

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

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

ABSENT: Members Aukland and Raiselis

Chairman Friedlander called the meeting to order at 7:01 p.m.

APPROVAL OF MINUTES

February 25, 2019 Planning Board Minutes

Mr. Tedesco moved, seconded by Mr. Birgy, to approve the February 25, 2019 minutes As submitted. All in favor. Motion carried.

February 4, 2019 Joint Planning Board and Board of Trustees Minutes

Mr. Tedesco moved, seconded by Mr. Birgy, to approve the February 4, 2019 Joint Planning Board and Board of Trustees minutes as submitted. All in favor. Motion carried.

Dr. Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive
Additions and Alterations to a single family home
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall,
construction of retaining walls and landscaping of rear yard.
- Lexington 202 Group, LLC – 29 South Depot Plaza
Referral by Board of Trustees for the review of petition
For zoned changes to allow for the development of 46
Residential units above a self-storage facility with parking.

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

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 before the Board also on behalf of the applicant, Artis Senior Living. He presented drawings of the proposed Alzheimer/Dementia Care Facility for the benefit of the public. He referred to Planner Galvin's review memo of completeness with regard to the SDEIS submission. Mr. Galvin said he reviewed the submission and has incorporated comments from Counsel Zalantis, and Village Engineer Pennella and has recommended a finding of incompleteness backed by these comments. He has provided a draft Resolution determining incompleteness to the Board for their consideration this evening, which will direct the applicant to re-submit the SDEIS based on the information provided to them by the Board.

Mr. Walsh advised the Board that their goal is to address these comments and return with revision before the April 11, 2019 staff meeting/work session in anticipation of being placed on the agenda for the April 22, 2019 Planning Board meeting. He asked if the Board had any questions and yielded the floor to the Board to consider the resolution before them.

Mr. Tedesco read through portion of the the resolution and said that a copy will be provided to the applicant and record in the minutes of the meeting.

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
Adopted March 25, 2019

Re: Artis Senior Living, LLC - Resolution Determining Incompleteness of
Supplemental Draft Environmental Impact Statement

WHEREAS, an application for site plan approval was submitted by Crescent Associates, LLC for the construction of a 60,000-sf office building at 155 White Plains Road. The 60,000-sf office building was to be constructed on a 13.2-acre site with two existing office buildings and associated parking areas with access derived from NYS Route 119. A subdivision was approved by the Village of Tarrytown Planning Board separating the 155 White Plains Road parcel into two separate lots, denominated as 153 and 155 White Plains Road. A subdivision was approved and filed in 2009; and

WHEREAS, on April 15, 2003, the Planning Board adopted a positive declaration requiring the preparation of a Draft Environmental Impact Statement for the Proposed Development; and

WHEREAS, a draft FEIS was submitted on June 12, 2006 and said FEIS was filed and accepted by the Planning Board on August 28, 2006, as complete; and

WHEREAS, on November 27, 2006, the Planning Board adopted a Findings Statement for the Proposed Development and approved the site plan in 2006; and

WHEREAS, on November 14, 2017, Artis Senior Living, LLC submitted a zoning text amendment to the Board of Trustees to create a floating/overlay zone to allow for Alzheimer/Dementia memory care facility in the OB, LB and MU zone within 350' distance from Route 119. The zoning text amendment is proposed to support the Applicant's plans to construct a 64-bed Alzheimer's/Dementia memory care facility located wholly on the 153 White Plains Road parcel; and

WHEREAS, the Village of Tarrytown Board of Trustees referred the petition for the zoning text amendment and site plan for the Alzheimer/Dementia memory care facility for 153 White Plains Road to the Planning Board on April 26, 2018; and

WHEREAS, a public hearing on the zoning text amendment and site plan referral was held by the Planning Board on May 30, 2018 at which time the Planning Board considered the proposed action and, thereupon, declared its intent to be lead agency, declared the proposed action to be a Type I action, made a positive declaration and requested Applicant to prepare a Supplemental Draft Environmental Impact Statement (SDEIS). The Planning Board also set a public scoping session for June 25, 2018; and

WHEREAS, on June 25, 2018, the Planning Board conducted a public scoping session for the SDEIS and received public comments on the draft scope prepared by the Applicant and submitted February 15, 2018. The draft scope also included initial staff and Planning Board comments as well as letters from Westchester County Department of Planning and NYS DOT; and

WHEREAS, the public scoping session was continued on July 23, 2018 at which the Planning Board considered a revised scope incorporating the previous comments from the public, agency and staff. After deliberation, the Planning Board accepted the Final Scope and directed the Applicant to prepare the SDEIS in accordance with the approved scope; and

WHEREAS, on February 25, 2019, the Planning Board reviewed the Applicant's submitted SDEIS submitted on February 11, 2019. The Planning Board voted to direct the Applicant to incorporate a discussion of two additional issues within the SDEIS, namely, the affordability of assisted living and the Con Edison natural gas moratorium. The Planning Board directed staff to prepare a completeness memorandum for the Board's consideration; and

WHEREAS, on March 14, 2019, the Planning Board received a memorandum from the Applicant's Attorney dated March 11, 2019 which provided a discussion of the two additional issues requested to be incorporated into a revised SDEIS. The Planning Board also received a memorandum from Main Street Consulting dated March 8, 2019 which provided information on the SDEIS alternatives and comparisons with the No Action Alternative. Similarly, this new information will be included in a revised SDEIS; and

WHEREAS, on March 25, 2019, the Planning Board reviewed the Village Consulting Planner's Completeness memorandum dated March 20, 2019 (which consolidated comments from the Village Engineer), the supplemental memo from the Village Attorney dated March 22, 2019 and the Planning Board's memorandum requesting the two additional issues to be addressed in the SDEIS. The Planning Board also reviewed the Applicant's memoranda dated March 8, 2019 and March 11, 2019 discussing the two additional items and other responses regarding Alternatives and comparisons to the No Action Alternative.

NOW THEREFORE BE IT:

RESOLVED, that the Planning Board accepts the list of deficiencies set forth in the March 20, 2019 Completeness Memorandum, the supplemental memorandum from the Village Attorney dated March 22, 2019 and the February 18, 2019 Memorandum on the additional issues to be addressed in the SDEIS and determines that the February 11, 2019 SDEIS is not complete; and be it further

RESOLVED, that Artis Senior Living, LLC is directed to revise the February 11, 2019 SDEIS in response to the March 20, 2019 Completeness Memorandum and the Village Attorney's supplemental memorandum dated March 22, 2019 and to incorporate the discussion of the two additional issues as noted in Applicant's March 11, 2019 memorandum and the inclusion of responses as noted in the Main Street Consulting memorandum dated March 8, 2019 and resubmit a revised SDEIS for further completeness review by the Planning Board.

Mr. Tedesco moved, seconded by Mr. Birgy, to approve this Resolution. All in favor. Motion carried.

Planner Galvin advised the Board that he would provide the applicant with his completeness memorandum, dated March 20, 2019, with the comments from Counsel Zalantis, dated March 22, 2019, and Mr. Pennella, dated March 23, 2019, along with the word document that incorporates all of the comments in the memorandum.

Chairman Fridlander confirmed that the affordable housing issue for nursing homes will be included in the revised SDEIS. Mr. Walsh confirmed that this will be addressed and also advised the Board that they have met the filing deadline with Con Edison to provide a natural gas connection for this project.

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

CONTINUATION OF PUBLIC HEARING

Sisters of the Sacred Heart of Mary- 32 Warren Avenue

Kathleen Bunce, Project Engineer, with J. Robert Folchetti and Associates, LLC, representing Marymount Convent appeared before the Board.

Ms. Bunce presented the revised plans and briefly went through the changes that were made since the last presentation to the Board which were included in the narrative provided to the Board with the revised plans.

She explained the changes as follows:

- Proposed expansion to existing driveway to make it safe; it will be 26 feet wide versus 11 feet existing.
- Replacing retaining wall which proposed is a one-tier, 4 foot gravity wall with a veneer finish.

- Removing existing building and removing a half acre of impervious surface and replacing it with green space. The parking lot will be resurfaced and re-stripped.

Mr. Tedesco referred to Suzanne Nolan's landscape review memo, dated March 25, 2019, which was just received this afternoon and will be forwarded to the applicant for review and response.

Planner Galvin thanked the applicant for the narrative submitted with the plan revisions. It was helpful to the Board to bring them up to date in terms of where they are with this application. He noted that this is a Type II action and referenced his comments to the Planning Board in his March 12, 2019 staff meeting memo.

These recommendations in the memo included:

- 1) Access to the fields should be maintained with a small driveway and handicapped parking along the eastern boundary of the property.
- 2) Proposed dumpster location should be moved from its location to the proposed two bay garage away from residential property.
- 3) The necessity for new hammerhead turnaround should be reviewed. The Board would like to know the reason for this turnaround.

In addition, the Board would also like to know the rationale for the demolition of the structure on the property at this time. Ms. Cascone said she will speak with John Folchetti, the head project engineer, who will address this question.

Village Engineer Pennella was concerned that the new wall proposed is creating a 1 on 2 slope which will require that all of the existing trees be removed and will also make it difficult to plant new trees on the slope. He advised that Ms. Nolan, the village landscape architect, has provided alternatives to this plan in her March 25, 2019 memorandum, which Mr. Tedesco referenced earlier. The Board will want to see what the proposed landscaping is for the slope; he wants the Board to understand what this plan will look like. Ms. Bunce confirmed that there was no landscaping on their plan. Mr. Pennella said he met with the DPW Superintendent, Howard Wessells, who made a suggestion to continue the wall to Neperan Road, along the trail, and to landscape in between. This is just another alternative idea that the Board would have to weigh in on.

Dr. Friedlander asked what the approximate length of the wall was and why they are no longer considering the two-tiered wall. Mr. Pennella referred to the plan and said the one tier wall proposed is about 100 feet. Mr. Pennella noted in his prior conversations with the applicant that there were concerns about additional maintenance required for maintaining the plantings with a two-tiered wall and also the potential for this area to be used as a hang/hide out spot. Donna Cascone, the Business and Property Manager of the convent, addressed the Board. They have thought long and hard about the two-tiered wall plan. There are security issues with E.F students and anyone really on the trail. Their biggest fear is if someone were to fall from the wall, it would be a liability for

the convent. In addition, there are landscaping concerns of what would be able to grow and thrive and maintenance concerns. They went back to the one-tier wall plan which they feel is a better plan for safety reasons. The brick exposure proposed would match the 100 year old Grotto and it would look like one existing piece of landscaping. She also noted that they are widening the road to allow for fire department access. Ms. Cascone suggested direction from Ms. Nolan, the village landscape architect, so that they can plant correctly. Mr. Galvin advised that recommendations are included in Ms. Nolan's March 25, 2019 landscape memo. Mr. Galvin gave Ms. Nolan's memo to the applicant.

Mr. Tedesco is sympathetic to the applicant but is concerned about extensive loss of tree cover. He again referred to the Nolan landscape memo which should be helpful to the applicant and said she has made some interesting suggestions on how this area could be preserved.

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

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

NEW PUBLIC HEARING - JCC on the Hudson - 371 and 425 South Broadway
Chairman Friedlander read the public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, March 25, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

JCC on the Hudson, Inc.
371 South Broadway
Tarrytown, NY 10591

to amend site plan approval dated April 25, 2011, amended August 26, 2013, to provide for additional on-site parking by expanding the west parking lot by 6,000 s.f.

The property is located at 371 and 425 South Broadway, Tarrytown, NY and is shown on the tax maps as Sheet 1.140, Block 88, Lots 1-4 and is in the LB Zoning District.

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

Additional approval will be required by the Zoning Board of Appeals.
By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: March 15, 2019

Ronen Wilk, Landscape Architect, of Peter Gisolfi and Associates, appeared before the Board and presented the site plan. He explained that the JCC has experienced much growth over the past couple of years and is experiencing parking overflow during peak periods at their facility. Due to this overburden, the applicant's employees or facility users have been parking on the local streets and were issued a violation by the village for violating conditions of the site plan approval. They feel that the additional 28 spaces proposed in the west parking lot, extended into the play field, will help to alleviate the parking problem. He advised the Board that he has met with Dan Pennella and will treat the additional stormwater with a rain garden to the south of the parking lot area. He noted that a pedestrian opening in the northwest area near the emergency access for pedestrian has been created at Mr. Pennella's suggestion. Mr. Pennella advised the Board that there must be a misunderstanding. He was on site to patrol the area and he closed this gate which was open. For the record, he did not suggest to anyone that this pedestrian opening be created at all. In fact, he does not want this to be an access point from the gate into the property. Mr. Wilk said he will remove this opening from the plan and apologized for the miscommunication.

Mr. Wilk showed the existing and proposed parking area on the plan. He referenced Mr. Pennella's review memo dated March 13, 2019, which they are working on and will address. He advised the Board that they will need to seek a variance to allow for the parking spaces along the west side of their property abutting the Montefiore property because the additional proposed spaces will be less than 60 feet from the backyard setback.

Mr. Pennella asked Mr. Wilk to clarify why parking spaces 1 through 12 are identified as "existing" on the plan. Mr. Wilk advised that this area is currently used as travel lanes, but it will be re-stripped to create the 12 parking spots, which are part of the 28 proposed spaces.

Dr. Friedlander asked how much of the playfield they will use to create the spots and how much of the area will be left for the playfield. Mr. Wilk said he thought about 45 feet, but they chose this area because it is the least impactful. Mr. Pennella said they will still have about 90 ft. x 120 ft. of use for the playfield.

Mr. Birgy asked if this parking will be used all day. Mr. Wilk said there are certain peak times when the facility is used and it is often enough that the parking is needed. Mr. Birgy asked if it was possible to design a surface that the kids can play on when the lot is not in use, rather than using asphalt. Mr. Wilk said that the field is used primarily for the summer camp and it is not year round. Mr. Birgy said if you could figure out a way to do double duty for both uses that would be a win-win for everyone. Mr. Wilk said in his experience, while geo-grid might be okay to park, it does not seem to hold itself enough to play on it. He is not sure what surface could be safe for children and support the weight. Mr. Birgy would like more information on the intended times of use to get a better understanding. He understands the need for the parking. He is just asking the applicant to consider alternatives.

Brad Schwartz came up and introduced himself as Vice Chair of the JCC Board, representing the facility. He also is an attorney with the firm of Zarin & Steinmetz. He agreed to explore these opportunities that Mr. Birgy mentioned. He noted that the spaces will not be used everyday and all day since there are peak times when there is a shortage of parking, such as school holidays. Between the school and camp, there may be an opportunity to use this parking for different purposes.

Ms. Lawrence asked if they have made an application to the Zoning Board. Mr. Schwartz said they wanted to first appear before this Board and make an initial presentation and will submit to ZBA for the next hearing. Mr. Birgy asked what triggered this application. Mr. Pennella said the additional parking requires an amendment to the site plan approval for the additional parking.

Dr. Friedlander asked about their shared parking agreement with the Doubletree Hotel. Mr. Schwartz said they do have ongoing discussions with the hotel primarily for large events which occur a couple of times throughout the year. Dr. Friedlander suggested installing a gate at the extreme end of the Doubletree Property which may work for both parties. They could also perhaps get a better handle on the peak times of use for the facility, i.e., when the school kids are off from school, on vacation, or when the college kids come home.

Mr. Pennella also advised that would have to take into consideration the spots rented out by Honda at the Doubletree Hotel because they too have a parking agreement with the hotel which was a condition of a prior site plan approval for the 480 South Broadway location.

Dr. Friedlander asked if anyone in the public had any questions.

Theresa Fante, resident of 36 Paulding Avenue, came up to address the Board. She advised them that her property faces the JCC property area. About 5 years ago, they were supposed to plant trees along the perimeter of her property. To date, the trees still have not been planted. She has been patient and has approached the JCC many times and she feels they have been very condescending and disrespectful toward her and they do not return phone calls. She feels that she has no use of her property due to the lack of privacy. She also experiences noise from the speed bumps and the parking lot lights which are on until 11 pm in the evening. She feels that a public facility should have barriers to protect her property. She feels like a prisoner in her own home and has not done yardwork in years and it is just not right. If there are more cars coming in she should have her privacy. Her tenants also have no place to park on the street since the JCC employees are parking on the street.

Dr. Friedlander said he appreciates Mrs. Fante's concerns. Mr. Pennella advised Dr. Friedlander that the planting of these trees was a private agreement between the applicant and Mrs. Fante and not a condition of site plan approval. Dr. Friedlander feels that Mrs. Fante's concerns are legitimate and that the Planning Board should have been more sensitive to this issue during the approval process. The Board will try to work with the JCC to come to a resolution.

Mr. Tedesco asked the secretary to request that Ms. Nolan, the village landscape consultant, look particularly for the appropriate screening for the additional parking spaces for the neighbor to be incorporated into the site plan.

Mr. Schwartz asked Mrs. Fante to show where she lives on the plan. Mrs. Fante pointed to her lot. Mr. Schwartz advised that Mrs. Fante has been discussing the tree plantings with the JCC. He is aware of her concerns and will become personally involved to come up with a mutually acceptable landscaping plan. Planner Galvin suggested incorporating this landscape plan into the site plan.

John Moore, a teacher at the JCC, came up to express his concern about the emergency egress at the end of the pathway. They have been told to chain the gate. He is concerned should there be a fire or terrorist threat that they would have people running to a locked gate with no way out. Mr. Pennella advised that this gate is for emergency fire department access only. If the fire department comes, the first thing they do is cut the lock. He will discuss this matter with fire and police department personnel to address egress out only and not in, similar to the electronic gate on the Montefiore property.

Tori Weisel, President of the Irving Neighborhood Preservation Association, came up to address the Board. She is pleased that there will be more parking added onto the JCC facility. The parking overflow is a result of the JCC originally telling their employees to park on Paulding Avenue. This parking has now overflowed onto Van Wart Avenue. Cars are parking at the intersection of Van Wart and Paulding and blocking the stop sign which is creating a dangerous sight distance problem. The neighborhood association formed a great relationship with the former JCC director, Frank Hassid, working together through tough projects such as GM, the Riverwalk, and the new bridge. Mr. Hassid assured them that the neighborhood would not be affected by the facility. However, their street parking situation is now significant. It is very dangerous and there is no parking in front of people homes. It seems that the good neighbor policy has been swept under the rug and they need to bring it back.

Mr. Pennella asked if cars are still parking on Van Wart Avenue. Everyone in the audience answered “yes”. Mr. Pennella said then the parking is needed for employees and the proposed spaces will help. Mr. Birgy asked how many cars per day are parked on the street. Ms. Weisel said about 12 to 15 are parked at the top of the street each day, cluttered and congested in front of the homes.

George Gasperini, of 47 Paulding Avenue, said, as a neighbor, he has no problem with the additional parking but Mrs. Fante was correct that Mr. Hassid said there would be screening trees for her property and, the property where the emergency gate is will be kept clean and green. Montefiore also has an emergency exit gate. He wants the parking but would like the clean and green area to stay and Mrs. Fante to have her trees.

Dr. Friedlander asked if anyone else in the public would like to speak. No one appeared.

Mr. Schwartz returned and said that Mr. Hassid had a special knack but he will work with the community to figure this all out. Dr. Friedlander again suggested working with Doubletree Hotel to possibly see about securing more parking spaces.

Mr. Galvin summarized for the applicant that they will need to address the clean and green emergency access area, the screening of appropriate trees (for Mrs. Fante) to be placed on the site plan and the required zoning variance (s). In addition, in accordance with SEQRA, this is an unlisted action. The Planning Board acted as Lead Agency under the original site plan.

Mr. Tedesco moved, seconded by Mr. Birgy, that the Board declare its intent to be Lead Agency with proper notification to all involved and interested agencies and that the application be referred to the Westchester County Planning department for review under GML. All in favor. Motion carried.

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

Mr. Tedesco moved, seconded by Dr. Friedlander, to continue the public hearing. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Birgy, to adjourn at 8:12 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary