

Planning Board
Village of Tarrytown
Regular Meeting
October 27, 2016 at 7:00 p.m.

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis, Birgy
(arrived at 7:05 p.m.) Counsel Zalantis; Village Engineer Pennella; Village
Planner Galvin, Secretary Meszaros

Chairman Friedlander called the meeting to order at 7:00 pm.

APPROVAL OF THE MINUTES – August 31, 2016 Special Work Session -
Realty @ 460 SB LLC (a/k/a Honda Facility)

Mr. Tedesco moved, seconded by Ms. Raiselis, with Mr. Aukland abstaining, to approve the minutes of the August 31, 2016 Special Work Session. All in favor. Motion carried.

APPROVAL OF THE MINUTES – September 26, 2016 Planning Board Meeting

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the September 26, 2016 regular Planning Board Meeting. All in favor. Motion carried.

Chairman Friedlander read the following adjournments:

- Continuation of a Public Hearing – Peter Bartolacci - 67 Miller Avenue
- Continuation of a Public Hearing – Toll Brothers, Inc. - 112 Wilson Park Drive

CONTINUATION OF PUBLIC HEARING - 124 Wildey Street-Tarrytown, NY

Joanne Landau, Managing Partner of the Wildey Group, LLC – owners of the Tarrytown Station Plaza, a/k/a Walgreens Shopping Center, is here to seek approval for a change of use as outlined in her September 7, 2016 letter to this Board. She went to the ZBA for a parking variance which was approved at the 10/13/16 Zoning Board meeting.

Counsel Zalantis clarified with the Board that the applicant is not seeking a change of use; she is here for site plan approval.

Dr. Friedlander asked if the staff or Board Members had any questions.

Village Engineer Pennella said that Ms. Landau provided the Board with a letter to expand the garbage area in response to a concern raised by a resident at the ZBA meeting. This matter will be addressed with the building department before the issuance of a building permit.

Dr. Friedlander asked if anyone in the public had any comment. No one appeared.

Ms. Raiselis moved, seconded by Mr. Tedesco, to close the Public Hearing. All in favor. Motion carried.

Ms. Raiselis stated that she will only read a portion of the resolution; a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval resolution will be recorded in the minutes of this meeting.

Ms. Raiselis read through specific items which have been highlighted in the Resolution:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted October 27, 2016)**

Application of Wildey Group LLC

Property: 124 Wildey Street, Tarrytown Station Plaza (Sheet 1.40, Block 9, Lot 11 and Zone R-R)

Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval for a change of use converting a vacant storefront from a retail use (Dollar Dream) to a restaurant with no drive-thru window; interior alterations only.

2. The Planning Board on October 27, 2016 determined that the Project was a Type II action under SEQRA NYS DEC 617.5 (c) (7) "*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls.*" The storefront consists of 1,744 square feet.

3. The Applicant has made a preliminary presentation to the Planning Board on September 26, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on October 27, 2016 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated September 13, 2015 and October 13, 2016 and reviewed a *Parking Accumulation Survey* conducted by VHB Engineering dated February 18, 2014 which concluded that the previous larger proposal would not have an adverse impact on parking in the surrounding neighborhood and that the parking needs of the establishments in the shopping center would continue to be met using the on-site parking supply.

5. The Zoning Board of Appeals reviewed the Applicant's request for a parking variance at a public hearing held on October 13, 2016. The Zoning Board closed the public hearing on October 13, 2016 and approved the requested variance on that date.

6. The Planning Board closed the public hearing on October 27, 2016. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan. The vacant storefront consists of 1,744 square feet. The new tenant will be a local restaurant (Sweet Grass Grill) under the banner of Grass Roots Pizza. The storefront is located at 124 Wildey Street in the Tarrytown Station Center. The interior renovations will result in a kitchen area of 497 square feet and a dining room of 948 square feet. The proposed casual style restaurant will have approximately 50 seats. There will be no drive-thru window for the restaurant. The previous tenant was a Dollar Dream store which vacated the premises in December 2014. The shopping center has 182 parking spaces with a total of 218 spaces required. A previous application for a change of use from retail to restaurant use was approved by the Planning Board on September 23, 2014. The ZBA approved the parking variance for 23 spaces on March 10, 2014, but because the Applicant did not obtain a final building permit within 2 years of the approval, the variance lapsed. The *Parking Accumulation Survey* conducted by VHB Engineering dated February 18, 2014 demonstrated that at peak times the parking lot is operating at approximately 40% capacity, and, therefore, there is ample parking available in the lot for the proposed use. The ZBA reviewed the current application and approved its parking variance on October 13, 2016 based on a site visit and the information and parking study provided.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to and approved by the Planning Board as follows:

Plans by John Eberhart Architect LLC dated September 8, 2016 entitled:

- A000 *Cover Sheet*

- A101 *Plans*
- A102 *Enlarged Plans*

(the “Approved Plans”).

III. General Conditions

(a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

(c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review as required in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions:

- 1. The Applicant shall comply with the conditions imposed by the Zoning Board of Appeals in their resolution dated October 13, 2016 granting the Applicant's parking variance.
- 2. Prior to the issuance of a building permit, the Applicant shall require:
 - a) Approval of the Building Inspector/Village Engineer regarding the adequacy of garbage disposal provisions as outlined in the letter dated October 26, 2016 by Joanne Landau, Managing Member of the Wildey Group (Applicant) to increase the capacity of the refuse area, provide a solid weathertight enclosure surrounding the refuse containers, and provide adequate fire lane access.

Ms. Landau asked to clarify if the enclosure plans had to be submitted before a permit is issued. Village Engineer Pennella responded that he would like the enclosure issue resolved prior to the issuance of a building permit and the Building Department will work with the applicant with regard to the timeline.

Mr. Tedesco Moved, seconded by Mr. Aukland, to approve this Resolution. All in Favor. Motion carried.

NEW PUBLIC HEARING – David A. Barbuti, Architect PC – 45 Putnam Avenue

Chairman Friedlander read the Public Hearing Notice.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Thursday, October 27, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Dave Barbuti, Architect, P.C.
150 White Plains Road
Tarrytown, NY 10591

for the construction of a two-story addition to existing structure with interior alterations. The property is located at 45 Putnam Avenue and is shown on the tax maps of the Village of Tarrytown as Sheet 1.90, Block 60 Lot 7 and in the R 7.5 Zone.

Additional approvals will be needed from the Architectural Review Board.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: October 14, 2016

The certified mailing receipts were received and the signs were posted.

David A. Barbuti, Registered Architect, representing the owners, Stephen and Donald Demeter, explained that he is here to request site-plan approval for a proposed 2 story addition to a single family dwelling with interior alterations. In accordance with section 305-132 (a) 1 of the Zoning Code, this approval is required for any footprint which is increased more than 25% of the existing square footage.

He explained that the asphalt area in the front of the home has been removed as directed by Village Engineer Pennella at the Preliminary Presentation last month. In addition, the landscaping has been addressed with a revised plan that has been approved by the Village Landscape Architect.

Ms. Raisleis asked if they had to go to Zoning. Mr. Barbuti said they did not.

Dr. Friedlander asked if any staff or Board Members had any questions.

Planner Galvin commented that Lucille Munz has reviewed the revised Landscape Plan with her suggested plantings and the Village Tree commission is also satisfied.

Dr. Friedlander asked if anyone in the public had any questions. No one appeared.

Mr. Birgy moved, seconded by Mr. Aukland, to close the Public Hearing. All in favor. Motion carried.

Mr. Birgy stated that he will only read a portion of the resolution; a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval resolution will be recorded in the minutes of this meeting.

Mr. Birgy read through specific items which have been highlighted in the Resolution:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted October 27, 2016)**

**Application of Stephan and Donald Demeter
Property: 45 Putnam Avenue (Sheet 1.90, Block 60, Lot 7 and Zone R-7.5)
Resolution of Site Plan Approval**

Background

1. The Applicant requested site plan approval to construct a 2 story addition (25' x 15.5') to east side of existing single family residence with interior alterations at property located at 45 Putnam Avenue.
2. The Planning Board on September 26, 2016 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) "*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*" and, therefore, no further SEQRA review is necessary.
3. The Applicant made a preliminary presentation to the Planning Board on September 26, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on October 27, 2016 at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated

September 13, 2016 and October 13, 2016, the Village Landscape Architect in Staff Reports dated September 23, 2016, and October 24, 2016, as well as comments from the Building Inspector/Village Engineer which they have considered.

5. The Village Landscape Architect has reviewed the final revised site and landscape plans dated and submitted October 26, 2016 and found the changes to be acceptable. The Village Tree Commission has also reviewed the landscape plan and found it acceptable.

6. The Planning Board closed the public hearing on October 27, 2016. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan. The Project consists of a 2-story addition to the east side of the single family residence and interior alterations to the existing structure. The 12,791 square foot property is located at 45 Putnam Avenue in an R-7.5 zone. The existing footprint is 972 square feet and the footprint of the proposed addition is 388 square feet, for a total of 1,360 square feet. The Project requires Planning Board site plan review under section 305-132 (a) since the addition increases the footprint by 25 percent or more. The proposed addition represents a 39.9 percent increase in the existing building's footprint. The Project complies with all zoning requirements. The garage, which is split between the subject property and the adjacent property, is an existing non-conforming one car garage. The Applicant's Environmental Clearance form indicates no environmental issues. A stormwater management plan has been submitted in accord with Village requirements and NYSDEC criteria. The Applicant submitted a revised landscape plan responsive to the Village Landscape Architect's staff report dated September 23, 2016. In response to additional comments by the Village Landscape Architect, the Applicant revised the site plan to include existing trees, the

placement of the silt fencing outside the trees' drip lines and revised the landscape plans in accord with her comments. The Village Landscape Architect has reviewed these changes and found them to be acceptable. In response to the request of the Village Engineer, the Applicant has revised the site plan to show the removal of the asphalt parking area at the northeast side of the property and relocated the soil stock pile and stormwater mitigation chambers out of the trees' drip line. The landscape plans have been reviewed and found acceptable by the Village's Tree Commission.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning and approved by the Planning Board as follows:

Plans developed for the Proposed Addition and Alteration for The Demeter Residence by David A. Barbuti Architect, PC dated May 5, 2016 and submitted July 8, 2016 unless otherwise noted entitled:

- SP1 "*Site Plan/Schedules*" revised October 26, 2016
 - SP2 "*Stormwater Calculations, Details, and Notes*"
 - LS1 "*Landscaping Plan, Plant List, Detail and Notes*" revised October 26, 2016
 - LS2 "*Landscaping Details and Notes*" revised October 26, 2016
 - GN1 "*General Notes Sheet No. 1*"
 - GN2 "*General Notes Sheet No. 2*"
 - D1 "*Basement and First Floor Demolition Plans*"
 - D2 "*Second Floor and Front Elevation Demolition Plan*"
 - F1 "*Foundation Details*"
 - A1 "*Basement Plan*"
 - A2 "*First Floor Plan*"
 - A3 "*Second Floor Plan and Roof Plan*"
 - A4 "*Front and Right Side Elevations*"
 - A5 "*Rear Left Side Elevations*"
 - A6 "*Cross Section and Details*"
 - A7 "*Wood Deck Section and Details*"
 - A8 "*Wood Deck Railing and Stair Details*"
- (the "Approved Plans").

III. General Conditions

- (a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):
- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and

approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

- (f) Landscaping: All landscaping shall be native plants and installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this Resolution. All in Favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Realty @460 SB LLC – 460 South Broadway

This portion of the meeting was transcribed by a court stenographer and the transcript will be included as part of the record.

John J. Hughes, Jr., Attorney, introduced Jack Ryan, VP of Operations of Honda, and Craig Zimmerman, PE, of Redcom LLC, the Engineer for this project. Mr. Hughes commented that there was a discussion about the restriction on car carriers at the last Public Hearing and that Jack Ryan has addressed this concern with the Board.

Mr. Tedesco asked Mr. Hughes if Honda would agree to have the car carrier conditions be applicable to both the 480 and 460 sites. Mr. Ryan agreed and said he would send a revised letter to the Planning Board to include both sites.

Dr. Friedlander asked if any staff or Board Members had any comments.

Mr. Aukland said he is satisfied with the conditions and has no further questions.

Mr. Tedesco said he is also satisfied with the SEQRA review and was happy to see Mr. Canning's response to the ZBA.

Dr. Friedlander asked Planner Galvin to go over his memorandum.

Mr. Galvin briefly went over the points regarding the status of SEQRA, and asked the secretary to provide the correspondence to the applicant. Mr. Galvin explained that the Planning Board has requested input from both the ZBA and the ARB with regard to SEQRA. The ZBA provided comments regarding traffic, which the village traffic consultant John Canning has answered, indicating no significant impact and the dealership will

generate less traffic than the current diner. John Canning also recommended that the limit of used cars on the lot, the prohibition of the car carriers, and the ADA compliance for the sidewalks improvements along Broadway all be included in the final site plan approval.

The ARB provided helpful material and a “Mark-up plan”, the items of which all fall within their purview, which will be provided to the applicant.

The front yard setback was accomplished and the Green infrastructure was discussed at the last meeting, and it was requested that they be indicated on the site plan. Additionally, Mr. Galvin is recommending [to the Board] that a green roof be placed on a portion of the roof and that this matter should be addressed before the next work session so that this component can be included in a SEQRA recommendation.

Dr. Friedlander asked Counsel Zalantis what the next steps are for the applicant.

Counsel Zalantis said that they can start the ZBA process and go before the Zoning Board, but the ZBA would not be able to vote until the Planning Board closed SEQRA. If Zoning is approved, the applicant will return to the Planning Board for site plan approval. The applicant cannot go to the Architectural Review Board until they have site plan approval from the Planning Board.

Mr. Aukland asked Village Engineer Pennella if he had any questions or comments.

Mr. Pennella said, with regard to the Green plan, we are looking for 25% retention on site which the applicant has done, but we are encouraging that green infrastructure be provided on a portion of the roof.

Craig Zimmerman, PE, of Redcom LLC, explained that Green infrastructure was discussed at the beginning of this project and it was determined that it would be too expensive for the applicant. They have provided a stormwater plan and are willing to do a rain garden or rock garden, but a green roof may be too excessive for the budget. He added that they are significantly decreasing the impervious surface and improving the existing stormwater condition on the site.

Planner Galvin said that an Ecco green roof is what they would be receptive to and only a portion of the roof is what the village is asking for.

Ms. Raiselis commented that Honda is basically doing what is required by the code and law and not doing anything above and beyond. She feels that the Board and village are looking beyond what is simply required by the law and would encourage the applicant to consider more than the minimal of what is required.

Mr. Zimmerman said they will be incorporating the Honda “Silver” plan and making improvements on the site and they will work to make it greener.

Ms. Raiselis said that they will be using this property for a long time so they should consider the long term benefits. Mr. Ryan confirmed that they will be incorporating the “Silver” Plan and that the roof is designed for solar as well.

Before the next work session, Mr. Tedesco asked the applicant to come up with some nice ideas that Honda can live with regard to a Green Plan. Ms. Raiselis said she would even welcome some ideas that they could implement in the future.

Mr. Birgy asked about the Silver Program. Mr. Zimmerman said that they will implement the Silver Program with lights, etc., and to the credit of Honda there are reusable water needs which they will look at. Mr. Birgy said he was confused. Dr. Friedlander said there are Silver, Gold, and Platinum being the best, and they chose the Silver Plan.

Mr. Ryan said this information has been provided to the Board. The building is going to be amazing they will also do a rock garden. Mr. Galvin said he was asked to provide the Honda Silver Plan to the Board Members at the last meeting, which he did.

Mr. Birgy asked Village Engineer Pennella to comment on energy requirements for the site.

Mr. Pennella said the village is using the 2015 IECC (International Energy Conservation Code) which is even more stringent than the 2012 code and applies to commercial buildings. This only became effective 10-3-16. Energy efficiency requirements are more stringent now and the building will have to be fairly tight to meet the new codes. A 3rd party certified HERS inspector will be needed to do this testing to ensure code compliance.

Mr. Tedesco moved, seconded by Ms. Raiselis, with Mr. Aukland abstaining, to request Planner Galvin to prepare a Draft Negative Declaration to be considered by the Planning Board at the November 28, 2016 meeting. All in favor. Motion carried.

Mr. Aukland recommended that the applicant work with the Village Engineer to come up with a Green plan that is above the code, but works for the both the village and the applicant, so that we can have this information prior to the next meeting.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Ms. Raiselis, and unanimously carried, that the meeting be adjourned – 7:45 p.m.

Liz Meszaros
Secretary