

Planning Board
Village of Tarrytown
Regular Meeting
February 25, 2019 7:00 pm

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

ABSENT: Chairman Friedlander

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence.

APPROVAL OF MINUTES

January 28, 2019 Planning Board Minutes

Mr. Birgy moved, seconded by Mr. Aukland, to approve the January 28, 2019 minutes as submitted. All in favor. Motion carried.

January 28, 2019 Joint Planning Board and Board of Trustees Minutes

Mr. Aukland moved, seconded by Mr. Birgy, to approve the January 28, 2019 Joint Planning Board and Board of Trustees minutes as submitted. All in favor. Motion carried.

Mr. Tedesco announced the following adjournments:

- Michael Degen- 86 Crest Drive
Additions and Alterations to a single family home
- 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.

APPLICATION WITHDRAWN - Hudson Harbor River House II LLC - 45 Hudson View Way

Mr. Tedesco advised that the applicant has withdrawn his application to amend the site plan approval to increase the roof height by 7.61 feet to legalize the constructed bulkheads for access to rooftops for Unit #s 310, 311, 312 and 313.

CONTINUATION OF PUBLIC HEARING

Benedict Avenue Owners Corp. – 22 Glenwolde Park

Emilio Escaladas, P.E., R.A., of Escaladas Associates, Architects and Engineers, appeared before the Board and advised that he has revised the landscape plan to the satisfaction of Ms. Nolan, the village landscape architect consultant, and he is ready to start the building permit process.

Mr. Tedesco asked if anyone in the public had any comments. No one appeared.

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

Mr. Galvin commented that the applicant will have to seek approval from the Architectural Review Board before getting a building permit. The applicant agreed.

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

Application of Benedict Avenue Owners Corporation

Property: 22 Glenwolde Park (Sheet 1.180, Block 104, Lot 1 and Zone R-7.5)

Resolution of Site Plan Approval

Background

1.The Applicant requested site plan approval for alterations and an addition to an existing, single-family residence located at 22 Glenwolde Park in the R-7.5 District. The addition includes expansion of second floor (raising roof over 2nd floor) and construction of new garage with master bedroom above and breakfast room and deck on 1st floor.

1.The Planning Board on January 28, 2019 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.

2.The Planning Board has conducted a duly noticed public hearing on December 27, 2017 and continued the public hearing on December 27, 2018 and January 28, 2019 at which time all those wishing to be heard were given the opportunity to be heard.

3.The Planning Board has carefully examined the Application including the *Environmental Clearance Form* and *Wetland/Watercourse Clearance Form*, as well as a *Wetland Report* dated July 5, 2018 prepared by Stephen W. Coleman, Environmental Consulting.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated December 12, 2017, December 11, 2018, January 11, 2019 and February 11, 2019, from the Village Landscape Consultant in a Landscape Report dated August 14, 2018, January 28, 2019 and a final review dated February 13, 2019, a series of denial letters from the Building Inspector/Village Engineer dated September 3, 2017, October 4, 2017, December 6, 2017 and last revised June 25, 2018 as well as review comments in a memorandum dated December 12, 2018 which the Board has considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for a FAR variance of 565 sf for the addition to the existing 1 ½ story Cape Cod residence. The Zoning Board of Appeals opened a public hearing on September 12, 2018 and continued the public hearing on October 11, 2018 and November 13, 2018 at which public comments were heard and considered. In response to the comments from the Zoning Board of Appeals, the Applicant revised his plans to reduce the original FAR variance of 565 sf to 342 sf. The Applicant accomplished this by lowering the roof and punching out the dormers. He also reshaped the basement grade with 4' stone wall to further reduce the mass of the residence. The Zoning Board of Appeals closed the public hearing on November 13, 2018 and approved the Applicant's revised FAR variance request of 342 sf on that date.

6. The Planning Board closed the public hearing on February 25, 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 Report* dated July 5, 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 Report* prepared by Stephen W. Coleman, Environmental Consulting. The existing property consists of 9,435 sf in the R 7.5 zone. It is located at corner of Walter Street and Willowbrook Avenue adjacent to the First Korean Methodist Church. A local stream runs through the property from south to north. It is piped at the south and north ends (24" HDPE) with 2/3's of the stream remaining open on the property. The stream is located to the west of the existing house and proposed addition. It currently runs under the existing garage. An existing chain link fence runs along the length of the property in a south to north direction and separates the stream channel from the main residence. An adjacent vacant lot is located immediately to the south of the property. There is no disturbance planned next to the vacant lot. The small man-made pond is located to the south across Lakeview Drive. The pond is the source of the stream running through the property. It is located upstream from the property at a higher elevation than the subject property. Due to the pond's location upstream of the property, there is no anticipated potential environmental impact to the pond from the proposed renovations on the property. The open water channel was investigated, and no dominant wetland vegetation was present along the channel.

The entire existing residence is located within the wetland buffer to the on-site stream channel. There is no activity proposed in the wetland itself. The proposed improvements include an addition along the western side that will be placed on footings to minimize the amount of new footprint expansion within the buffer area. As part of the ZBA review of the FAR variance for the addition to the residence, the Applicant revised his plans to reduce the original FAR variance of 565 sf to 342 sf. The Applicant accomplished this by lowering the roof and punching out the dormers. He also reshaped the basement grade with 4' stone wall to further reduce the mass of the residence. This further minimized the impact on the wetland buffer. The *Wetland Report* developed mitigation measures to reduce impacts within the existing wetland buffer in accordance with § 302-11. Recommendations from the Village Landscape Consultant have been incorporated into the plans to enhance these mitigation measures. The proposed mitigation measures include the following:

- 1) the elimination of the existing chain link fence along the stream and installation of a 4' split rail fence with a gate along the entire length of the existing stream to the west, approximately 16' from the top of the bank. The fence will start where the stream enters the property and extend to the existing culvert pipe where it outlets into Walter Street;
- 2) the planting of approximately 1,800 sf of remediation plantings along both sides of the stream (approximately 15' on each side). The plantings include native shrubs and ground covers such as ferns, holly, serviceberry, blueberry, etc. to provide a more beneficial riparian buffer and establish a vegetative filter strip to trap and store any nutrients from adjacent areas. The overseeding of the wetland buffer planting with native riparian seeds will help prevent the establishment of weeds and invasive plants;
- 3) new tree plantings to include two Colorado Spruce trees near the stream, one Northern Maple and one Dogwood in addition to shrubs around the residence;
- 4) the removal of the two-car garage and paved driveway in the n/w corner of site. The removal of the garage and driveway will reduce the amount of impervious cover near the stream channel;
- 5) the distance of disturbance from the centerline of the existing stream has been increased from 20' to 33'.

Currently, no stormwater system exists on-site. Stormwater Management Control plans show a stormwater system consisting of six cultec chambers for infiltration and removal of impervious surfaces. The proposed stormwater system will also include a trench drain across the driveway to collect runoff directed to the street as well as a new catch basin. The system is designed to fully accept (no release) the entire runoff volume from the 25-year storm event. The proposed additions and alterations to the existing residence are designed to minimize any potential impacts to the existing stream channel running along the western boundary of the property. The restoration of the stream bank on both sides of the stream channel will recreate an important riparian buffer that will assist in improving habitat and water quality maintenance functions. The installation of the 4' split rail fence with a gate will provide a barrier to the stream channel and prevent further encroachment from residential activities.

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 a 9,435 sf (0.217 acre) lot in the R-7.5 zoning district. The property is occupied by an existing 1 ½ story Cape Cod residence with a detached two-car garage. The Proposal includes the alteration/addition of the existing residence. The addition consists of the expansion of second floor (raising roof over 2nd floor) and construction of new garage with master bedroom above and breakfast room and deck on 1st floor. The height of the roof is being raised from 22’ to 28’ where 30’ is the maximum allowed. The existing paved driveway and two-car garage are being demolished.

The proposal was zoning complaint except for the total Gross Floor Area. The original FAR proposed was 3,490 sf where 2,925 sf is allowed. This resulted in a variance request of 565 sf. After several meetings with the ZBA, the Applicant lowered his FAR variance request to 342 sf. The Applicant accomplished this by lowering the roof and punching out the dormers. He also reshaped the basement grade with 4’ stone wall to further reduce the mass of the residence. The ZBA approved this variance request of 342 sf on November 13, 2018.

The *Environmental Clearance Form* has been provided which indicated the presence of wetlands on the property. The property is located across Willowbrook Avenue from the Glenwolde Park Historic District. This district was established on the National Register in 2014. The district extends along Willowbrook Avenue and Walter Street to the east of the site. The property is not within the historic district nor is the structure on the property eligible for landmark status. There are no steep slopes on the property nor are there any other environmental constraints identified. The Wetland Report was provided by the Applicant with mitigation measures identified and included on the Applicant’s plans.

The Applicant has provided a *Stormwater Management Plan* depicting the Stormwater system consisting of six cultec chambers plus a trench drain across the driveway to collect runoff directed to the street as well as a new catch basin. The plans also show erosion control measures. The site’s stormwater runoff from the property is directed via a comprehensive drainage system into these six cultec chambers. The system is designed to fully accept (no release) the entire runoff volume from the 25-year storm event.

II. Approved Plan:

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

Plans prepared by Emilio Escaladas, R.A., Escaladas Associates. The Plans are entitled and dated 4/23/18 and last revised 1/14/19 unless otherwise noted as follows:

- **S-1A of 10 “Proposed Wetlands Planting Plan”** Proposed Addition/Alteration for Benedict Avenue Owners Corp., 22 Glenwolde Park, Tarrytown, NY.
- **S-1B of 10 “Tree Survey & Protection Plan of Existing Trees”** for 22 Glenwolde Park, Tarrytown, NY.
- **S-1C of 10 “Proposed Landscaping Plan”** for 22 Glenwolde Park, Tarrytown, NY. last revised 2/13/19.
- **S-1D of 10 “Stormwater Control Plan”** for 22 Glenwolde Park, Tarrytown, NY. dated 4/22/18.
- **S-1E of 10 “Miscellaneous Details”** for 22 Glenwolde Park, Tarrytown, NY.
- **S-3 of 10 “General Location/Areas, Map of Proposed Site Showing Pond & Brook Path” S-4 of 10 “Zoning Schedule & FAR Analysis”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY
- **S-5 of 10 “Proposed Basement Floor Plan”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY. dated 7/17/17 and last revised 10/20/18.
- **S-6 of 10 “Proposed First Floor Plan”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY. dated 7/17/17 and last revised 10/18/18.
- **S-7 of 10 “Proposed Second Floor Plan”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY dated 7/17/18 and last revised 10/18/18.
- **S-8 of 10 “Proposed Front & Right-Side Elevations”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY dated 7/17/17 and last revised 10/18/18.
- **S-9 of 10 “Proposed Rear & Left Side Elevations”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY dated 7/17/17 and last revised 10/18/18
- **S-10 of 10 “Proposed Cross Sections & Details for Wood Deck”** Proposed Addition prepared for Benedict Avenue Owners Corp, 22 Glenwolde Park, Tarrytown, NY dated 7/17/17 and last revised 10/18/18.
- **“Survey of Property** prepared for Benedict Avenue Owners Corp. Property situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, NY” prepared by Contractors’ Line & Grade South LLC. dated June 15, 2017 and surveyed by Steven J. Willard dated November 13, 2017.
(the “Approved Plans”).

Miscellaneous

- **Wetland Clearance Form** prepared by Emilio Escaladas, R.A. dated November 6, 2017.
- **Wetlands Report** prepared by Stephen W. Coleman, Environmental Consulting dated July 5, 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) 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.

(IV) Specific Conditions:

- a) A soil erosion and tree protection inspection shall be conducted to the satisfaction of the Building Inspector prior to any demolition or excavation being performed.

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

CONTINUATION OF PUBLIC HEARING - Artis Senior Living,LLC 153-155 White Plains Rd

Mr. Tedesco moved, seconded by Mr. Aukland, to require the applicant to address two additional issues in their SDEIS, outlined in Planner Galvin’s 2/18/19 memo, specifically with regard to Assisted Living Facility Affordability and the Con Ed Natural Gas Moratorium, and also to include the 2/18/19 Galvin memorandum in the record. All in favor. Motion carried.

Don Walsh, of Development Strategies, White Plains, NY, a planning and consulting firm for Leon Silverman of Crescent Associates, owner of 153 -155 White Plains Road, appeared to update the Board and the public on their progress with this application. They have submitted a Supplemental DEIS for review by staff and Counsel for completeness and are asking that the review be done as expeditiously as possible so that the public commenting process can begin. Mr. Walsh reminded the Board that this is a SEQRA process to only consider the text amendment and that the proposed facility is not just medical, it is medical overnight, and is not an assisted living facility. The proposed text amendment is intended to clarify these issues.

Mr. Walsh requested a copy of the Mr. Galvin’s memo and advised that they are working on the affordability issue which will be addressed in the SDEIS. He hopes to have this information by the next work session.

He noted that Mr. Pennella requested fire flow calculations for the 64 bed facility which have been sent to Woodward and Curran, the Village’s water consultants, for further review, and will be integrated. He noted that Mark Fry has assembled the material in the SDEIS and will be assisting with this project going forward. He reminded the Board that a FEIS was previously prepared for this site and the current SDEIS references this document.

Mr. Galvin said he will forward his memorandum with backup documents to the applicant.

Mr. Tedesco asked if anyone staff or public had any comments. No one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing when the SDEIS is complete. All in favor. Motion carried.

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.

Steven Wrabel, Attorney with the law firm of McCullough, Goldberger & Staudt, LLP, representing Lexington 202 Group, LLC, appeared before the Board to continue the Preliminary Presentation and respond to questions raised at the last meeting in January. He introduced Paul Ferraro, a principal owner, also present to answer any questions. Mr. Wrabel said they are proposing a zoning text amendment to allow for mixed use at their property located at 29 S. Depot Plaza which currently has approval to build a self-storage facility. They have updated the renderings and presented them to the Board. They showed the larger retail space with glass front at the northeast corner of the building as well as the new layout for the parking in the MTA parking lot. The MTA parking lot will be improved by the applicant to have 71 spaces, half of which will be available to the applicant and the balance will be available for shared parking overnight and on weekends. This is in addition to the 32 spaces which will be adjacent to the building which is more than adequate for the proposed uses.

With regard to the water and sewer capacity, Mastrogiacomo Engineering has provided an analysis for water and sewer supply and fire protection which indicates that the existing 8 inch water main is more than adequate to handle the development; however, the 4" sewer lateral will need to be upgraded to an 8" sewer lateral, which will be included in the project.

With regard to green building techniques, solar panels are proposed for the roof and they are exploring other green measures as part of the construction.

With regard to the ZipCar, Mr. Ferraro advised that he contacted ZipCar and they currently rent 4 spaces on the left side of the MTA at the train station. They advised him that at this time they are not interested in expanding or changing their location. Ms. Raiselis asked Mr. Ferraro if he asked them about the future when the building is built. Mr. Ferraro said he didn't ask that question. Mr. Wrabel commented that he thinks ZipCar will probably serve this project well when it is built given that this is a TOD project.

To conclude, Mr. Wrabel said, at this point, they are waiting for the draft zoning before they can move forward with drafting their proposed TOD Overlay text to present to the Board.

Ms. Raiselis advised that as soon as it can become public, it will be sent to them.

Ms. Raiselis commented that the applicant should go to the ARB sooner than later since this site is in a prominent location. Counsel Zalantis said that the ARB will be able to comment through the SEQRA process as an involved agency.

Ms. Lawrence asked Mr. Wrabel if his client has a contract with the MTA for the parking. Mr. Wrabel said they have a verbal agreement in principle, but the details need to be worked out.

Mr. Tedesco asked Mr. Pennella about the sewer line and if he had any comments. Mr. Pennella said that the village will require supporting documentation that our system can handle the flows.

Mr. Birgy recommended that they take a close look at what they have presented. This community has a 200 year history and he does not feel that the building as shown addresses the character of the village and what the community desires.

Mr. Wrabel understands and commented that before they get into that level of design, they first need to understand the zoning and if it works as a concept with what the village has in mind.

Mr. Aukland agreed and said this is not a site plan application. Mr. Birgy said he would really just like them to put more effort into the design.

Mr. Wrabel thanked the Board for their feedback this evening.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue this Preliminary Presentation when the zoning issues have been clarified. All in favor. Motion carried.

CONCEPT DISCUSSION FOR ZONING PETITION

39-51 N. Broadway Assoc., Kaufman Tarrytown Co.,LLC, Kaufman Broadway Corp.
 Property Location: 39-69 North Broadway

Richard O'Rourke, Attorney, of Keane & Beane, P.C. representing the property owners: 39-51 N. Broadway Assoc., Kaufman Tarrytown Co.,LLC and Kaufman Broadway Corp., appeared before the Board and introduced the project architect, John Sullivan, of Sullivan Architecture, PC.

Mr. O'Rourke reminded the Board that they were before them in April of 2018 to present concepts of what they believed were consistent with the village's draft Comprehensive Plan. He introduced Ed and Frank Coco and Mr. Ed Hart (from Kaufman), owners of the properties, including the Lyceum Building. He noted that they have owned the properties for decades and are not developers. They waited for the Comprehensive Plan to be adopted this past November and have presented a Zoning Petition to the Board of Trustees which they feel contains the essential elements set forth in the Comprehensive Plan for the revitalization of the downtown area.

This Petition has been referred to the Planning Board from the Village Board of Trustees in the form of a “Floating” zone along the Broadway corridor. He referred to their petition on page 5 which incorporates elements from the Comprehensive Plan to 1) “promote infill development and enable greater residential densities where they can be supported with off-street parking that can add to the critical density of customers who access the downtown on foot. (pg. 40 of comp plan) and; 2) to “Increase parking availability in the downtown area”. In addition, he noted the opportunity to create greater density for increased height limitation for dwelling space above business uses along Broadway. They believe their “Floating” zone as presented incorporates all of the elements of the Comprehensive Plan. This proposed zone requires an approval of a zoning text amendment to permit the zone to be created, which could be implemented on a particular project within the proposed corridor.

Mr. Tedesco said he is not comfortable making a recommendation about a Floating zone to the Board of Trustees that has specific criteria, concepts and ideas. He feels that this needs to be studied through a full SEQRA process in order to be able to determine all of the potential impacts.

Counsel Zalantis advised the Board that they do not have to make a recommendation without going through the SEQRA process since it would be hard to understand the impacts without this analysis. She advised that the Board could ask the applicant for a full EAF to review before starting the process. Procedurally, the Planning Board, as an involved agency and could declare their intent to be Lead Agency for the SEQRA review, which is what this village has historically done. The Board could then make a recommendation to the Board of Trustees after completing the SEQRA review.

Mr. Aukland asked Counsel to confirm that their recommendation to the Board would cover the “Floating” zone from Elizabeth Street to Wildey Street. Counsel Zalantis said yes, the applicant is proposing that this floating zone be applied to a broader area other than just their site.

Mr. O’Rourke confirmed that their proposed zone would be applied from Elizabeth Street to Wildey Street. He explained that this overlay or floating zoning will allow for all applicants within the area to come back with a site plan application since the zoning would already be in place. The applicant would then have to file a site plan application for the particular site.

Mr. O’Rourke asked the Board if they are within the realm of reason with their proposal. They recognize to make a plan work, there are certain important elements. Density is important, but they need to know if they are within the realm of reason. They want to work collaboratively with the Board to make it happen.

Ms. Raiselis said should they pursue the SEQRA process and discuss the ramifications of the proposal, there will be public comment. She wants to clarify that this proposal can be amended, changed and modified as they go through the process and that it is not final. Counsel Zalantis said the re-zoning is up to the Village Board but the SEQRA

process allows for public input, village input and the applicant's input, and, at the end of the process, developments are usually different from the original proposals.

Mr. Birgy feels that this Board should be forthcoming and provide the applicant with as much feedback as possible so that they don't get a false impression. He noted his concern regarding the impact on the 11 homes on Dixon Street. He feels that the proposed height does not work and is concerned about density. He is also concerned about parking issues. He would like a discussion as to whether the village has a parking space problem or a parking management problem. He is concerned that if the number of parking spaces are driving this project, with regard to density, height and massing, then this needs to be studied now, rather than later. There have been concerns about empty lots and parking spaces that need to be addressed.

Mr. O'Rourke agreed and said all of these elements are extremely important and need to be discussed. He feels there are ways to work together to resolve the sharp edges and make it a win-win all around. This takes dialogue and the beauty of this is that they are not at public hearing yet, they are only at a recommendation stage.

Mr. Tedesco said this project will be long and involved with tremendous public input. It could be a very good project if we all work together. For this reason, he asked the applicant to spend some time when preparing the full EAF, identifying the severity of the impacts from minor to large so that the Board can fully understand the impacts.

John Sullivan, of Sullivan Architecture, came up and presented a PowerPoint presentation which he said may vary from what was submitted to the Board. Mr. Sullivan looks at this project as an opportunity. They have a 2.5 acre piece of property in the middle of the village. Two pieces of property almost divided in half. The owners came to them and asked what can they do with their site. They had a vision to re-develop their buildings, which are dated, with a massive parking lot in back. They want to want to contribute to the village as well.

Mr. Sullivan pointed to vehicle circle patterns of routes to get to riverfront and other landmarks or hot areas in the village. The smaller circle identified areas within a 5 minute walk. The larger circle identified areas within a 10 minute walk. In essence, he concluded that the site is located in the heart of the village. The site is bound by Dixon Lane, Dixon Street, North Broadway and the Lyceum building, on Central Avenue, which is off the table at the moment since it is occupied and has history. He pointed to proposed elimination of the Broadway entrance for vehicular access and the re-opening of Julia Street to allow the area of Broadway to be a more pedestrian friendly streetscape. He showed the lower level of Julia street that circulates through the site which also allows retail along that street frontage. In the center of the site he showed the parking structure. The essence of the plan holistically calls for 430 parking spaces, 200 of which will be dedicated to the village for public use and 230 for the 230 proposed dwelling units for the residents. In addition, 50,000 s.f. of retail is proposed; which is about 5,000 s.f. more than the existing retail space. They have opportunities to create a new corridor, a lower level street corridor with retail that also provides for public parking. He showed the retail locations in the plan and the units with parking.

Mr. Sullivan said they are also committed to making it a healthy building environment. A “Fitwell” environment is what they use and they are committed to green and healthy alternatives which is what the public expects today. Ms. Raiselis asked for a short outline. Mr. Sullivan said that every material will be a healthy material; there will be no vinyl. Methods to heat and cool will all be clean; the gas issue is in question right now. He is interested in using only healthy materials since this is where people live and work.

Ms. Raiselis asked if the applicant is willing to go beyond the code with regard to energy conservation. Mr. Sullivan said they are willing to go beyond the code, but that has a lot to do with what they end up with. There are always economic impacts. For the benefit of the public, Ms. Raiselis said it is to the applicant’s benefit to go above and beyond the code since in the long term, they will save money.

Mr. Birgy asked Mr. Sullivan how they will address the air quality issues since they are proposing to bring four times as many vehicles into the site, in addition to delivery trucks etc., which all will be idling. Mr. Sullivan said that they may be concentrating more vehicles than what exist but the additional 200 parking spaces is a contribution to ease congestion that exists now throughout the village. There may be more people but he feels the additional parking will help with congestion and parking during peak periods. Mr. Birgy does not want to solve one problem and create another and feels that parking is a critical question. Mr. Sullivan said air quality will be addressed.

Ms. Lawrence said she did not want to be confrontational but the property owners have never allowed patrons of the Music Hall to park in their lot. Mr. O’Rourke said when you have a private parking lot; the issue becomes one of liability, slip and falls, things of that nature. Even with the signs, if someone is injured, everyone is sued. The village has the opportunity to change this with the additional parking proposed. Maybe the number of spaces needs to be adjusted or reduced, but they are not at site plan. They need the zoning in place first; this will be the framework to allow them to go forward with the project. Once in place, there is a sophisticated process to get the project approved, but the opportunity is there because the zoning has been adopted. As property owners, his clients have the right to petition government. They have an idea consistent with the Comprehensive Plan. If the Board gives them this window of opportunity, then the process begins to minimize the impacts.

Mr. Birgy said the applicant is proposing 430 spaces. This is a big issue for him. He feels that 430 parking spaces drive this project. He would like the parking be addressed from the start. He asked if 430 spaces are necessary or if it is too many. He feels that unless they talk about parking from the start, everything else that follows is not appropriate.

Mr. O’Rourke said they are not committed to 430 spots. They are looking at return on investment. They need good quality retail on the first floor. The parking is not driving the project. The revitalization of the block with a residential component is what is driving the project. Mr. Birgy asked Mr. O’Rourke if they need the residential units to support the retail. Mr. O’Rourke said no, but in terms of construction there needs to be a

residential density count that does not presently exist in the village zoning but was stated in the Comprehensive Plan. Mr. Birgy would like to see a reasonable number of spaces needed which will drive the number of units.

Mr. Tedesco said at this point he feels the Board should stay at the conceptual level. Mr. Aukland agreed and said the purpose of this discussion is to help get topics on the table. He asked Mr. Sullivan how they got to the 200 parking spaces and if there was any logic behind it. Mr. Sullivan said it was a number that was informally discussed with the village and the property owners. Mr. Aukland asked if the liability of the parking would be solved as proposed. Mr. O'Rourke said it would have to be addressed.

Mr. Sullivan said let's talk holistically and get into specifics later on. For right now, they want to know if they are on the right track. They want to re-construct their property. If it gets weeded down, then that will happen.

Mr. Sullivan returned to the slides and showed a photo montage of the area. It will be an apartment/rental project occupied predominantly by millennials. He showed the pedestrian links that get you down to Julia Street. He feels there is an opportunity to create a great design that will fit with needs and the village. He would welcome the opportunity to work with the village and their consultant's to craft a design that will fit with the needs of the property owners and the village.

Mr. Birgy asked about property lines and the sidewalk width. Mr. Sullivan said the width of the sidewalk will remain. The street trees are actually on the property line. They want to continue a dialogue to craft the 2.5 acres to benefit the village and the owners.

Mr. Tedesco said it would behoove the applicant to work with the ARB so that the project fits in with the character of the village. Mr. Sullivan said if there was a group that they could work with it would be great. He would welcome the opportunity for a collaborative effort.

Mr. Aukland thinks the proposed zoning is a wonderful opportunity in the spirit of the Comprehensive Plan. To be clear, the Board is not approving of the specifics but the idea of creating a neighborhood and destination is a significant improvement to the amenities and he welcomes it. He has concerns however about parking. He wants to be sure that the concerns of residents of adjoining streets are addressed. There are many things to go through but he thinks they are solvable. Procedurally, the Board has to respond to the Board of Trustees for comment. Out of that, it may be that there could be a small group to work with the applicant, which is up to the Trustees. He asked why they decided to go with the broad area in their petition rather than just their project area. Mr. O'Rourke said the Comprehensive Plan allowed them to target this area. As with any other petition, they are not tied to those boundaries, they are flexible.

Mr. Aukland asked why they proposed a "Floating" as opposed to "Overlay" as opposed to a zone change? Mr. O'Rourke said in many jurisdictions, floating zones allow you deal with generic criteria. Boards like it because the zoning is in place to allow for a project like theirs to move forward. The floating zone gives the property owner the

ability to apply for something with the understanding that what is in place is not necessarily what will get approved. Mr. O'Rourke said overlay and floating zones are interchangeable in this context. Mr. Galvin said his interpretation of an overlay zone is that it would not involve the Board of Trustees, just the Planning Board.

Mr. Birgy would like to see the Lyceum Building improved as it is very dated. Ms. Raiselis asked the applicant about their plans for this building; it made her nervous when the architect said they are leaving it alone for the moment. Mr. O'Rourke said we are not there yet. If no floating zone is approved and in place, they will not spend the time, energy and money. They are not developers, they are property owners. Mr. Birgy is asking for a commitment from the applicant to bring the Lyceum Building up to standards. That's all. He thinks it would be smart to include this building.

Mr. Tedesco asked Counsel Zalantis if a full EAF is the next step. Counsel agreed.

Mr. Tedesco asked the applicant to complete a full EAF, to be candid and include all potential impacts, negative and positive, in order to convince this Board that this project will not only benefit the applicant but will also benefit the village.

Mr. Birgy said they are asking us for feedback, whether or not this is something the Board will consider. Ms. Raiselis said to be clear, at this point, this is a research project to see the impacts and determine what things have to be addressed more specifically. We can't discuss whether or not this is a good project since there are too many unanswered questions. Planner Galvin said that once the Board reviews a full EAF, he suggested they put together questions to submit to the applicant. Ms. Raiselis said this is not a public hearing yet, but it will be open to the public and there will be many opportunities for everyone to speak. This is just the beginning.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$25,000. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue this concept discussion once the full EAF has been submitted and reviewed. All in favor. Motion carried.

Mr. Tedesco thanked the applicant and wished them well.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 8:33 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary