

Planning Board
Village of Tarrytown
Regular Meeting
December 27, 2018 7:00 pm

PRESENT: Members Tedesco, Birgy, Aukland; Counsel Zalantis; Building Inspector/Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros

ABSENT: Chairman Friedlander, Member Raiselis, Alternate Member Lawrence

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence and called the meeting to order at 7:02 p.m.

APPROVAL OF MINUTES – November 26, 2018

Mr. Tedesco advised that there is no quorum to vote on the approval of the November 26, 2018 minutes; therefore, they will be considered at the next regular meeting.

Mr. Tedesco announced the following adjournments:

Continued Public Hearings:

- 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.
- Benedict Avenue Owners Corp. –22 Glenwolde Park
Additions and Alterations to a single family home.

Preliminary Presentation

- Lexington 202 Group, LLC – 29 South Depot Plaza – Referral by BOT for review of petition for zone changes to allow for the development of 46 residential units above a self storage facility with parking.

CONTINUATION OF PUBLIC HEARING – E.F. Schools, Inc. – 100 Marymount Avenue

Philip Johnson, Executive Director of E.F. Schools, appeared before the Board and presented the site plan which provides for an internal roadway between Rita and Marian Halls to allow for pedestrian access, emergency vehicular access, and ADA accessibility to Rita Hall. He showed renderings of the site as proposed from the north end looking through and the opposite view looking from the south. He noted the re-design of the staircase and the need for ARB approval since they can be seen from the street. He advised the Board that they have addressed the comments from Village Engineer Pennella, have submitted a steep slopes narrative and the required stormwater pollution prevention plan (SWPP). They will be using pervious pavers and will install a bio-retention basin to improve the management of stormwater and drainage in the area.

Stefan Yarabek, the project Landscape Architect, said that he has been working with the village landscape architect consultant who was pleased with the plan he presented. Native plants will be installed and flowering Dogwoods will surround the area. He indicated where the bio-retention pond will be located in the area between Gaines and Rita Halls.

Mr. Johnson returned and said they explored the possibility of re-using the water from the roof for irrigation but the roof drains for Rita Hall are actually built into the building which would prevent them from doing this. He advised the Board that they are mindful of these types of mitigation measures and will certainly re-visit this request for future projects. With regard to evacuation routes, they have added additional signage to indicate where people should go in the event of an evacuation. He also reminded the Board of the large project going on at Rita Hall; they have decommissioned all of the old boilers and are converting to natural gas.

Mr. Tedesco said he was pleased with the project and wishes he was still teaching there to enjoy the new campus.

Mr. Tedesco asked if anyone in the public has any comments.

Krystyn Silver, Ass't Director of Lyndhurst, came up and said as a former Marymount graduate she also wishes she could enjoy this new campus.

Mr. Tedesco asked if any Board members or staff had any comments.

Mr. Birgy thanked Mr. Johnson and all of the professionals involved with this project for their hard work. He appreciates the improvements to the campus.

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 December 27, 2018)

**Application of Education First School, Proposed Site Improvements
to the Esplanade between Rita and Marian Halls
Property: 100 Marymount Avenue (Sheet 1.50, Block 24, Lot 1 and Zone R-20)**

Resolution of Site Plan Approval

Background

1.The Applicant requests site plan approval to construct exterior site improvements to the Esplanade located between Rita and Marian Halls including handicapped access as well as a 26' wide emergency vehicle access on the EF Tarrytown campus in the R-20 District.

2.The Planning Board on March 26, 2018 determined this to be a Type II Action under NYS DEC 617.5 (c) (8) "*routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.*" and, therefore, no further SEQRA review is necessary.

3.The Applicant has made a preliminary presentation to the Planning Board on March 26, 2018 and, thereafter, the Planning Board has conducted a duly noticed public hearing on April 30, 2018 and continued on December 27, 2018 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 from the Consulting Village Planner in memoranda dated March 14, 2018, April 17, 2018, August 10, 2018 and December 11, 2018, the Village Landscape Consultant in landscape reviews dated April 15, 2018, July 18, 2018 and August 13, 2018, a denial memorandum from the Building Inspector/Village Engineer provided to the Applicant dated April 30, 2018 and the Applicant's letter prepared by JCJ Architecture dated December 3, 2018 in response to the Village Engineer's memorandum which the Board has considered.

5. The Planning Board reviewed and considered the Applicant's *Narrative on Steep Slopes Waiver Request* dated March 26, 2018 and revised December 1, 2018 prepared by Kimley-Horn of New York. This *Narrative* addresses the criteria for granting the waiver for steep slope disturbance under 305-67 (F) (1) (b). The revised *Narrative* indicates that the total amount of steep slope is 6,100 sf with 3,485 sf of disturbance along the northern and southern side of Rita Hall in order to create the widened fire access lane and renovate and rehabilitate the existing staircase providing access from Irving Avenue and the Rita Hall parking lot up to the new Esplanade.

6. The *Environmental Clearance Form* revised November 26, 2018 indicated that project disturbance was occurring in a "hilltop", defined as an environmentally sensitive area. This was confirmed by the Building Inspector/Village Engineer in his denial letter dated April 30, 2018. This required a variance under § 305-67.A (2) (a) from the Zoning Board of Appeals. The Zoning Board of Appeals reviewed the applicant's request for a variance to allow construction in a hilltop area at a public hearing held on June 11, 2018. The Zoning Board closed the public hearing at this meeting and approved the requested variance on June 11, 2018.

7. The Architectural Review Board (ARB) reviewed the applicant's request for the addition, repair, and renovation for the "Esplanade at Rita and Marian Halls" at a public hearing on June 20, 2018. The ARB closed the public hearing at this meeting and approved the application on June 20, 2018.

8. The Planning Board closed the public hearing on December 27, 2018. 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 waiver for steep slopes disturbance are 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 waiver for steep slope disturbance under Zoning Code § 305-67(F) (1) (b) for steep slope disturbance and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant's *Narrative revised* dated December 1, 2018 is made part of the findings of the Planning Board and subsection (1) (b) (1) through (4) have been considered by the Planning Board as set forth below:

Neighborhood Character: Granting a waiver will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The proposed site

improvements will improve aesthetics/appeal of the area between Rita and Marian Halls including the planted bio-retention basin north of Rita Hall. As such, the character of the campus and neighborhood will be enhanced.

Alternate Feasible Method to achieve benefit sought by applicant: The benefit of handicapped accessibility cannot be achieved by some other method. Due to the confining configuration of the two existing buildings and drive aisle, there is nowhere else to practically locate the desired seating areas and the required 26' wide emergency access between Rita and Marian Halls. Additionally, there is no other practical location to place the bio-retention basin other than where it is currently proposed.

Impact on Other Properties: The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood or community. The physical and environmental conditions will improve as a result of the project. There will be no increase in fire danger since the project will provide required 26' wide emergency fire access between Rita and Marian Halls. This will improve the existing condition. There will be no increase in flood danger since the project reduces the amount of impervious surface by 4,090 sf or 16% due to the use of permeable pavers and landscaped planting areas in the widened corridor between Marian and Rita Halls. As a result, there will be a decrease in the amount of stormwater runoff leaving the property. There will be no increase in danger to public safety. The rehabilitation/upgrade of the existing pedestrian stair will improve pedestrian access from the Rita Hall parking lot up to the new Esplanade. Lighting plan has eliminated the double headed light pole to the south of the Rita Hall tiered stairs and replaced with four bollard lights to light the stairs. The new lighting will improve lighting levels for the seating areas, pedestrian walkways and emergency vehicular access. The existing steep slopes to the north of Rita Hall being disturbed to construct the bio-retention basin for water treatment will be stabilized with biodegradable erosion blankets. There will not be a substantial or detrimental change in the view sheds from street level or the surrounding properties. A small portion of the project is visible from Irving Avenue. The rehabilitation of the existing staircase, new tiered planter boxes, additional landscaping and the planted bio-retention basin will improve the view from Irving Avenue.

Consistency of Project with Intent of the Steep Slopes Chapter: Granting the waiver will be consistent with the purposes, objectives or general spirit and intent of the "Visual Character and Environmentally Sensitive Areas" Chapter because the proposed improvements will provide a more stable and easily maintainable condition providing protection from soil erosion and sedimentation. The project will encourage slope stability to help protect against slope failure. The Project will improve the site's aesthetic character while maintaining sufficient protection to public health, safety and general welfare.

Accordingly, under Zoning Code § 305-67(F)(2)(a) and (b), as set forth above, the Planning Board finds that: (a) The proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area; and (b) the waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this chapter. In addition, in accordance with

Zoning Code § 305-67(F) (2) (c), the waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant. The improvements will occur in an area that is de-facto being used for the same purpose. The stormwater design and use of permeable pavers will reduce impervious surface by 16% and runoff from the site. The proposed improvements will not degrade the visual character of the neighborhood. The rehabilitation of the pedestrian stair, associated planter boxes, the addition of new landscaping along the staircase and the addition of a planted bio-retention basin will improve the visual character of the neighborhood. Finally, the improvements will make the buildings and campus more accessible and inviting to staff and students.

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 extensively reviewed the Applicant’s site plan. The Applicant has a Village approved Compatible Use Permit (2008). The Project consists of exterior corridor improvements between Rita and Marian Hall to improve pedestrian access/seating areas, and provide 26’ wide emergency vehicular access. The proposed vehicular access is only for safety and emergency access and not be a thoroughfare for traffic. The Project is designed to provide fire safety, ADA access and transform the area into a pedestrian center to the campus. This will create a pedestrian friendly plaza with terraced planters on each side. The planters will use similar material based on the existing Marymount buildings. The use of permeable pavers for the emergency access will reduce the area’s impervious surface by 16 percent. The existing staircase along the side of Rita Hall leading down to Irving Avenue and the Rita Hall parking lot will be extensively rehabilitated and landscaped. The planters to be installed are proposed on the steep slope along the staircase will soften the views from Irving Avenue. The project will not remove any trees. Landscaping will be enhanced via the planting of additional trees and shrubs within the proposed planter areas and along the exterior of the Esplanade area.

The Project does not involve any changes to buildings or parking areas. The lighting will be improved with fixtures similarly used in previous EF campus projects. The Village Landscape Consultant has reviewed the Applicant’s revised landscape plan in a final memorandum dated August 13, 2018 with no additional comments or recommendations. These plans have been revised in accordance with the Village Landscape Consultant’s previous comments and now include native plantings. The requested pipe capacity analysis for the stormwater system has been conducted and provided to the Village Engineer. As requested by the Planning Board, the Applicant has explored methods for the reuse of water for irrigation purposes. Roof water would need to be collected through the use of existing roof leaders. However, existing roof leaders are all internal to the buildings and discharge at several locations. To capture roof water, roof leaders must be segregated and re-directed to a central tank. This is difficult to accomplish based on the configuration of utilities and the lack of an area for placement of a central tank. Additionally, the plans have been revised to update the Vehicle maneuvering plan to include signage indicating “No Thru Traffic” in the Esplanade area and evacuation route signs directing students exiting Rita and Marian Halls.

I. 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 prepared for the *Esplanade at Rita & Marian, 100 Marymount Avenue, Tarrytown, NY*. The Plans are entitled as follows:

Civil/Engineering Plans prepared by Kimley-Horn of New York, P.C. dated 2/19/18 and last revised 12/3/18 unless otherwise noted:

- C-100 “*Legend and General Notes*”
- C-101 “*Abutter’s List and Map*”
- C-201 “*Grading and Drainage Plan 1*”
- C-202 “*Grading and Drainage Plan 2*”
- C-210 “*ADA Plan*”
- C-221 “*Erosion & Sediment Control Plan 1*”
- C-222 “*Erosion & Sediment Control Plan 2*”
- C-301 “*Utility Plan 1*”
- C-302 “*Utility Plan 2*”
- C-400 “*Lighting Plan*”
- C-401 “*Lighting Details*”
- C-500 “*Vehicle Maneuvering Plan*”
- C-601 “*Site Details 1*”
- C-602 “*Site Details 2*”
- SS-1 “*Steep Slopes Disturbance Plan*”
- L-300 “*Site Planting Plan*” prepared by Hudson and Pacific Designs dated 11/1/17 and last revised 7/31/18
- BR-100 “*Bio-Retention, Demolition and Planting Plan*” prepared by Hudson and Pacific Designs dated 11/1/17.

Architectural Plans prepared by JCJ Architecture dated 1/19/18 and last revised 12/3/18

- G-000 “*Cover Sheet*”
- G-001 “*General Information*”
- G-002 “*Impervious Pavement Calculations*”
- D-111 “*Demolition Plan*”
- A-111 “*Site Plan*”
- A-121 “*Paving and Materials Plan*”
- A-310 “*Enlarged Site Plans and Elevations*”
- A-401 “*Site Details 1*”
- A-402 “*Site Details 2*”
- A-403 “*Site Details 3*”

(the “Approved Plans”).

Additional Materials

Stormwater Pollution Prevention Plan (SWPPP) prepared by Kimley-Horn of New York dated February 2018 and last revised December 2018.

Narrative on Steep Slopes Waiver Request, prepared by Kimley-Horn of New York dated March 26, 2018.

II. 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) 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.
- (e) All landscaping shall be 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 application. All in favor. Motion carried.

Krystyn H. Silver- Ass't Director- Nat. Trust for Historic Preservation – 635 S. Broadway

Krystyn H. Silver, Assistant Director of the Lyndhurst Property, appeared before the Board and advised that they have addressed the stormwater comments received from James J. Hahn Engineering, the village stormwater review consultant for this project. She said she would be happy to answer any questions.

Mr. Tedesco asked if anyone in the public or staff had any questions or comments.

Mr. Galvin referred to the Hahn stormwater report dated December 26, 2018 and their recommendation that the 4 inch diameter pipe adjacent to the proposed stairs be increased to a minimum of 8 inches. He advised the Board that this has been included as a condition in the Resolution.

Mr. Aukland moved, seconded by Mr. Tedesco, to close the public hearing. All in favor. Motion carried.

Mr. Aukland 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 December 27, 2018)**

**Application of Lyndhurst/Krystyn Hastings-Silver
Property: 635 South Broadway (Sheet 1. 221, Block 129, Lots 3, 9, 10 and Zone H-C)**

**Resolution of Amended Site Plan Approval
Background**

1. The Applicant requests an amended site plan approval to include the installation of the historic circulation path, electric and water service along the path as well as the removal and replacement in-kind of three arborvitae trees in the same location at Rockery #3. This request amends the original site plan approved by the Planning Board on May 22, 2017 for this National Trust for Historic Preservation property located at 635 South Broadway.

2. The Planning Board on September 24, 2018 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.”* *The Project restores the historic path in the same location and similar size and is upgraded to include ADA requirements for handicapped visitors.*

3. The Planning Board has conducted a duly noticed public hearing on September 24, 2018, October 22, 2018, November 26, 2018 and December 27, 2018 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has received comments and recommendations from the Village Consulting Planner in memoranda dated September 10, 2018, October 9, 2018, November 9, 2018 and December 11, 2018, from the Village Landscape Consultant in a staff report dated September 24, 2018 and a final review memorandum dated October 16, 2018, from the Village Consulting Engineer (Hahn Associates) in stormwater review reports dated October 18, 2018, December 20, 2018 and a final review dated December 26, 2018, from the Building Inspector/Village Engineer in an email regarding stormwater calculations to the Applicant dated September 25, 2018 and Heritage Landscape LLC *Transmittal re: Stormwater Review to Hahn Associates* dated December 17, 2018 and December 21, 2018 and a *Drainage Report prepared by Charles A. Mangano, CE* dated December 2018 which the Board has considered.

5. The Planning Board reviewed the *Narrative on Steep Slopes* dated May 17, 2017 prepared for the original site plan by Krystyn Hastings-Silver, Assistant Director of Lyndhurst. The Planning Board reconfirmed the waiver for steep slopes disturbance regarding the

installation of the historic circulation path. This addition of the historic circulation path is in conformity with the Board’s previous finding that the “adaptive reuse of an historic, ecological or scenic resource and said reuse is necessary to ensure the integrity and continued protection of the resource”.

6.The Planning Board closed the public hearing on December 27, 2018. 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.

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 entirety of the 67 acre subject property is a National Register landmark under the control of the National Trust for Historic Preservation. The project is located in the southwestern portion of the site near the Hudson River to the rear of the Lyndhurst Mansion. Lyndhurst received site plan approval on May 22, 2017 for the select removal of 18 trees in order to re-establish the historic farm garden and cherry orchard which were present from 1864 to 1939.

The current application is an amendment to this existing site plan to include re-installing a cement historic circulation path which will be ADA handicapped accessible. The circulation sidewalk provides access to Lyndhurst’s historic landscape including the site’s three rockeries providing views of the Hudson River. Electricity and water service will be provided along the path and include the removal of three arborvitae trees to permit the restoration of the sidewalk and re-setting the stone stairs in Rockery #1. These three arborvitae will be replaced in kind in the same location.

The Plan is limited only to the area behind the mansion where the historic sidewalk, farm garden and orchard are located. A full set of construction drawings have been developed and provided. Photographs and historic maps have also been provided. The Village Landscape consultant has provided a staff report reviewing the plan dated September 24, 2018. The Applicant has revised and submitted the drawing RR 1.1 “Tree Removals and Protection” to show the maintenance of the Weeping Blue Atlas Cedar near Rockery #3. The Village Landscape

Consultant reviewed the revised landscape plans in a memorandum dated October 16, 2018 and had no further recommendations.

Both steep slope and topographical maps have been submitted with the application. The original site plan approval received a steep slopes waiver. The amended plan indicates no structures on the steep slopes with minimal disturbance and removal of vegetation. The Project's Stormwater Management system originally consisted of swales and provided infiltration in place of pervious surfaces on the historic path. This information was reviewed by Hahn Engineers, the Village's consulting engineers and provided to the Applicant. Subsequently, the Applicant has modified the project drawings to address the review comments from Hahn Associates. The modified design removes the swale and infiltration trench along the ADA accessible walk which had created a series of point discharge locations that could not be easily handled in the historic landscape. The Applicant has made the lower swale wider and longer to infiltrate the total increase in stormwater runoff post construction. The Applicant's drainage report updated runoff calculations to reflect the 2,504 cf runoff volume. Hahn Associates has reviewed Applicant's design and provided a memorandum dated December 20, 2018 which the applicant addressed with revised plans. Applicant's modifications to the drawings are indicated by clouding as "drawing revision number 9" on the respective sheets dated December 21, 2018. Hahn Associates has provided a final review of the modified plans dated December 26, 2018 approving such plans subject to increasing the 4 inch diameter pipe, adjacent to the proposed stairs, to a minimum of 8 inches.

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 for *Lyndhurst Landscape Restoration and Site Improvements, Tarrytown, New York* prepared by Collado Engineering, P.C., Charles A. Manganaro, Consulting Engineers, P.C. and Heritage Landscape LLC, Preservation Landscape Architects and Planners dated July 30, 2018 and last revised December 21, 2018 unless otherwise noted:

- CS "Cover Sheet" last revised December 17, 2018
 - SE-1.1 "Sedimentation & Erosion Control" last revised December 17, 2018
 - SE-1.2 "Sedimentation & Erosion Control Details" last revised December 17, 2018
 - R-1.1 "Removals & Protection" last revised December 17, 2018,
 - R-1.2 "Removals & Protection Details" last revised November 8, 2018
 - L-1.1 "Walk Layout"
 - L-1.1B "Walk Layout" last revised December 17, 2018
 - L-1.2 "Construction Notes"
 - L-1.3 "Rockery 1 & 3 Layout" last revised November 8, 2018
 - L-1.4 "Rockery 2 Layout" last revised December 17, 2018

- L-1.5 “Walk Profiles” last revised November 14, 2018
- L-2.1 “Grading & Soils North”
- L-2.2 “Grading & Soils South”
- L-4.1 “Landscape Details”
- L-4.2 “Landscape Details”
- L-4.3 “Landscape Details”
- L-4.4 “Landscape Details”
- L-4.5 “Landscape Details” last revised December 17, 2018
- L-4.6 “Landscape Details” last revised November 8, 2018
- L-4.7 “Landscape Details”
- L-4.8 “Landscape Details”
- L-4.9 “Landscape Details”
- S-4.1 “Structural Details”
- S-4.2 “Structural Details”
- E-001 “Electrical Symbols List, Abbreviations, General Notes & Drawing List”
last revised November 5, 2018
- E-100 “Electrical Site Plan” last revised November 14, 2018
- E-200 “Electrical Single Line & Schedules” last revised November 5, 2018
- E-201 “Electrical Details” last revised November 5, 2018
- E-300 “Electrical Specifications” last revised November 5, 2018
- P-001 “Plumbing Symbols List, Details and Notes” last revised November 5, 2018
- P-100 “Plumbing Site Plan” last revised November 5, 2018
- P-200 “Plumbing Specifications” last revised November 5, 2018

Drawing A “Accessibility Diagram and Steep Slope Map”

Partial Topographic Map prepared for Lyndhurst National Trust for Historic Preservation in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. dated April 1, 2018 prepared by William H. Free, Jr. Licensed Surveyor, Ward Carpenter Engineers, Inc.

(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:

- a) All conditions of the previously approved Site Plan resolution adopted by the Planning Board on May 22, 2017 shall remain in effect.
- b) Based on the final stormwater review of Hahn Associates dated December 26, 2018, the 4 inch diameter pipe adjacent to the proposed stairs shall be increased to a minimum of 8 inches.

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

Lorraine S. Burke-Zollo, Property Manager- Martling Owners, Inc.– 222 Martling Avenue

Paul Berté, PE, the project engineer, appeared before the Board with revised plans to accommodate for the soil conditions they encountered. They are proposing to remove 170 CY of material as fill material and also added three (3) Red Oak trees in the parking lot area to mitigate the runoff. He said he would be happy to answer any questions.

Mr. Tedesco asked if anyone in the public or staff had any questions. No one appeared.

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

Mr. Aukland 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 December 27, 2018)**

**Application of Lorraine S. Burke-Zollo, Property Manager for Castle Heights Apartments
Property: 222 Martling Avenue (Sheet 1.110, Block 83, Lot 6 and Zone M-4)**

**Resolution of Site Plan Approval
Background**

1. The Applicant requests site plan approval to construct site improvements to parking lot 9 including drainage improvements and construction of new retaining wall at rear of building in the M-4 District.

2.The Planning Board on August 27, 2018 reviewed the Short Form Environmental Assessment Form, determined that the Project was an unlisted action under SEQRA and issued a Notice of Intent to be Lead Agency. The Planning Board assumed Lead Agency status at its meeting on September 24, 2018 and issued a Negative Declaration for the proposed unlisted action on October 22, 2018.

3.The Planning Board has conducted a duly noticed public hearing on August 27, 2018 and continued on September 24, 2018, October 22, 2018, November 26, 2018 and December 27, 2018 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 from the Consulting Village Planner in memoranda dated August 10, 2018, September 10, 2018, October 9, 2018, November 9, 2018 and December 11, 2018, from the Village Landscape Consultant in landscape reviews dated September 24, 2018, October 16, 2018 and final review dated November 27, 2018, an engineering review from the Building Inspector/Village Engineer dated October 22, 2018, a certified arborist's report (Dan Kinsinger, Treeology) dated October 15, 2018, the results of soil testing from Fairway Testing labs dated November 26, 2018 and letters from the Applicant's engineer dated October 22, 2018 and November 26, 2018 responding to comments from the Village Engineer which the Board has considered.

5.The Planning Board reviewed and considered the Applicant's *Narrative on Steep Slopes Waiver Request* dated June 27, 2018 prepared by Petruccelli Engineering. This *Narrative* addresses the criteria for granting the waiver for steep slope disturbance under 305-67 (F) (1) (b). The *Narrative* indicates that the total amount of steep slope is 46,380 sf with 12,330 sf of steep slope disturbance. The proposed Phase 1 improvements include the addition of stormwater management structures designed to minimize the impact of existing runoff on steep slopes from the existing parking lot. The construction of a proposed 4' high gravity retaining mesa wall system at the rear of the building will prevent further erosion of soils around the building foundation.

6.The Planning Board closed the public hearing on December 27, 2018. 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 waiver for steep slopes disturbance are 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 waiver for steep slope disturbance under Zoning Code § 305-67(F) (1) (b) for steep slope disturbance and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant's *Narrative* dated June 27, 2018 is made part of the findings of the Planning Board and subsection (1) (b) (1) through (4) have been considered by the Planning Board as set forth below:

Neighborhood Character: Granting a waiver will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The proposed site improvements will have limited visibility based on the location of the proposed work and will not have an impact on the character of the neighborhood. The properties to the south with the only view of the project is the Sleepy Hollow Gardens. This apartment complex is located at a minimum elevation of 40' lower than the project area and is separated by an existing stand of mature trees and understory vegetation.

Alternate Feasible Method to achieve benefit sought by applicant: Based on the site's topography, there are no other areas on site to make the required improvements outside of the steep slope.

Impact on Other Properties: The proposed improvements are designed for the benefit of other properties downhill from the project to control stormwater runoff from the existing site and minimize erosion off site.

Consistency of Project with Intent of the Steep Slopes Chapter: Granting the waiver will be consistent with the purposes, objectives or general spirit and intent of the "Visual Character and Environmentally Sensitive Areas" Chapter because the proposed drainage system and the rear yard retaining wall will: 1) improve drainage of the existing parking lot by reducing the volume of runoff by allowing water to percolate into via the proposed perforated pipe, as well as control larger storm events to prevent erosion downhill by constructing the level spreader swale; 2) reduce soil erosion and protect the existing building foundation; and 3) improve the property's aesthetics while ensuring the public health, safety and general welfare of the Village and its residents.

Accordingly, under Zoning Code § 305-67(F)(2)(a) and (b), as set forth above, the Planning Board finds that: (a) The proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area; and (b) the waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this chapter. In addition, in accordance with Zoning Code § 305-67(F) (2) (c), the waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant. The improvements will occur in an area that is de-facto being used for the same purpose. The stormwater infiltration system will include the 240 lf of 24" perforated pipe and ±2,806 cf of crushed stone, provides a total of

±14,036 gallon of storage, permeable pavers will reduce impervious surface by 10% and runoff from the site.

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 extensively reviewed the Applicant’s site plan. The proposed action consists of site improvements at the Castle Heights apartment complex located at 222 Martling Avenue in the Village's M-4 District. The surrounding properties have all been developed for multi-family housing. The site improvements include drainage improvements, the milling and resurfacing of parking lot 9 and the construction of a new 4’ high retaining mesa wall system with a length of 170 lf in the rear yard of the apartment building. No new parking lots are proposed.

The existing parking lot is in need of resurfacing and drainage improvements. The existing stormwater runoff currently drains down slope from the parking lot without control or mitigation. To minimize the existing concentrated flow from the parking lot, an underground mitigation practice is proposed with a level spreader system installed for overflow conditions. The level spreader receiving runoff from the parking areas has been revised from an earthen berm to stone rip rap section. Drainage improvements include an additional catch basin, drain pipe (solid) and perforated pipe designed for storage/infiltration installed in existing forest area.

There are no new impervious surfaces proposed. A total of seven (7) regulated trees will be removed, all of which are invasive, non-native Norway trees. To mitigate the removal of these trees, three (3) 2” caliper Northern Red Oaks are proposed for planting at the eastern end of the parking lot. All existing landscaping and lighting features will be maintained.

Also proposed is the construction of a 4’ high gravity retaining mesa wall system to prevent further erosion around the foundation of the apartment building. Prior to installation, all unsuitable material shall be removed and disposed off-site to an approved landfill facility. Approximately 170 cy of unsuitable material is required to be removed from the site. A total of 189 cy of fill will be imported onto the site for backfill. The retaining wall and all retained soil sections shall be constructed on virgin soils. The wall will provide safe pedestrian access around the building for maintenance and use by residents. The wall will also stabilize and control erosion on the heavily wooded hillside which slopes down southward to the Sleepy Hollow apartments. The Sleepy Hollow apartments are located at a 40’ lower elevation from the subject property and is separated from the project area by an existing stand of mature trees and understory vegetation. This limits visibility from the Sleepy Hollow apartments toward the Castle Heights apartment building and wall. The Village Engineer and Village

Landscape Consultant have walked the site with the Applicant's Engineer. As a result of the site visit, the Applicant has agreed to relocate the wall outside the critical root zone of mature trees and added tree protection measures to the plans. The Applicant has staked the identified trees in the field. The Applicant also agreed to enhance the stormwater management system by adding four cultec chambers behind the apartment building.

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:

Two sets of plans prepared by Petruccelli Engineering for the *Stone Retaining Wall* and *Proposed Site Improvements for Castle Heights Apartments, 222 Martling Avenue, Tarrytown New York*. The Plans are entitled as follows:

- Sheet 1/2 “*Stone Retaining Wall*” dated January 22, 2018 and last revised December 12, 2018
- Sheet 2/2 “*Stone Retaining Wall*” dated January 22, 2018 and last revised December 12, 2018

- Sheet 1/4 “*Proposed Site Improvements*” dated October 26, 2017 and last revised November 26, 2018
- Sheet 2/4 “*Proposed Site Improvements*” dated October 26, 2017 and last revised November 26, 2018
- Sheet 3/4 “*Proposed Site Improvements*” dated October 26, 2017 and last revised November 26, 2018
- Sheet 4/4 “*Proposed Site Improvements*” dated October 26, 2017 and last revised November 26, 2018

- *Topographic Survey of Tax Lot P-61A situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York* prepared by Thomas C. Merritts Land Surveyors, P.C.

(the “Approved Plans”).

Additional Materials

Short Form Environmental Assessment Form dated June 1, 2018

Narrative on Steep Slopes Waiver Request prepared by Petruccelli Engineering dated June 27, 2018.

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) 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.

- (e) All landscaping shall be 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. Birgy, to approve this application. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Jacqueline Newman – 12 Pintail Road

Dan Collins, EIT, of Hudson Engineering, appeared before the Board for site plan approval for the demolition of an existing structure and the construction of a single family residence. He advised the Board that a wetlands narrative has been submitted. As part of their mitigation measures, they replaced the patio area with 6 inches of crushed stone and are only encroaching 2 feet 9 inches into the 150 foot wetland area. In order to offset the proposed 35 s.f. deck, they will remove the rear wood shed which will result in a net decrease in structures to the impervious area within the buffer by about 60 s.f. They are proposing permeable pavers in the front area of the driveway. A system similar to a drywell system will provide for a 25 year storm. With regard to the pond, the surrounding property owners would like to save this pond and are looking into this possibility of purchasing it. The topography of the property slopes away from the pond. He confirmed receipt of Village Engineer Pennella’s memo dated December 19, 2018 and the landscape review memo from Suzanne Nolan, the village landscape architect consultant, dated December 21, 2018, and will address all comments. He would like the Board to close the public hearing this evening. Mr. Tedesco advised Mr. Collins that the Board cannot close the public hearing until these items have been addressed. Mr. Tedesco asked Mr. Pennella if he had any comments. Mr. Pennella said that most of his comments have been addressed; it is just matter of revising the plans and getting them back in time for a final review. Mr. Tedesco advised Mr. Collins to make sure that the landscaping plan is submitted as quickly as practical since this plan will need review by the village landscape architect consultant.

Mr. Tedesco asked if anyone in the public, staff, or Board Members had any questions.

Mr. Aukland asked Mr. Collins to indicate the wetland buffer disturbance on the plan. Mr. Collins pointed to the little piece of stair and said that this in the only encroachment into the buffer. He said that the entire disturbance will be restored and there will be no digging into the foundation.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried. Mr. Tedesco wished everyone a Happy Healthy New Year.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 7:38 p.m. All in favor. Motion carried. - Liz Meszaros - Secretary