

Planning Board  
Village of Tarrytown  
Regular Meeting  
September 25, 2017 at 7:00 p.m.

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis and Birgy;  
Counsel Silverberg; Village Engineer Pennella; Village Planner Galvin;  
Secretary Meszaros

Chairman Friedlander called the meeting to order at 7:03 p.m.

APPROVAL OF MINUTES – August 28, 2017

Mr. Tedesco moved, seconded by Mr. Birgy, that the minutes of the August 28, 2017 meeting be approved as submitted. All in favor. Motion carried.

Chairman Friedlander announced the following adjournments:

Peter Bartolacci – 67 Miller Avenue

Removal of railroad tie wall, construction of retaining walls with landscaping.

New Cingular Wireless (AT&T) -120 White Plains Road

Installation of Wireless Telecommunications Facility on the rooftop of the existing building.

202 Lexington Group LLC – 29 South Depot Plaza

Convert indoor sports facility into a Self-storage facility and demolish existing structure for a parking area.

NEW PUBLIC HEARING – EQR Talleyrand - 1202 Crescent Drive

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 Monday, September 25, 2017, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

EQR – Talleyrand LLC  
1202 Crescent Drive  
Tarrytown, NY 10591

For the consolidation of seven (7) trash enclosure areas into one (1) centralized location.

The property is located at 1202 Crescent Drive, Tarrytown, NY and is shown on the tax maps as Sheet 1.201, Block 122, Lot 1.3 and is in the MU Zoning District.

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

DATED: September 15, 2017

The mailing receipts were received and the signs were posted.

Brad K. Schwartz, Attorney, of Zarin & Steinmetz, representing the applicant, appeared before the Board seeking site plan approval to consolidate 7 trash enclosure areas, at the Talleyrand Crescent Development, into one centralized location. He introduced Michael Gadaleta, the project Architect, to describe the project to the Board. Mr. Gadaleta showed the existing 7 locations on the site plan and photos and explained that this project will be a solution to the problems they have had with rodents and raccoons. He then showed the proposed plan with the bins removed and referenced the additional parking spaces that have been added as a result of the consolidation. The next rendering was an image of the steel framed wood clad sky-lit trash receptacle, followed by the garbage compactor and a storage bin which will be inside the enclosure. Mr. Gadaleta explained that the tenants will use half of the area for recycling; and they will place their garbage in the bin which will be compacted by staff on site and removed privately by the owner. In addition, the building has skylight daylight to make it as sustainable as possible and motion sensors will be installed that turn off and on automatically during the evening hours.

Dr. Friedlander confirmed that the residents will bring the recycling to this location and he asked if any residents complained. Mr. Gadaleta said it is little further, but to control the rodents, it will be better. They will also put wire mesh along the perimeter to keep out smaller rodents.

Ms. Raiselis asked what kind of wood the structure would be made of. Mr. Gadaleta said probably a poplar, teak, or cedar; something that will last for a while. Ms. Raiselis commented not to use teak if they want it to be sustainable.

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

Dr. Friedlander asked if the staff had any comments. Mr. Pennella said this plan does not have requirements for stormwater regulations 258-7. They will be required to install an oil water separator which separates the oil and grease from the runoff which will be

discharged into the sanitary system. Having the area covered will mitigate runoff to the site. The benefit is that the village will not be picking up the garbage and recycling.

Mr. Galvin asked Mr. Pennella if the village was going to continue to picking up recycling. Mr. Pennella said no, the applicant will also be removing the recycling. Mr. Birgy asked if the village is currently removing the garbage. Mr. Pennella said yes and it has been a problem for some time.

Mr. Schwartz said that he thought that the village would continue to pick up the recycling and only the compacted garbage was going to be removed by the applicant. Mr. Pennella said he spoke with Mr. Wessells, the DPW Superintendent, and he said his intent was not to pick it up because of the way they were separating the material.

Mr. Gadaleta said that it was also his understating that the village would not be picking up the trash, but would continue to collect the recycling.

Mr. Pennella said the issue we have is that we have to go into the center of the property. He said this is a discussion we could have later on but he is expressing the concerns from Public Works.

Mr. Schwartz said his client was unable to make it this evening but, as Mr. Pennella suggested, this is something that we can continue to discuss with the village post this application.

Mr. Tedesco formally declared this a Type II action, with no further action required under SEQRA, seconded by Mr. Aukland. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2,500.00. All in favor. Motion carried.

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

Ms. Raiselis said that only a portion of the resolution will be read but a copy of the general and specific site plan conditions will be provided to the applicant and the entire resolution will be recorded in the minutes as follows:

**RESOLUTION  
VILLAGE OF TARRYTOWN  
PLANNING BOARD  
(Adopted September 25, 2017)**

**Application of EQR-Talleyrand, LLC**

**Property: 1202 Crescent Drive (Sheet 1. 201, Block 122, Lot 1.3 and Zone MU)**

## **Resolution of Site Plan Approval**

### **Background**

1. The Applicant requests site plan approval for the consolidation of trash/recycling storage enclosure areas in the residential development known as “Talleyrand Crescent” located at 1202 Crescent Drive in the MU Zoning District.

2. The Planning Board on September 25, 2017 determined this to be a Type II Action under NYS DEC 617.5 (c) (2) *“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes ...”*

3. The Planning Board has conducted a duly noticed public hearing on September 25, 2017 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 including the *Environmental Clearance Form*, the *Zoning Compliance Form*, Applicant’s *Letter of Explanation* and Applicant’s *Wetland/Watercourse Clearance Form*. Additionally, the Applicant has provided supporting plans and elevations for the consolidated trash/recycling enclosure. The Planning Board’s review has noted that the Talleyrand development is fully developed and that consolidated trash/recycling bins are in the middle of the development’s parking area. There is no disturbance in the area of the wetlands or steep slopes. The original Planning Board review of the Talleyrand development addressed the wetlands setbacks as part of the Board’s approval.

5. The Planning Board has received comments and recommendations from the Village Consulting Planner in a memorandum dated September 14, 2017 and a denial letter from the Building Inspector/Village Engineer which they have considered.

6. The Planning Board closed the public hearing on September 25, 2017. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

### **Determination**

The Planning Board has considered the standards set forth in the 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 Applicant has proposed the elimination of the existing seven (7) trash/recycling storage enclosure areas distributed throughout the property's parking areas and the creation of 1 enclosed trash compactor and recycling storage area in a central location (the "Project"). Currently, the Village of Tarrytown DPW collects the trash/recycling and bulk items from all seven dumpster areas in the development. The new centralized location in the development would be placed in the middle part of the development (Cluster 8). This new consolidated enclosure would replace existing trash/recycling dumpster enclosures, improve the overall aesthetics of the development and enhance the trash/recycling collection management. The conversion to a trash compactor requires that trash collection will be provided by a private carter since the Village DPW does not have the ability to service compactors. However, the Village will continue to collect recycling and bulk items at this central location. The Project would also result in a net *increase* of 6 parking spaces on the Property (7 spaces would be removed to accommodate the new storage area; 13 spaces would be added in the general vicinity of the former storage areas). Two new deciduous shade trees would replace two existing shade trees in the vicinity of the new consolidated enclosure. The Applicant has provided elevations and renderings for the proposed trash compactor/recycling facility. The height of the facility is approximately 11' to 12' and would include the compactor and 8 recycling bins placed on a concrete pad. The centralized facility would use LED light fixtures. The elevations show a 6' high, wooden plank fence to screen the facility. There will be fixed skylights in the recycling and compactor roofs with translucent panels. Both the recycling and compactor areas will have separate area drains.

## II. Approved Plan:

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

Plans prepared for EQR – Talleyrand, LLC by MG New York Architects dated 8/9/17. The Plans are entitled as follows:

A – 000.00 “Cover Sheet, Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.

A – 100.00 “Existing Partial Site Plan (1), Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.

A – 101.00 “Existing Partial Site Plan (2), Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.

A – 102.00 “Existing Partial Site Plan (3), Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.

A – 103.00 *“Proposed Partial Site Plan (1), Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.*

A – 104.00 *“Proposed Partial Site Plan (2), Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.*

A – 105.00 *“Proposed Partial Site Plan (3), Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.*

A – 106.00 *“Proposed Compactor Plan and Elevations, Site Improvements @ Talleyrand Apartments, 1302 Crescent Dr., Tarrytown”.*

(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. The Applicant will submit for approval and to the satisfaction of the Village Engineer/Building Inspector a covered structure to reduce or otherwise minimize the quantity of rain water captured and treated for compliance with NYSDEC MS4 regulations and Chapter 258-7 Stormwater Management. The stormwater captured shall be treated by the use of an oil water separator and disposed to the sanitary sewer system.
- 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 checklist 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) 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 will contract with a private trash carting company to collect refuse and recycled materials and service the trash compactor.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site-plan application as discussed this evening. All in favor. Motion carried.

PRELIMINARY PRESENTATION – Sisters of the Sacred Heart of Mary– 32 Warren Ave.

John E. Folchetti, PE, of J. R. Folchetti & Associates, LLC, representing the applicant, Sisters of the Sacred Heart of Mary, appeared to present their project to the Board for the widening of a driveway and construction of retaining walls.

Mr. Folchetti presented the site plan and showed the existing driveway which is only 11 feet wide, preventing fire apparatus to get to the 3<sup>rd</sup> floor of the building, which is a safety concern to the sisters living in the convent. They are proposing to widen the driveway to a full 26 feet. He showed the existing 14 foot retaining wall which is failing; the concrete is starting to rot and will need to be replaced. They are proposing to widen the driveway and construct 2 tiers of wall, separated with landscaping, to break it up and look more aesthetically pleasing.

Ms. Raiselis asked Mr. Folchetti what the proposed heights of the walls would be. Mr. Folchetti said that two six (6) foot walls are being proposed.

Dr. Friedlander asked how much space is between the walls. Mr. Folchetti said a minimum of 6 feet, but it could be more. They are not at wall design yet since they wanted to determine with the Board that a two wall design is favorable to the Board.

Dr. Friedlander asked about the landscaping. Again, Mr. Folchetti said there will be a minimum of 6 feet. Ms. Raiselis asked what type of material the walls would be made of. Mr. Folchetti said it will be a mechanically earth supported retaining wall made of precast concrete sections with either a smooth face or cast with a cut stone face. He wants to confirm that the 2 tier approach is how the Board would like them to proceed before they design the walls. Ms. Raiselis said we would like to see pictures of the walls. Mr. Folchetti asked the Board if they approved of the 2 tiered approach.

Mr. Tedesco said that a tree plan should be submitted indicating the size, nature and location of all trees to be removed. Mr. Folchetti said there is a tree plan in the application package and about 15 to 20 trees will need to be removed. They will revise the plan to indicate the size, nature and location of the trees.

Mr. Birgy asked what other alternatives they had for the wall. Mr. Folchetti said the only alternative is a single faced wall; three tiers would not fit in this area. Mr. Folchetti said the 2 tiers are the best we have.

Mr. Aukland asked if the separation between the walls is suitable for planting. Mr. Folchetti said yes, but we first must make sure that the wall will work from an engineering standpoint.

Mr. Birgy asked if it would be possible to screen the wall with vines to make it look like a green wall since it is near the Lakes Trail. Mr. Folchetti said there is a plantable wall which could be designed but that would have to be a single wall only. They could however drape



over plantings in the lower tier to go over the wall and make it look nice. He does not know if this would be possible on the upper tier.

Dr. Friedlander said it is more important for the lower wall since it is closer to the trail. Mr. Folchetti said we can do it, but it would have to be something that drapes.

Ms. Raiselis asked about a growing wall. Mr. Folchetti said it is an earthen wall and the blocks are stepped back so you can plant but it would have to be a single wall. Ms. Raiselis said this area is aesthetically sensitive with many people walking on a daily basis. She thinks the applicant should think creatively to make the project the most appealing that it can be. She suggested maybe constructing a path between the walls. Ms. Raiselis asked the applicant to come back with a couple of ideas that are appealing before they go and design it.

Mr. Birgy said evergreen is very nice to cover the face of the wall from above to screen the wall since it is not compatible. Mr. Tedesco said you have time to come up with a couple of alternatives that you can present at the public hearing.

Mr. Pennella wanted to clarify for the Board that the 2 tiered wall is not a solid wall; it is not a geogrid, mesa block wall. The blocks step back from one another and you can plant between them because you are using soil to fill in the cavities. Some sort of ivy or myrtle can be planted in the pockets. In his opinion, to go to a single wall, or a battered wall, would look more massive and similar to what currently exists. The concept of a 2 wall design is appealing to most and since there is no geogrid, there is a plantable area. It is not necessary to make the area between the walls wider to be able to plant. In addition, he would not recommend a walking path between the walls since it is not readily accessible and could be a hazard.

Mr. Aukland asked for alternatives and renderings and photos of other places. He asked the Secretary about the supplemental plan submitted by the applicant. Mr. Pennella advised the Board they have added a supplement plan to the application for the addition of a garden area. This garden was permitted but they went up and beyond the scope of this work, so he asked the applicant to include this work in this site plan since it requires site plan review.

Mr. Pennella asked what direction the Board is going in with regard to the number of walls. The Board said two walls. Mr. Folchetti said they will come back with renderings for the tiered wall and a battered wall that is plantable and also will come back with renderings and photos that are on other sites.

Mr. Pennella asked Mr. Folchetti to explain drainage issues. Mr. Folchetti said there are some drainage issues on the east side of the existing wall with regard to runoff. Once they are settled on the type of the wall, they will improve the channel and the crossing underneath the trail with the village engineer's input.

Mr. Birgy asked if there will be a general cleanup of the slope. Mr. Folchetti confirmed that the area will be cleaned up.

Dr. Friedlander asked about landscaping plans. Mr. Folchetti said until the wall is determined he will not submit a landscape plan. Ms. Raiselis suggested that the applicant speak with Lucille Munz, the village landscape consultant, to give them some parameters.

Mr. Tedesco formally declared this a Type II action, with no further action required under SEQRA, seconded by Mr. Aukland. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2,500.00. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a public hearing for October 23, 2017. All in favor. Motion carried.

#### PRELIMINARY PRESENTATION -Broadway on Hudson Estates LLC – 11 Carriage Trail

Before the presentation began, Mr. Aukland formally recused himself from this application since this property abuts the rear of his property. Mr. Aukland took a seat in the audience.

Andy Todd, representing Broadway on Hudson Estates, is the contract vendee for property located at 11 Carriage Trail, which is the existing Coppola residence. They are proposing to subdivide this 9.96 acre property into 3 parcels. The Coppola residence will be 5.56 acres; the 2 remaining parcels will be 2.02 acres and 2.4 acres. The lots will all be in the R60 zone and are zoning compliant with no adverse impacts to the environment. The lots border the Town of Greenburgh.

Dr. Friedlander asked where the Village line is. Mr. Todd showed the plan and said the roadway known as Northern Path is in the Town of Greenburgh, the lots are in the Village. Northern Path is a private road.

Mr. Tedesco asked Mr. Pennella to explain a possible drainage issue and a possible spring on the parcel. Mr. Pennella said that the applicant performed a deep test pit at the location of the proposed stormwater and even though the ground was wet, the water never dissipated. The stormwater issue may affect the location of the house and they will have to be creative with what they do with this stormwater. Mr. Todd said they are not citing the actual house at this point, they are just looking to subdivide now and will move the house based upon findings.

Mr. Birgy asked if it is spring fed, is there a possibility of creating a pond? Mr. Todd said it is possible. This is an old estate and they will have to investigate exactly where the water is coming from.

Ms. Raiselis asked if there was a site map as it relates to all of the properties. Mr. Todd said he will bring it to the public hearing.

Mr. Birgy asked about tracing. Mr. Pennella said any pipes would have to be traced back to where they are discharging so they are not changing the geographic area and water flow through the ground. Mr. Birgy said so maybe a study has to happen.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the board declare its intent to be lead agency with proper notification to involved and interested agencies and application be referred to the Westchester County Planning Department for review under GML (if needed); all in favor. Motion carried.

Mr. Tedesco moved, seconded by Dr. Friedlander, to set an escrow of \$10,000; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms Raiselis, to set a Public Hearing for the October 23, 2017 meeting; all in favor. Motion carried.

Mr. Aukland returned to the podium.

#### ADJOURNMENT

Mr. Raiselis moved, seconded by Aukland, to adjourn at 8:40 p.m. All in favor. Motion carried.

Liz Meszaros  
Secretary