

Planning Board
Village of Tarrytown
Regular Meeting
January 28, 2019 8:00 pm (meeting delayed)

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis, Birgy,
Alternate Member Lawrence; Counsel Zalantis; Building Inspector/Village
Engineer Pennella; Village Planner Galvin; Secretary Meszaros

ABSENT: All present

Dr. Friedlander called the meeting to order at 8 p.m. following a special joint meeting of the Board of Trustees and the Planning Board that delayed the 7 p.m. start.

APPROVAL OF MINUTES– November 26, 2018 and December 27, 2018

November 26, 2018 - Mr. Tedesco moved, seconded by Mr. Aukland, with Mr. Birgy abstaining, to approve the November 26, 2018 minutes, as submitted. All in favor. Motion carried.

December 27, 2018 - Mr. Tedesco moved, seconded by Mr. Aukland, with Chairman Friedlander, Member Raiselis and Alt. Member Lawrence abstaining, to approve the December 27, 2018 minutes, as submitted. All in favor. Motion carried.

ADJOURNMENTS:

Dr. Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive
Additions and Alterations to a single family home
- Artis Senior Living, LLC – 153 White Plains Road
Construction of a 35,952 s.f. Alzheimer/Dementia Care and review of petition for zoning amendment to allow for Alzheimer/Dementia Care housing.
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue
widening, construction of retaining wall and garden addition
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall, construction of retaining walls and landscaping of rear yard.

NEW PUBLIC HEARING – Hudson Harbor River House II, LLC – 45 Hudson View Way

Dr. Friedlander read the Public Hearing Notice into the record:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that: (1) the Board of Trustees and the Planning Board of the Village of Tarrytown, as co-lead agencies, will hold a joint public hearing on the 28th day of January, 2019, at 6:30 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear a proposed amendment to the SEQRA Findings Statement (“Findings Statement”) for Hudson Harbor (formerly Ferry Landings); and (2) the Planning Board of the Village of Tarrytown will hold a public hearing on 28th day of January, 2019 at 7:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear a proposed amendment to Site Plan Approval filed on September 9, 2015.

The SEQRA amendment for consideration by the Board of Trustees and the Planning Board, as co-lead agencies, is as follows:

Findings Statement – The Findings Statement for the Hudson Harbor project provided for a building height of 42 feet for a flat roof. On November 23, 2015, the Board of Trustees and the Planning Board approved an amendment to the Findings Statement to allow for an increase in the building height to a maximum of 45 ½ feet limited to specific portions of the proposed construction as depicted on the plans entitled “Riverhouse, Height Increase” dated October 9, 2015 and received October 13, 2015.

The applicant is requesting an amendment to the SEQRA Findings to permit an additional 7.61 foot increase to the approved 42-foot height of the roof to legalize/approve the already constructed bulkheads for accessing the rooftops/deck area for each of the four units (Unit #s 310, 311, 312 and 313), which construction exceeds by 7.61 feet the approved height of the roof (of 42 feet) and which construction did not occur in the portion of the building that was allowed to be 45 ½ feet.

The Applicant is also seeking amended Site Plan Approval to legalize/approve the already constructed bulkheads for accessing the rooftops/deck areas for each of the four units (Unit #s 310, 311, 312 and 313), which construction exceeds by 7.61 feet the approved height of the roof (of 42 feet) and which construction did not occur in the portion of the building that was allowed to be 45 ½ feet.

The property is located at 45 Hudson View Way in the Village of Tarrytown and is known as the Lighthouse at Hudson Harbor (formerly referred to as the Hudson Harbor Riverhouse – 5 Hudson View Way) and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 4, Lot 18 and is located in an Waterfront General Business District Zone.

Documents are available for inspection in the Building Department-Village Engineer’s 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 BOARD OF TRUSTEES AND THE PLANNING BOARD OF THE VILLAGE OF TARRYTOWN

DATED: January 18, 2019

Contact:

Richard Slingerland, Village Administrator
Tarrytown Village Hall -1 Depot Plaza
Tarrytown, New York 10591
(914) 631-1785

Lizabeth Meszaros, Planning Board Secretary
Tarrytown Village Hall – 1 Depot Plaza
Tarrytown, New York 10591
(914) 631-1487

The mailing receipts were received and the signs were posted.

Daniel J. Pennessi, Attorney, representing the applicant, Hudson Harbor River House II, LLC, appeared before the Board and introduced Steven Antonucci, the project manager for the Hudson Harbor Lighthouse building. Mr. Pennessi is seeking to amend the site plan approval to address four (4) bulkheads that have been constructed on the roof of the building in order to modify a spiral staircase on the exterior balcony from the second floor up to the rooftop which posed safety concerns during bad weather. They have removed the stairwells from the building and erected interior stairwells up to the rooftop for the four units (units 310, 311, 312, and 313) located on the east side of the building in order to facilitate construction of a higher quality design and allow it to be more aesthetically and architecturally pleasing. When they encountered the condition in the field, they had discussions with their architect, Lessard Design, Inc. P.C., who cited section §305-48 of the zoning code which appears to allow have the bulkheads erected notwithstanding site plan approval. They have since received violations and are before this Board to gain approval for an amendment to the site plan and the findings statement.

Steven Antonucci, the project manager, advised the Board that the work was done for safety reasons in accordance with code and inspected satisfactorily. Dr. Friedlander asked him how big the bulkheads were. Mr. Antonucci said about 6 ft. x 7ft. Dr. Friedlander asked why Lessard did not design this change as part of their original plan. Mr. Antonucci said he does not have this answer; he asked Lessard if they could do it inside but they said that the village code would allow for it. Dr. Friedlander asked if the bulkheads are the smallest they can be. Mr. Antonucci said yes and there is a landing which is convenient to go outside to the patio. Dr. Friedlander asked how much space is on each side of staircase. Mr. Antonucci said they are not overbuilt; there is just enough for clearance, about 6 to 8 inches on each side.

Ms. Raiselis asked Mr. Pennella if Lessard, the design architect, ever contacted him to see if this change in construction would be acceptable. Mr. Pennella said that he was never contacted on the installation and only became aware of the changes after receiving a complaint. The building department followed up and issued the applicant a court appearance ticket. The applicant was directed by the court to go to the appropriate Boards to seek approval to allow the bulkheads to remain or be directed to remove them.

Mr. Pennessi returned and said they are open to exploring alternatives as presented at the joint meeting prior to this meeting. The first is to leave them as they remain; they are shingled and consistent with the façade of the building; or remove them and explore other alternatives such as a hatch; or augment them using glass which would be responsive to the prior comments of the Board.

Mr. Tedesco stated, for the public's information, that at the joint meeting with the Planning Board and the Board of Trustees prior to this meeting, the Planning Board moved to continue the Public Hearing as a co-lead agency to consider an amendment

to the Findings Statement. This joint meeting will be continued with the Board of Trustees on Monday, February 4, 2019 at 7 p.m.

Mr. Pennessi said the bulkheads for which there are “as-built” drawings are built in accordance with building code. And, as a result with Lessard’s determination that they thought this would be permitted in accordance with the section in the code, they have been built in accordance with the code, which limits the bulk area of the roof and is specifically for stair and or elevator bulkheads. Dr. Friedlander noted that they did not seek approval before doing the work. Mr. Pennessi agreed that they did not get approval. Mr. Galvin also noted that this work is not in compliance with the Findings Statement.

Dr. Friedlander wanted to know how they got into this situation. The applicant had plenty of time to go back to Board or discuss this change, but instead, they just went ahead and did the work, which makes both Boards very uncomfortable. He wants to know why they did not propose this work then and why this plan is better since the Board thought the original plan that they approved was a good plan.

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

Mr. Pennessi requested if they could schedule a continued public hearing with the Planning Board on the same date as the February 4, 2019 joint meeting which had been scheduled earlier. Mr. Tedesco said that February 4th is not a night for the Planning Board meeting and there is a regular Trustee meeting immediately following it. Mr. Pennessi asked if they could come to the work session to work through the alternatives discussed. Dr. Friedlander said that the Board wants to be as transparent as possible. He would like as much information as possible to be presented in the public forum. Many people cannot attend work sessions since they are working. Counsel Zalantis advised Mr. Pennessi that he could submit information prior to the Planning Board work session for the Board’s review, but presentations need to take place at public hearings.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing at the next regular meeting scheduled on February 25, 2019. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Benedict Avenue Owners Corp.
22 Glenwolde Park – Additions and Alternations to a single family home.

Mr. Pennella advised the Board that the applicant will not be in attendance this evening. Comments from the village landscape consultant dated January 28, 2019 have been forwarded to him as well as the tree commission for their comment. There are concerns about tree protection for a 48’ Tulip tree and the removal of additional trees to facilitate the installation of the stormwater system that still need to be addressed.

Mr. Tedesco asked Mr. Pennella if he has any comments or needs any more additional information from the applicant. Mr. Pennella advised that the applicant has addressed

all comments in his December 19, 2018 review memo and they were incorporated into the January 18, 2019 submission. He is satisfied with the plans. Planner Galvin advised that a draft resolution has been prepared and they are waiting for a satisfactory landscape report, with a revised plan and comments, if any, from the tree commission.

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

CONTINUATION OF PUBLIC HEARING – Jacqueline Newman – 12 Pintail Road

Dan Collins, of Hudson Engineering, representing the applicant, presented the site plan and stated that he has addressed the consultant’s and Village Engineer’s concerns. He advised that there is an issue with the front yard setback and his client intends to go before the Zoning Board for a front yard setback variance at a later date, but it is not part of this application.

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 read through portions of the resolution and a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

RESOLUTION

**VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted January 28, 2019)**

**Application of Jacqueline Newman
Property: 12 Pintail Road (Sheet 1.270, Block 136, Lot 8 and Zone R-10)
Resolution of Site Plan Approval**

Background

1.The Applicant requested site plan approval for the demolition of a structure and construction of a single-family, 2 ½ story residence within the 150’ wetland buffer in the R-10 District.

2.The Planning Board on October 22, 2018 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 Planning Board has conducted a duly noticed public hearing on November 26, 2018, December 27, 2018 and January 28, 2019 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* and *Wetland Clearance Form*, as well as a *Wetland Narrative* dated December 10, 2018 and *Stormwater Management Plan & Drainage Analysis* dated October 19, 2018 prepared by Hudson Engineering and a plan for the *Water Service Connection Detail* revised June 6, 2018 prepared by the Village of Tarrytown Engineering Department.

5. The Planning Board has received comments from the Consulting Village Planner in memoranda dated November 9, 2018, December 11, 2018 and January 11, 2019, from the Village Landscape Consultant in a landscape report dated December 21, 2018 and a final review dated January 28, 2019, a landscape report from the Applicant’s architect dated January 11, 2019 in response to the Village Landscape Consultant’s report, from Hudson Engineering in a letter dated January 9, 2019 and January 28, 2019 addressing review comments from the Village Engineer, and from the Building Inspector/Village Engineer in a denial letter dated November 1, 2018, a review memorandum dated December 19, 2018 and review comments in an email dated January 18, 2019 which the Board has considered.

6. The Planning Board closed the public hearing on January 28, 2019. 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 and the wetland permit is granted subject to the conditions set forth below.

I. **Findings**

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the wetland permit under 302-10 A (8) and the Planning Board finds that the Applicant has demonstrated that any direct and indirect impact(s) are necessary and unavoidable and have been minimized to the maximum extent practicable for the purposes of this chapter. The Applicant’s *Wetland Narrative* dated December 10, 2018 develops specific mitigation measures to minimize impacts to the 150’ wetland/watercourse buffer area and is made part of the findings of the Planning Board and described below:

The Planning Board reviewed the *Wetland/Watercourse Clearance form* which was submitted pursuant to § 302 - 7 and the *Wetland Narrative* prepared by Hudson Engineering. The existing property consists of approximately 21,550 sf located at 12 Pintail Road located adjacent to the intersection of Pintail Road and Deertrack Lane. A man-made pond exists to the rear of the property which is delineated by an existing concrete retaining wall along the rear

property boundary with no existing vegetation beyond this boundary. A stone lined drainage channel runs adjacent to the eastern property line and discharges to the municipal system within Deertrack Lane. The existing channel is stabilized and acts primarily as an overflow for the pond during larger storm events. There is no wetland vegetation within this area. The topography of the site slopes generally in an easterly direction, away from the pond, towards the existing drainage channel and, therefore, it is not anticipated that there will be negative impacts on the wetland buffer.

The pond and adjacent 150' wetland buffer consist of 9,463 sf. There is no activity proposed in the wetland/pond. In the process of demolishing the existing residence and constructing the new residence, the Applicant proposes 535 sf of disturbance within the 150' buffer wetland area. The furthest encroachment into the 150' wetland buffer is a 35-sf portion of the deck which extends slightly into the adjacent buffer area (2'9" at its farthest point). The proposed project is considered a minor project under §302-6 ("Definitions") since it involves an individual residential single-family building lot with an existing residence. Furthermore, activities are not proposed within any portion of the wetlands, water bodies or natural drainage systems and does not require the excavation of more than 100 cubic yards or disturb more than 5,000 square feet of any adjacent areas. The Applicant's engineer has prepared a mitigation plan in accordance with § 302-11. To offset the 35-sf encroachment of the proposed deck into the buffer area, Applicant proposes to remove the existing 98 sf shed from the buffer area. This results in an overall reduction of 63 sf. of impervious area within the buffer. To further mitigate the buffer disturbance, Applicant proposes to install permeable pavers at the entrance of the driveway area (323 sf) and install 6" of crushed stone underneath the new deck (446 sf). This results in a net total of 832 sf of mitigation to offset encroachment into the buffer area. Applicant's mitigation will provide measures to reintroduce stormwater runoff into the surrounding soils. Additionally, a new stormwater management system will be installed using six cultec units to capture and treat all the runoff post construction from the site. The system is designed to fully accept (no release) the entire runoff volume from the 25-year storm event. Moreover, all disturbed buffer area outside of the proposed deck will be returned to lawn and landscaping upon completion of construction. The proposed residence and site improvements have been located to limit the extent of disturbance and have kept any impacts to the adjacent 150' wetland buffer to the minimum amount necessary to demolish the existing site features and construct the proposed residence.

In addition, 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 Planning Board has reviewed the Applicant's site plan. The Project is situated on an 21,550 sf (0.495 acre) property in the R-10 zoning district. The property consists of an existing 2 ½ story residence and associated shed, walkways, driveway, and patio located to the front of the lot. The remainder of the property is currently maintained as lawn and landscaping. A

man-made pond constructed as part of the original subdivision is located to the rear of the property. The proposal is to demolish the existing residence and construct a new 2 ½ story residence, garage, deck, driveway and associated stormwater management system. The new residence, walkways, driveway and deck are being constructed in approximately the same location.

The footprint for the existing residence is 1,351 sf. The new residence is proposed to be increased to 2,622 sf. The total Gross Floor Area is 1,434 sf which is being increased to 4,005 sf. The height of the new residence will be 2 ½ stories and 30’ which is zoning compliant. The front yard setback is being increased from 21.5’ to 25.4’ whereas 25’ is the minimum requirement in the R-10 zone. The limits of disturbance are 0.24 acres. The architect has also provided streetscape photographs as part of his application.

The *Environmental Clearance Form* indicates the presence of a wetland/watercourse buffer related to the man-made pond and steep slopes. The Slope Analysis prepared by Hudson Engineering shows that steep slopes of greater than 25% constitute 1,695 sf or approximately 8% of the property. The steep slope area is located predominantly along the western edge of the property. There is no disturbance proposed for the property’s steep slope areas. The Applicant has revised the planting plan, site plan, stormwater management plans and added a driveway profile and the drip line of trees within the limits of disturbance on Sheet SA-1 addressing the Village Landscape Consultant’s landscape report dated 12/21/18 and the Village Engineer’s comments in his 12/19/18 review.

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:

Architectural Plans prepared by James Krapp, R.A., studio PPARK LLC., Civil Plans prepared by Hudson Engineering & Consulting, P.C. and Planting Plan prepared by Michael O’Brien, Landscape Design are entitled and dated 10/15/18 and last revised 12/4/18 unless otherwise noted as follows:

Architectural Plans

- **T-100 “Cover Sheet”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **T-101 “3D Model”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **G-100 “General Notes”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **L-100 “Architectural Site Plan”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-100 “Basement Floor Plan”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-101 “First Floor Plan”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-102 “Second Floor Plan”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-103 “Roof Plan”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-200 “Exterior Elevations”** PNT Newman Residence, 12 Pintail Road, Irvington, NY

- **A-201 “Exterior Elevations”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-300 “Building Sections”** PNT Newman Residence, 12 Pintail Road, Irvington, NY
- **A-301 “Building Sections”** PNT Newman Residence, 12 Pintail Road, Irvington, NY

Civil Plans

- **C-1 “Stormwater Management Plan”** Proposed Dwelling, 12 Pintail Road, Village of Tarrytown, Westchester County – New York dated 10/19/18 and last revised dated 1/28/19.
- **C-2 “Details”** Proposed Dwelling, 12 Pintail Road, Village of Tarrytown, Westchester County- New York dated 9/27/18 and last revised 1/28/19.
- **SA-1 “Slope Analysis”** Proposed Dwelling, 12 Pintail Road, Village of Tarrytown, Westchester County – New York dated 10/19/18 and last revised 1/28/19.

Planting Plan

- **PP-1 “Planting Plan” Private Residence, 12 Pintail Road, Irvington, NY** dated 10/26/18 and last revised 1/10/19 (the “Approved Plans”).

Miscellaneous

- **Stormwater Management Plan and Drainage Analysis** prepared by Hudson Engineering and Consulting, P.C. dated October 19, 2018 and last revised January 28, 2019.
- **“Tree Survey”** PNT Newman Residence, 12 Pintail Road, Irvington, NY prepared by studio PPARK dated 1/9/19.
- **“Streetscape Photographs”** PNT New Residence, 12 Pintail Road, Irvington, NY prepared by studioPPARK dated 10/15/18.
- **Wetland Clearance Form** dated 11/8/18.
- **Wetlands Narrative** prepared by Hudson Engineering and Consulting, P.C. dated 12/10/18.

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.

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

Mr. Birgy left the meeting at 8:30 p.m.

PRELIMINARY PRESENTATION (continued)

Lexington 202 Group, LLC

29 South Depot Plaza

Referral by Board of Trustees for the review of petition for zone changes to allow for the development of 46 residential units above a Self-Storage facility with parking.

Before the presentation began, Mr. Tedesco read an email from Jim Sabo, of 96 Franklin Street, into the record:

“Hello:

I happened to watch a rebroadcast of the planning boards meeting with the developer of the proposed storage facility at Depot Plaza. It seems to me that the 2 story storage facility that was proposed was all right, since basically what there is now, is a 2 story building. And there would be little impact on traffic and river views.

But the idea of a 4 story building with residential is nowhere near the original proposal and just another attempt by developers to saturate an area with no regard for the village.

I was glad to see the planning board, especially Joan Raisalis, take a hard line on this project despite the developers insistence that it is good for the village.

The outcry from the residents about the cell tower installed in that area, pales by comparison to this huge project.

The planning board has usually looked at projects with a skeptical eye and done the right thing for the village and it's residents; as proven by a lot of the developments that have already been built. Thank you. Jim Sabo- 96 Franklin st.”

Mr. Tedesco wanted to clarify to the public that the Planning Board approved a project last year for a self-storage facility in the existing building with no increase in height. The proposal within that height was for all self-storage. The proposal before the Board now is to divide the same height consisting of 2 stories of self storage and 2 stories of residential above it. Mr. Ferraro confirmed that they will be increasing the height by approximately 4 to 5 feet with this proposal, but not 2 stories. A brief discussion took place and Mr. Pennella confirmed that they are not exceeding 40 feet which is what is allowed by code in the ID zone. Mr. Tedesco said the important issue to convey to the public is that the proposal is not for 2 additional stories about the self-storage; it is for 4 or 5 feet above the previously approved plan for the self-storage facility.

Linda Whitehead, Attorney and partner with the law firm of McCullough, Goldberger & Staudt, LLP, representing Lexington 202 Group, LLC, appeared before the Board. She introduced Paul Ferraro, one of the principal owners of lots 37 and 38. Ms. Whitehead referenced her client’s site plan approval to convert the existing building into a self-storage facility and his subsequent interest to look into a mixed use development including multi-family residential and retail. They would like to work with the village to accomplish similar goals that align with the recently adopted Comprehensive Plan.

Ms. Whitehead explained that her client has submitted a former request to the Board of Trustees and the Planning Board to re-zone the larger lot (38) from ID to WGBD and after the last presentation, the Board had concerns if this would be the appropriate zone to apply to this property. After a further look, they would like to take a different approach which they have detailed in their letter to the Board dated January 10, 2019.

The recently adopted Comprehensive Plan encourages a TOD (Transit Oriented Development) in this area and they would like to recommend a zoning amendment for a TOD overlay which could be applied in the ID district within a certain distance from the

train station that would allow mixed uses including multi-family residential. They feel this is the best way to accomplish their goal. A benefit to this overlay is that should the property located at 15 South Depot Plaza ever become available, the same overlay could be applied to this property as well. The smaller lot (37) is currently in the WD zone which is strange since none of the uses permitted in the WD are feasible for this lot. They propose that this lot be re-zoned to ID to align with lot 38.

As a reminder of her client's concept of the project, the self-storage would remain but would get smaller. The height would be brought down to allow for the residential. A lobby area, common rooms, and a gym facility would be located on the lower levels. The new rendering which she presented shows the glass front which would be a retail space. The entrance for the residential is over on the side and self storage access is at the south end of property. They are proposing 46 residential units to include studios, 1 and 2 bedrooms ranging in size from 430 s.f. to 1,200 s.f. The smaller units will target the workforce market. Affordable units will be provided as required. This will serve another village goal which is to provide for more diverse housing stock. The size of the units and location to the nearby trains and buses makes for an excellent TOD concept for this area. They will work with village consultants and attorney to come up with parameters for a TOD overlay which includes reducing parking requirements since, in TOD zones, especially with smaller units that are close to trains and buses, the hope is that not every apartment needs 2 cars.

Ms. Whitehead feels this TOD overlay zone works better than the WGBD proposal for both her client and the village. She also advised that they are in negotiations with the MTA to obtain a portion of their lot for parking which is currently used for MTA employee parking and underutilized. Their hope is to keep 32 spaces on site and have parking in the MTA lot across the street for the additional required spaces. This would allow them to preserve the building on lot 37 for perhaps a restaurant or other use which could bring more street activity into the area.

Mr. Aukland asked about 46 units and if there are any other shared space amenities. Ms. Whitehead said there is a common meeting room. On the first floor there will be laundry, recreation and bike storage. There will be a gym on the 2nd floor. Mr. Aukland suggested lounge areas which millennials seem to desire. Ms. Whitehead said the first floor area could accommodate that. Mr. Ferraro said he is willing to work with the village and welcomes their ideas and input.

Mr. Tedesco is pleased with the overlay concept and thinks it is very creative. He is concerned about the village station area zoning plan that is currently in the works and feels that it might be prudent for the applicant to wait for the draft zoning to be distributed before rushing into this proposed amendment for a TOD overlay zone.

Dr. Friedlander asked Ms. Whitehead how their proposed TOD meets with the village's zoning. Ms. Whitehead said they are flexible but have not seen the village plan. Her client has an existing site plan approval and they want to work with the village but do not want to wait too long. Dr. Friedlander understands their frustration and recognized that

this is an imposition on all applications for this area. Dr. Friedlander asked Mr. Ferraro why he did not have 4 stories of self storage in his original application and which use is better, self-storage or residential? Ms. Whitehead said one of their concerns is putting residential on the lower level next to the tracks. It is better for it to be higher above the tracks so a storage use is better on the lower floor, and it won't affect the amenity space. In terms of working with the village, they want to help the village with their goals and have self-storage too, so it is a compromise. Mr. Galvin noted that with 430 s.f. of space for an apartment, there is essentially a built in market for residential self-storage in the building.

Mr. Aukland asked Mr. Ferraro that if self-storage is no longer a good use down the line could he convert the use to something else. Mr. Ferraro said yes, that he could convert it to office or mixed flex space.

Ms. Raiselis commended Mr. Ferraro for wanting to work with the village. She agrees with Ms. Whitehead that the current plan is a work in progress and it is better than the last plan. As they move forward, they need to discuss the village's goals for the area. The zoning draft will be ready very soon and it may work for the applicant and it may not. Ms. Raiselis would like something that is more pedestrian friendly with space between the buildings and they will need to discuss parking in more detail. She would like the applicant to think of ideas that will bring the general public to the area and ways to generate activity around and through this area. The village will share the zoning with the applicant as quickly as practical. Ms. Raiselis is pleased and would like to continue the conversation.

Ms. Whitehead said that with regard to connectivity, they tried to put the residential entry and the retail at the north end of the building which is related more to the proximity of the train. The entrance in the front allows for an inviting view with retail. They can't get rid of the building next door but will work with the village to have it better connect should it become available down the line. Mr. Ferraro said he is in the self-storage industry and it is his family's legacy. They want to be long term investors in Tarrytown. It would have been easier to just put in the self-storage but he wants to work with the village to achieve both of their goals for the benefit of the residents of the village.

Mr. Aukland asked Mr. Ferraro if he is looking at a partnership arrangement with MTA on use of their land as an entity or as separate uses. Ms. Whitehead said they have an easement over her client's land which has a number of restrictions on it. They are only looking to discuss exclusive use of the parking lot and shared use of some of it at this point.

Dr. Friedlander asked about any plans for Lot 37. Mr. Ferraro would like this zoned to ID with the TOD overlay which will give them more options for this lot such as a restaurant, retail or even residential. The size of the building is 4,000 sf. They could go up to 3 stories in the zone. Mr. Ferraro said it will be repaved and lighting will be installed. They presented them with an improvement plan.

Ms. Raiselis noted that they should also be aware that they are part of a neighborhood with Franklin Courts.

Ms. Whitehead said there is much work left to be done with the site plan but her client does not want to spend money without knowing what the zoning is. She would like to focus on seeing the village zoning. Counsel Zalantis said a zoning draft should be circulated this week and the revised text would be available shortly thereafter. Ms. Whitehead said every month is money for her client.

Mr. Pennella commented that when we talk about site plan we are not looking at detail. We just need a rough plan on parking and existing zoning analysis. The former plan was for the original submission. He is requesting an existing analysis for zoning and parking be submitted as outlined in the January 10, 2019 letter. Mr. Ferraro said he does have a JMC parking analysis but they are hoping to change the parking requirements. Ms. Raiselis also suggested shared cars. Mr. Ferraro advised that he is looking into these types of concepts. They agreed to submit the additional information requested.

Mr. Aukland noted that this is not a site plan application yet. The Planning Board will need to comment back to the Board of Trustees for a recommendation for a text amendment. Counsel Zalantis said once there is a formal submission, this Board will be the lead agency and the environmental review will be done at Planning before it can go to the Board of Trustees for a text recommendation.

Ms. Whitehead will start to develop the zoning overly and what other properties it can be applied to in the area. Counsel Zalantis confirmed that the Board will need to understand the other properties that this overlay can apply to.

Ms. Raiselis added that they should think about the infrastructure in the area and in terms of “complete streets”, the village is looking to incorporate this concept to areas in the village. In addition, energy is also an important issue with the current natural gas moratorium in place. Mr. Ferraro said they are looking into solar alternatives.

Ms. Whitehead asked how long it will take to see the zoning draft. Counsel Zalantis said it needs to be reviewed by the committee. Ms. Whitehead said it would be great to have it before the next meeting and thanked the Board.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue this Preliminary Presentation. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 9:00 p.m. All in favor. Motion carried. - Liz Meszaros- Secretary