourned to tonight.

Open Public Hearing

Mr. Filch stated that there are two driveways on the property, one of which they plan to abandon. Mr. Filch noted that the neighbor's driveway is on this property, he thinks due to topography, but that he has not discussed the possibility of relocating the driveway with that neighbor. The Chair stated that applicants must show any recorded easement.

Mr. Filch stated that the project meets all zoning requirements for setbacks and number of stories, that the building coverage and FAR are well below the maximum permitted, and that the land coverage is less than existing due to the removal of one driveway.

The Chair asked where and why applicants propose creating steep slopes, and Mr. Filch advised that they are to bring the elevation up to the decks. Ms. Jainchill asked what slope is proposed, and Mr. Filch said that he thinks it is three to one.

The Board asked for an arborist's report that numbers the trees on the plan, and asked that trees intended for removal be marked with red tape. The Board also asked that the foundation and corners of the proposed house be staked.

Mr. Filch noted that there is a sanitary sewer line to which they will be able to connect with gravity. Mr. Tomasso added that another neighbor had given a sewer easement to the Sheehans, and that this house, which is currently on septic, will tie into it.

The Chair asked if any members of the public wished to speak on this application. The only member of the public present did not have comments on this application.

The Chair noted that Mr. Sessions has comments that will need to be addressed.

VI. Mr. Yen Wong
88 Lincoln Avenue
Applications for Excess Floor Area Special Permit and Site Plan Approvals,
for Proposed Building Demolition and New Construction
Public Hearing

Present:² Rob Pellegrino, Esq., Chair
Altin Batska
Paul Bialowas
Bernhard Preisser

Also Present: Emilio Escalates,³ Escalates Architects & Engineers
Dave Sessions, Kellard & Sessions
Larry Tomasso

² Ms. Jainchill recused herself from this matter, as she is within 200 feet of the property.

³ Mr. Escalates advised that Mr. Sessions had been an undergraduate student of his in the 1980s.

The Chair read the Legal Notice, noting that this matter was originally scheduled for the May meeting and was adjourned to tonight.

Open Public Hearing

The Chair advised that the applicant must post an escrow of Ten Thousand Dollars.

The Chair noted that he believed that the house proposed for demolition was one of the Lefurgy homes, and stated that The Historical Society would appreciate looking through it, for which permission was given.

Mr. Escalades stated that the applicant proposes building one new house on the lot that is oversized for a 7,500 square foot zone, but that is well below the maximum FAR, building coverage, and land coverage permitted. Mr. Tomasso explained that based on the lot size, the proposed house is well under the basic permitted, but would have to be a 3,400 square foot house to obviate the need for a special permit.

The Chair advised that members of the Board will walk the property.

This matter was adjourned.

**VII. 774 Saw Mill River Road LLC
(By Kristina Capolino and M. Capolino MBR)
774 Saw Mill River Road
Proposed Plans for Demolition of Existing 3-Unit Multi-Family Building,
And Construction of New 9-Unit Multi-Family Building
Continuation of Review and Comment to the Board of Trustees**

This matter was adjourned.

**VIII. Ferdinand Markushi
27 Abington Avenue
Application for Approval of Proposed Landscape Plan (Condition of March 12,
2018 Wetlands Permit for Rear Deck, Filling and Grading, Stream Bank
Restoration, and Tree and Shrub Removal and Planting)
Continuation of Review**

This matter was adjourned.

IX. Adjournment

The Chair moved, and Mr. Preisser seconded, to adjourn the July 10, 2023 meeting of the Planning Board at 9:25 PM.

Vote: 5 in favor, none opposed, none abstaining, as follows:

Rob Pellegrino, Esq., Chair –	Aye
Altin Batska –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Respectfully submitted,
Judith B. Calder, Recording Secretary