

Planning Board  
Village of Tarrytown  
Regular Meeting  
August 26, 2019 7:00 pm

PRESENT: Chairman Friedlander, Members Aukland, Birgy, Tedesco; Counsel Zalantis; Village Planner Galvin; Secretary Meszaros

ABSENT: Member Raiselis, Village Engineer Pennella, Alternate Member Lawrence

Chairman Friedlander called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES – June 24, 2019 and July 22, 2019

These minutes will be considered for approval at the September 23, 2019 meeting.

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.
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue – Driveway widening, construction of retaining walls and demolition of existing structure.
- Artis Sr. Living, LLC – 153 White Plains Road- Construction of 35,952 s.f. Alzheimer/Dementia facility and review of petition for zoning amendment to allow for a floating/overlay zone for Alzheimer/Dementia care.
- Raul Bello – 13 John Street – Construction of a single family dwelling.

CONTINUATION OF PUBLIC HEARING – JCC on the Hudson – 371 & 425 S. Broadway

Ronen Wilk, Sr. Associate with Peter Gisolfi Associates, appeared before the Board and informed them that they have received the necessary variances from the Zoning Board for the application before them and he is hoping that the Board will approve this project this evening.

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

Dr. Friedlander asked if any staff had any comments. There were no additional comments from the staff.

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 August 26, 2019)**

**Application of JCC on the Hudson, Inc.  
Property: 371 & 425 South Broadway  
(Sheet 1. 140, Block 88, Lots 1, 2, 3 & 4 in Zone LB)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requests amended site plan approval to provide for additional on-site parking by expanding the west parking lot by approximately 6,000 sf. The original site plan was approved on April 25, 2011 and extended on August 26, 2013 with minor revisions.

2.The Planning Board determined that the Project was an unlisted action under SEQRA on March 25, 2019 and issued a Notice of Intent (NOI) to be Lead Agency on March 26, 2019, assumed Lead Agency status at its meeting on April 22, 2019 and issued a Negative Declaration for the proposed unlisted action on June 24, 2019.

3.The Planning Board opened a duly noticed public hearing on March 25,2019 and continued the public hearing on April 22, 2019, May 29, 2019, June 24, 2019 and August 26, 2019,at which time all those wishing to be heard were given the opportunity to be heard.

4.The Planning Board has carefully examined the Application including the Applicant's cover letter dated March 7, 2019, the *Environmental Clearance Form* and the *Zoning Compliance Form*, the meeting minutes of the previous approval and the *VHB Traffic Study* dated March 17, 2011 and the submitted site plan showing the expanded west parking lot with additional parking spaces, landscaped islands, new asphalt, rain garden and lighting.

5.The Planning Board has received comments and recommendations from the Village Consulting Planner in memoranda dated March 12, 2019, April 9, 2019, May 13, 2019, June 11, 2019 and August 12, 2019, from the Village Landscape Consultant in staff reports dated April 15, 2019, May 30, 2019 and June 24, 2019, from the Building Inspector/Village Engineer in a review dated March 13, 2019 and a revised denial letter dated June 17, 2019, a review letter from the Westchester County Planning Department dated April 5, 2019 and a drainage design report from the Applicant's Engineer (TW Engineering, PC) dated May 7, 2019, which they have considered.

6. The Zoning Board of Appeals reviewed the Applicant's request for an area variance for parking lot setback in the rear yard and a raised planting island for stalls 16-29 at a public hearing held on August 12, 2019. The Zoning Board of Appeals closed the public hearing on August 12, 2019 and approved the requested variances on that date.

7. The Planning Board closed the public hearing on August 26, 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 is granted subject to the conditions set forth below.

#### **I. Findings**

The Planning Board finds that 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 and the submitted plans. The proposed action is an amendment to an existing site plan for the expansion of the west parking lot by 6,150 sf to accommodate an additional 29 parking spaces in the LB (light business) zone. Another parking space was added to the parking area in the front of the property across from the JCC entrance. A total of 30 additional spaces have been provided on the site. The reason for the proposed action is the existence of a parking overflow at peak periods on adjacent roads (Paulding and Van Wart Avenues). The west parking lot at the rear of the JCC building is proposed to be extended approximately 50' to the south for additional 29 parking spaces. The parking lot expansion received a variance from the ZBA for the rear yard which requires 60' setback and a raised planting island for stalls 16-29. The Survey shows a lot line running through the JCC building. This requires the Planning Board approval of a subdivision plat which will merge the four lots on the property into one lot.

The new parking spaces will be provided by restriping existing pavement for stalls 1 through 12; adding 6,150 sf of new pavement; and widening travel lanes to 24' width. Two parking islands /planting beds have been added at the southern end of the expanded parking area. A rain garden/vegetated detention basin has been included. At the request of the Planning Board, the Applicant explored grass pavers for the parking area which could support both parking and outdoor play uses. Applicant indicated asphalt as the preferred surface for maintenance and plowing and also anticipates the regular use of the parking lot which would limit play opportunities in this area. Even with the parking lot expansion, there will still be 90' x 120' area for use for the playfield. Public comment raised the issue of landscaping for screening of a residential property that was not

provided previously on the site. The site plan was revised to include new landscaping along the north boundary and 25' along west side of the property to provide screening for the residences at 26 and 36 Paulding Avenue. Plans were revised to address recommendations of the Village Landscape consultant in the 6/24/19 staff report. The emergency access gate has been widened from 12' to 16' at request of the Fire Department. Plan now indicates that this area shall be kept clear of debris with plant and lawn maintenance. Pedestrian emergency exit path has been provided in this area. Stormwater analysis and photometrics lighting plan have been provided to Village Engineer. Interim ED is formalizing agreement with the Doubletree Hotel regarding overflow need for employee parking.

## 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.

Plans prepared by Peter Gisolfi Associates, LLP dated March 7, 2019 and last revised August 19, 2019, unless otherwise noted entitled as follows:

- SP-1 *“Materials & Grading Plan, West Parking Lot Expansion, JCC on the Hudson”*
- SP-2 *“Planting Plan, West Parking Lot Expansion, JCC on the Hudson”*
- SP-3 *“Photometrics Plan, West Parking Lot Expansion, JCC on the Hudson”*
- SP-4 *“Site Details, West Parking lot Expansion, JCC on the Hudson”*

(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) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

#### IV. Specific Conditions

- 1. Prior to placement in service and the issuance of a Certificate of Completion, Applicant shall file a plat with the Office of the Westchester County Clerk depicting the merger of lots 1, 2, 3 and 4 into one parcel. Applicant shall submit to the Building department written evidence of such recording together with a stamped copy of the filed subdivision plat.

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

CONTINUATION OF PUBLIC HEARING- Lyonspride 14 N Bway, LLC- 14 N. Broadway

Jorge Hernandez, the project architect, appeared before the Board and advised that they have made the changes suggested by the Board at last meeting and have decreased the number of units originally proposed from 7 to 6 units. In addition, they will provide for an affordable unit as well.

Mr. Birgy again raised his concerns about the fiscal impacts to the village as a result of this conversion. Mr. Hernandez said that they will continue to reach out to the Assessor's office in Greenburgh to determine the fiscal impacts due to the change in classification from commercial to residential. In addition, they will appear before the Zoning Board on September 9, 2019 for the parking related variances associated with this project.

Mr. Tedesco is pleased with the project and asked the Secretary to follow up on the landscape plan.

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

NEW PUBLIC HEARING – Lexington 202 Group LLC – 29 South Depot Plaza (Lot 38)

Chairman Friedlander read the following 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, August 26, 2019 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Lexington 202 Group LLC  
34 Norm Avenue  
Bedford Hills, NY10507

to amend the zoning code to allow Transit Oriented Development (TOD) as a permitted use in ID zoned properties and for site plan approval for the construction of 69 residential units above a self-storage facility with a retail component and parking.

The property is located at 29 South Depot Plaza, Tarrytown, New York and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70 Block 29, Lot 38 and is located in the ID 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 needed from the Architectural Review Board.

By Order of the Planning Board

Dated: August 16, 2019

Lizabeth Meszaros  
Secretary

The mailing receipts were received and the sign was posted.

Linda Whitehead, partner with the firm of McCullough, Goldberger and Staudt, LLC, representing Tarrytown Self Storage II LLC, and Lexington 202 Group LLC the owner and developer of the property. She introduced the owner, Paul Ferraro, the project Planner-Dave Smith, and the project architects, Andrew Collingham, of Collingham Architecture PLLC and Andrew Garlock, of Garlock Architecture, AIA.

Ms. Whitehead presented the site plan and briefly described the site which is the former location of the OnTrack Sports Center facility, a one story metal warehouse building at 29 South Depot Plaza. The site has a current approval to build a 2 story self storage facility. Her client has not yet proceeded with this project in response to dialogue with the village and the comprehensive plan which has recently been adopted. They are working with village Board to provide for mixed use Transit Oriented Development project on this site. The plan will include self-storage on a portion of the first floor with a retail and amenities space, and 3 stories above of residential housing which will include a mix of studio, 1 and 2 bedrooms with a price point that does not exist in the village; they are proposing rental units. This plan is in response to the Comprehensive Plan and what they have heard from this Board. The plan will make this a more active area with pedestrian connections and direct access to the Metro North train platform which she feels works well for this use.

Ms. Whitehead explained that the property is located in the ID zone which does not allow for residential use. They have submitted a petition for a zoning amendment to the Board of Trustees to allow for a TOD use within ID provided certain criteria have been met. The criteria include that the lot size be a minimum of one acre and that the property must be located within 100 feet of access to a train platform. The Board of Trustees has reviewed their petition and referred it to the Planning Board for their review and recommendation. They have now returned with plans and revised renderings, a Full EAF, and supplemental material and studies for SEQRA.

At the last Planning Board meeting, the Board declared its intent to act as Lead Agency for this action and the Board of Trustees has no objection. The proposed zoning has additional standards and conditions for TOD, all intended to satisfy the terms of the Comprehensive Plan and what the Village would like to see in order to start changing this area from industrial to activity types of use.

In response to comments received by the Westchester County Planning Department, Ms. Whitehead stated that the County suggested that rather than amending the ID zone, they should look at using the Waterfront General Business District Zone (WGBD) for this property. Ms. Whitehead pointed out that the Planning Board explored this option when her client originally proposed this zone for a similar project. At that time, the Board did not feel that this zone would work for this particular site because this property is not on the waterfront, it is on the tracks. The WGBD zone was intended for waterfront development. The Board agreed.

With regard to the current plan submission, they have since enhanced pedestrian activity and have provided additional sidewalks for connectivity and walkability. They are still speaking with the MTA for use of their employee parking lot, which is underutilized. Ms. Whitehead said as part of the preliminary agreement, her client will upgrade this lot and have rights to the majority of the parking on a full time basis for 20 spaces to be used on night and weekends. Ten spaces will be reserved for the MTA employees. In addition, they have also added handicapped spaces and have sent them to the MTA for their review.

Mr. Galvin asked Ms. Whitehead to submit her comments regarding the Westchester County letter in writing to the Planning Board.

Mr. Tedesco complimented Ms. Whitehead on the submitted enhanced EAF in terms of the depth and areas covered and the changes in the architectural ideas that they have proposed.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board assume Lead Agency for this project. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board set an escrow in the amount of \$20,000 for this project. All in favor. Motion carried.

Mr. Tedesco wanted to know if they can provide more thought for more amenities for the millennials. He does not know how but would ask that they explore this further.

Ms. Whitehead introduced the architects to answer this question and walk the public through the plan.

Andrew Collingham and Andrew Garlock, the project architects, appeared before the Board to discuss the site plan.

Mr. Collingham said that they have provided for Lounge space on first floor and bicycle storage. They have floated around the idea of having rooftop amenity space but there are some implication with loads.

Dr. Friedlander asked how large the lounge space was on the first floor. Mr. Collingham said about 1000 sf.

Ms. Whitehead came up and said that her client has safety concerns and they are proposing solar on the majority of the roof. Mr. Birgy asked Ms. Whitehead to elaborate on the risk. Ms. Whitehead said there would be additional insurance costs. Mr. Collingham said there are also structure implications and issues to possible damages to the solar panels. Ms. Whitehead also noted that due to the location, there may be high demand, i.e., an increased level of residents inviting friends over and it may be too much. Mr. Tedesco said if it is impossible, he would like the architect to be more creative with the amenity space to meet the needs of the tenants. Dr. Friedlander suggested to perhaps lessen the storage space to add more amenity space.



Ms. Whitehead said they will review it. They are trying to keep price point at a level not trying to compete with high scale and amenities do cost money. Dr. Friedlander said they have not heard about the price points yet. Ms. Whitehead said that there will be 10% code required affordable.

Mr. Birgy commented that there are efficient solar panels that take up a lot less space which may allow them to add more room. He would like detailed information on the solar panels. He commented that over the long term, the panels will save money. Ms. Whitehead said the solar is currently being looked at as a community solar project.

Mr. Aukland asked that the applicant continue their presentation since this is a new public hearing and have the Board comment at the end.

Mr. Garlock showed the area around the building including the train station, the entry into the property and the parking lot upgrade. They added more sidewalks, crosswalks and a drop off feature at the front of the entry so that guests can pick up and drop off in the roundabout area. Eighty six (86) total spaces and the required handicapped spaces have been added in addition to a walkway to access the public road. They added a one way to make it safer. Dr. Friedlander asked the split in the parking along the building and the MTA portion. They are providing 20 spaces and 2 spaces in the roundabout. The one way eliminates the isle, maximizes parking, and provides a buffer to the adjacent property.

Ms. Whitehead commented that Dave Smith will go through the parking plan in further detail. Dr. Friedlander asked about the parking for the proposed restaurant/pub. Ms. Whitehead said the train station parking will be used for the restaurant/pub.

Mr. Birgy said they are looking for architectural excellence. When people arrive in Tarrytown, how will this building reflect that they are in Tarrytown, not in any town USA? The design is very important. Metro North did a great job the train station. He asked the applicant to keep in mind what makes Tarrytown a great place to live when they are designing this project. Ms. Whitehead said they were sticking with an industrial area vibe since it is an industrial area. Mr. Birgy said that was fair.

Dr. Friedlander wanted to know if there is negotiation with MTA for any parking. Ms. Whitehead said the commuter lot is generally available and not full at night. It is a metered public lot; people can park there. There are no permits required and she believes the meter cuts off after a certain time.

Mr. Collingham said in addition to solar there are other green initiatives for the adaptive reuse of the existing building on an existing site. They will be using the existing solar and wind lights. In addition, they will incorporate natural daylight and ventilation, increased wall thickness with increased insulation, low U value and high R value glazings. They want to create a valuable building and product and feel that this project could be well on its way to a LEED equivalency status.

Mr. Aukland welcomes this project and is happy about the green specifications. There are a number of things to make it appeal to millennials who look for high standards in those areas. He hopes the provided parking is more than what they actually will need. Millennials will be interested in transit and the platform connects directly to the building. He also feels that empty nesters may be interested in common space. He would like the applicant to show the Board what a comparable successful building development has used for common space square footage. If they can make use of the rooftop as an amenity, he would like that. Safety concerns need to be addressed but he feels that a usable attractive space can be accomplished.

Mr. Tedesco would like the applicant to explore the rooftop amenity further. A reduction in solar may be a good tradeoff for some amenity space with built in safeguards. He does not feel that the applicant should give up the idea of some amenity space on the roof.

With regard to pedestrian connectivity, Mr. Aukland was happy to see a crosswalk has been added to bring people to the street for access to public transportation. With regard to walkability, he wanted to know if the applicant has spoken to Franklin Courts to open it up as more of a community area by removing or moving the existing chain link fence that was installed to protect the residents from the active trucks. Ms. Whitehead said it is the MTA's fence and they will discuss this when they present the site plan for the restaurant/pub. Mr. Aukland would like to open up the area for all which could be helpful in the future and gives the residents of Franklin Courts access to the train.

Dr. Friedlander also mentioned that the more active amenities: a village pool, fitness center, tennis court and a park are available across the tracks. He still feels that more social space is needed and he asked about the size of the apartments and price points.

David Smith, Principal with Planning and Development Advisors, appeared before the Board to answer questions about the size and types of the proposed units. Out of the 69 units: 9 are studios, 48 are one (1) bedroom and 12 are two (2) bedrooms.

He summarized some of the material which was submitted to the Board in detail for the benefit of the public as well.

The projected rents are:  
\$1300 to \$1500 for a studio  
\$2000 to \$2200 for a one bedroom  
\$2500 to \$3000 for a two bedroom.

Using standards that project household income, the annual income range for this project is a \$52,000 level, which is the price point that is not being met with the market in Tarrytown.

An analysis was prepared with help from staff and the current annual taxes are:

Current Taxes: \$70,000 broken down as follows:

\$17,000 (village)

\$46,000 (school district)

\$7,000 (other, state, county)

Projected Taxes for this project are \$380,000 total taxes, which is \$310,000 more than the current taxes paid.

Mr. Birgy wanted to know what assessed value this projection is based on. Mr. Smith said it is based on other apartment and retail units in Tarrytown. The tax per unit was \$4400. He noted that the Property cards are included in the packet and he does not have the numbers handy. On the storage, the tax is \$2.95 per s.f., and on the retail, the tax is \$6.65 per s.f. One of the benefits of a TOD zone is that the residents typically walk to the goods and services and will have discretionary income to spend in Tarrytown. He referred to Table 5 of the report submitted and said that based on \$5.5 million total income, \$1.8 million could be available to spend within the village.

School age child projections were also included and the range for this project is between 1 to 8 school age children.

Mr. Galvin noted that the applicant is below the AMI of \$62,500 with regard to the average income of \$52,500, which makes the units very affordable. In addition, Mr. Smith noted that they are also providing the 10% mandated affordable per the village code.

Mr. Smith went through the parking layout. There are a total of 96 parking spaces, 10 are reserved for MTA employees. Twenty of these spaces are not available between 5 am and 4 pm but are available to the applicant on evenings and weekends. This leaves 42 spaces on MTA for exclusive use for this project and 24 on the applicant site for total of 66 spaces available full time and another 20 after 4 pm and on weekends. For a project like this, typically 95% is considered full occupancy. Essentially, they have 65 units occupied at any one time and 66 available full time, so they are able to provide the parking for the residential component. With regard to the retail component, he referenced the John Meyer (JMC) report which indicated that during the day not all spaces are filled so the retail component could make use of these spaces. Mr. Galvin also noted that in addition to this, 10% of spaces are vacant during the week due to vacation and away on business, etc. Mr. Smith agreed and said that this factor was also included as part of the JMC analysis.

Lastly, Mr. Smith referred to the technical reports for water and sewer capacity indicating that there is adequate water and sewer for this project. Mr. Galvin said this will be reviewed by Mr. Pennella.

Ms. Whitehead believes this plan meets the desire of the village as set forth in the comprehensive plan. She would like to answer any questions from the Board and since this is a public hearing, would welcome comments from the public as well.

Ms. Whitehead said she will provide more detail on the common space.

Dr. Friedlander asked the square footage of the entire building.

Ms. Whitehead said that the entire square footage of the building for four stories is 90,000 s.f. The footprint of the building is 24,000 s.f.. Mr. Galvin pointed out that this is less than a 2.0 FAR.

Mr. Birgy asked about parking requirements and statistics. Mr. Galvin said most TOD's are 1 space per unit; he has seen some that are 1.25 spaces per unit. He commented that the Board can ask applicant to analyze the parking after it has been occupied so that this information can be used for future projects. Ms. Whitehead said they have provided some material, for example, in Yonkers, the TOD parking requirement is 1 space, but the actual use was determined to be .85. In White Plains, the parking requirement is also 1 space.

Mr. Aukland said it is 2 spaces across the tracks in Hudson Harbor which is mostly empty nesters. Ms. Whitehead commented that this is also a higher end development. Mr. Aukland would like to see what the real expectations are. Mr. Galvin agreed that it would be helpful to get the hard facts.

Mr. Smith came back with the unit square footage:

A typical Studio is 650 sf.

A typical 1 bedroom is 845 sf.

A typical 2 bedroom is 1340 sf.

Dr. Friedlander asked if anyone in the public had any questions. Paul Ferraro (the applicant) thanked the Board.

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

#### NEW PUBLIC HEARING – Fred Ellman and Joan Raiselis – 26 and 30 Fairview Avenue

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, August 26, 2019, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Fred Ellman and Joan Raiselis  
26 Fairview Avenue  
Tarrytown, NY 10591

For a minor subdivision to allow for a lot line adjustment between two existing lots in order to locate the existing driveway access that serves 30 Fairview Avenue wholly within its property boundary. The properties are located at 26 Fairview Avenue (Lot 6) and 30

Fairview Avenue (Lot 7) and are shown on the tax maps of the Village of Tarrytown as Sheet 1.80, Block 56, Lots 6 and 7 and in the R-7.5 Zone.

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

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning and Zoning Boards

DATED: August 16, 2019

The mailing receipts were received and the signs were posted.

William Null, attorney and Partner with the Law Firm of Cuddy & Feder, appeared on behalf of the applicants. Mr. Null explained that the applicants have filed a minor subdivision application for 2 fully improved lots. He presented the plat and pointed to the lot line adjustment between the two properties (26 and 30 Fairview Avenue). This adjustment is necessary in order to make the parking area of 30 Fairview Avenue wholly within the lot and continue in a regular manner down to its southern point. Lots are fully conforming now and will be after the lot line adjustment.

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

Mr. Tedesco moved, seconded by Mr. Aukland, that this is a Type II action with no further environmental review required under SEQRA. All in favor. Motion carried.

Mr. Birgy moved, seconded by Mr. Tedesco, 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:

**Application of Fred Ellman and Joan Raiselis**  
**Property: 26 and 30 Fairview Avenue**  
**(Sheet 1.080, Block 56, Lots 6 and 7 in Zone R-7.5)**  
**Resolution of Subdivision Approval**

**Background**

1. Fred Ellman and Joan Raiselis (the Applicants and owners of the above referenced premises) are requesting subdivision approval seeking a lot line adjustment to modify the existing lot lines between Lot 7 (hereinafter “Lot 7” or “30 Fairview Avenue”) and Lot 6 (hereinafter “Lot 6” or “26 Fairview Avenue”) in order to locate the existing driveway that

serves the residence on Lot 7 wholly within Lot 7's property boundary. The Premises is located on the south side of Fairview Avenue and is in the R-7.5 zoning district.

2.The Planning Board has conducted a duly noticed public hearing on August 26, 2019, at which time all those wishing to be heard were given the opportunity to be heard.

3.The Planning Board on August 26, 2019 classified the application as a minor subdivision in accordance with §263-2 (since it does not include more than three lots and a new street and, therefore, will follow the process for minor subdivisions per §263-4). The Planning Board also determined the application to be a Type II Action under NYS DEC 617.5 (c) (16) "*granting of individual setback and lot line variances and adjustments*" and, therefore, no further SEQRA review is necessary.

4. The Planning Board has carefully examined the Application and reviewed the *Cover Letter* from the Applicants' Attorney dated August 7, 2019, the *Subdivision Plat (Lot Line Change Plat)* last revised August 5, 2019 and the accompanying exhibits including *Images of the Premises, subdivision checklist, the Environmental Clearance Form, the Zoning Compliance Form* and a copy of the *private Driveway Access Easement between Lots 6 and 7 recorded on March 11, 2016*. The Planning Board also reviewed and considered comments and recommendations from the Consulting Village Planner in a memorandum dated August 13, 2019.

5.The Applicants have indicated that the existing driveway access easement between Lots 6 and 7 will be extinguished in connection with the proposed lot line adjustment. The *Subdivision Plat (Lot Line Change Plat)* denotes the extinguishment of the Driveway Access Easement on the Plat.

6. The Planning Board closed the public hearing on August 26, 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 subdivision approval is granted subject to the conditions set forth below.

#### **I. Findings**

The Planning Board considered the standards set forth in Section 305-131 of the Village Zoning Code and the Village of Tarrytown Code Chapter 263 entitled "*Subdivision of Land*" and finds that subject to the conditions set forth below, the proposed subdivision plat and lot line adjustment is consistent with the subdivision plat and the design and development principles and standards set forth therein.

The proposed action is a lot line change requiring a subdivision application. The subdivision is classified as a minor subdivision since it is a lot line change involving only two lots and does not create any new lots. The property consists of two existing lots collectively

comprising approximately 26,946.47 sf or 0.618 acres. The property is located on the south side of Fairview Avenue in the R-7.5 zoning district. The property has two lots with an existing single-family residence on each lot. The two lots are identified as Lot 6 (aka 26 Fairview Avenue) and Lot 7 (aka 30 Fairview Avenue). Both lots are similarly sized. Lot 6 contains 13,601 sf and Lot 7 has 13,315 sf. Lot 6 was recently improved by the development of a new residence in 2017. Lot 7 is under contract for sale by the Applicants. However, under the present lot configuration, Lot 7 is accessed by a driveway access easement over Lot 6, which the Applicants proposes to extinguish in connection with the proposed lot line adjustment. The Subdivision (Lot Line Change) Plat denotes that the driveway access easement in the northeast front corner of Lot 7 will be extinguished with the new lot line following the easterly line of the former easement. The result will be that Lot 7's driveway access will be wholly within Lot 7. A small portion of the property at the rear (Parcel A) will be allocated between Lot 6 and 7. A review of the environmental clearance form does not indicate any environmental issues with either lot. The zoning compliance indicates that both lots resulting from the lot line change will remain zoning compliant. There is no construction involved with the proposed action.

II. Approved Plat:

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

*"Subdivision (Lot Line Change) Plat prepared for Joan Raiselis and Fred Ellman situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York" by TC Merritts Land Surveyors, Ward Carpenter Engineers Inc. dated July 24, 2019, last revised August 5, 2019.*  
(the "Approved Plat").

III. General Conditions

(a) Prerequisites to Signing Subdivision Plat: The following conditions must be met before the Planning Board Chair may sign the approved Subdivision Plat ("Final Subdivision Plat"):

- i. The Applicant shall obtain the required endorsement or determination of no jurisdiction by the Westchester County Department of Health.
- ii. The Applicant shall extinguish the Declaration of Permanent Driveway Access Easement, recorded on March 11, 2016 in the Westchester County Clerk's Office, Division of Land Records at Control #560633084 in connection with the filing of the approved Final Subdivision (Lot Line Change) Plat. Proof of the extinguishment of this driveway access easement shall be provided prior to the Planning Board Chair signing the Final Subdivision Plat.

- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) The preparation and submission to the Planning Board of the Final Subdivision (Lot Line Change) Plat, including any required endorsement or determination of no jurisdiction by the Westchester County Department of Health, shall be filed by the applicant in the office of the County Clerk within sixty-two days of obtaining the Planning Board Chair's signature as set forth in Village Law § 7-728 (11).
- (c) In accordance with Village Law § 7-728(7) (c), if all the conditions of this approval are not fulfilled within 180 days, this approval shall expire. The Planning Board, however, may extend for periods of ninety days each, the time for Applicant to submit the plat for signature by the Planning Board Chair if, in the Planning Board's opinion, such extension is warranted.
- (d) Immediately upon recording of the final plat in the office of the Westchester County Clerk, the Applicant shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.

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

NEW PUBLIC HEARING - Yoga Love NY LLC – 69 N. Broadway

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, August 26, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Yoga Love NY LLC (Contract Vendee)  
88 Overlook Drive  
Valhalla, NY 10595

To amend the July 25, 2016 site plan approval to allow for vacant space in the basement to be converted into a yoga studio.

The property is located at 69 N. Broadway, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 14, Lots 4 and 5 and is in the RR Zone.

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 and the Architectural Review Board.

By order of the Planning Board.

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: August 16, 2019

The mailing receipts were received and the signs were posted.

Diana Kolev, Attorney with the firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, appeared on behalf of the applicant, Nancy Puleo, also present and introduced Ron Hoina, the project architect.

Ms. Kolev stated that her client, Yoga Love NY, is a small local business looking to occupy the portion of lower level of basement to be used as a yoga studio at 69 North Broadway. The actual space that will be used is 800 sf. There is a small office and locker rooms which Mr. Hoina will present.

Currently the basement can only be used as a storage area. The Street level is occupied by SNAP Fitness gym. Ms. Kolev explained that Snap Fitness obtained site plan approval in 2016 which limited the use of the basement to storage due to parking counts. Based on the parking analysis, the off street parking requirement will increase by 7 spaces and there is plenty of parking in the vicinity of the building. They are seeking an amendment to the site plan to allow for this use and a recommendation that her client pay into the parking fund in lieu of providing off-street parking spaces.

Mr. Kolev asked that the Board take a SEQRA action. Galvin noted that that this would be a Type II action.

Ms. Kolev is hoping to move through this process quickly so that her client can get into the space and retain their existing clientele.

Ron Hoina, RA, of Design Development Architects briefly described the plan. The space is an 800 s.f. single yoga studio with one instructor for a class size of 8 to 10 students. No other activity will be going on on-site. There is a small changing room, bathroom, small office space in the front area where they will receive people.

With regard to parking, there are 50 spaces on the street- metered spots, 64 spaces in the back lot and 70 spaces across the street.

Mr. Aukland stated that the spaces behind the building are for the other stores, however, the McKeel lot is available.

Mr. Tedesco asked them to describe the hours of operation. Ms. Puleo came up and said that there will be 2 classes per day: one in the morning and one in the evening. If they grow, they will add a second class in the morning and the evening but nothing is planned mid-day when it is busier according to the prior parking study that had been done.

Mr. Aukland confirmed that the classes will have an instructor and customers are never left alone. He asked because SNAP fitness has overnight unattended and had this concern. Ms. Puleo said they only need one instructor at a time.

Mr. Tedesco asked if there are other Yoga Love NY's around. Ms. Puleo said she hopes but not yet, but they are not a chain or franchise.

Dr. Friedlander asked what the max is of each class. Ms. Puleo said they are focusing on being a teaching studio. They are hoping that the class size grows. Mr. Hoina said that as a practical matter you need 80 s.f. per person for the area. So from a practical nature you will not have that kind of density. The experience would be different.

Mr. Birgy asked if there is an interior access to SNAP fitness. Mr. Hoina said there was access and it is controlled. There is an entrance from the rear as well.

Mr. Birgy confirmed that SNAP parking requirements is not associated with this application. Mr. Galvin said that there seems to be some spaces open which may be due to the lack of occupancy in the stores. Due to the off hour use, there have not been any parking concerns and it seems that the McKeel lot often has many available spaces. Mr. Tedesco advised the applicant to go to the Zoning Board.

There was a brief discussion about procedure. Counsel Zalantis advised that procedurally, the parking variances need to be sought at the zoning board but the Planning Board will determine the fee for payment in lieu of providing parking spaces. This is an established practice and the interpretation of the building inspector.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action with no further environmental review required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2500.00. All in favor. Motion carried.

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

Don Magee, of 20 Dixon Street, which is one building away from the structure, would like to know the actual proposed hours of the studio.

Ms. Puleo came up and said to start the morning class would be from approximately 9:30 am to 10:45 am and the evening the class would be from 6:30 to 7:45 pm. If they were to add another class, in the morning, classes would start at 8 am and before noon and night classes would start after 6 pm.

Mr. Galvin said, basically, the morning classes will be mid-morning and the evening classes will be after 6 p.m.

Mr. McGee asked about weekend hours. Ms. Puleo said that on the weekends, there will only be morning classes on Saturday and Sunday from 10:00 am to 11:15 am and an 8 am class may be added. Mr. Tedesco would like the potential classes discussed this evening put in writing for the record. Ms. Puleo said this information is in the application.

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

EXECUTIVE SESSION:

Mr. Tedesco moved, seconded by Mr. Aukland to go into executive session to discuss a legal matter at 8:33 p.m. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to come out of executive session at 9:20 p.m. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Birgy, to adjourn at 9:20 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary