

Planning Board
Village of Tarrytown
Regular Meeting
September 23, 2019 7:00 pm

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

ABSENT: All members present

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

APPROVAL OF MINUTES – June 24, 2019 Planning Board Minutes

Mr. Tedesco moved, seconded by Mr. Aukland, with Dr. Friedlander abstaining, to approve the minutes of June 24, 2019 as submitted. All in favor. Motion Carried.

APPROVAL OF MINUTES – July 22, 2019 Planning Board Minutes

Mr. Tedesco moved, seconded by Mr. Birgy, with Mr. Aukland and Ms. Raiselis abstaining, to approve the minutes of July 22, 2019 as submitted. All in favor. Motion carried.

APPROVAL OF MINUTES – August 26, 2019 Planning Board Minutes

Mr. Tedesco moved, seconded by Mr. Aukland, with Ms. Raiselis and Ms. Lawrence abstaining, to approve the minutes of the August 26, 2019 meeting as submitted. All in favor. Motion carried.

APPROVAL OF MINUTES – August 4, 2019 Special Work Session Minutes

Mr. Tedesco moved, seconded by Mr. Aukland, with Mr. Birgy abstaining, to approve the minutes of the August 4, 2019 meeting 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.
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue – Driveway widening,
construction of retaining walls and demolition of existing structure.
- Raul Bello, Architect – 13 John Street – Site Plan approval for the construction of a
single family home.

CONTINUATION OF PUBLIC HEARING HEARING- Artis Sr. Living – 153 White Plains Rd.

Review of FSEIS for completeness and acceptance by the Planning Board.

Mark Fry, of Main Street Consulting, who is assisting in the preparation of the SEQRA documents for this project, appeared before the Board and introduced Max Ferentinos, a principal of Artis Senior Living, and Don Walsh, representing Leon Silverman, owner of Crescent Associates. He is pleased to present the FSEIS to the Board and gave a brief description of the contents which includes responses to all of the comments received at the two public hearings, responses to letters received from Cuddy & Feder, the Tarrytown Environmental Advisory Council (TEAC), the NYSDEC, and responses to all staff comments, all of which have been put in a tabulator format for easy access.

Five copies of the FSEIS have been provided to the Planning Board Secretary. If and when the Planning Board determines that the document is complete for public review, copies will be made available on the Village website, at the Village Hall and at the Warner Public Library.

Mr. Galvin briefly went through his Memo of Completeness, provided to the Board, dated September 16, 2019, which summarizes comments received on the SDEIS. He noted the table of contents which provides a roadmap to all of the responses made by the applicant. Mr. Galvin feels that the applicant has satisfactorily responded to all of the comments and recommends that the Planning Board accept the document as complete for public review to be circulated to the involved agencies and the public.

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

Mr. Tedesco thanked Mr. Galvin for his detailed Memorandum of Completeness that he provided to the Board and also thanked Mr. Fry for the clarity and completeness of the FSEIS document.

Mr. Tedesco read the Resolution of Completeness of the FSEIS into the record:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
Adopted September 23, 2019

Re: Artis Senior Living, LLC - Resolution Determining Completeness of
Final Supplemental Environmental Impact Statement

Whereas, the Planning Board at its meeting on May 29, 2019 determined that the revised SDEIS submitted on May 10, 2019 was adequate for public review and set a public hearing for June 24, 2019 pursuant to §617.9 (a) of the SEQRA regulations; and

Whereas, the Planning Board conducted a public hearing on the SDEIS on June 24, 2019 and July 22, 2019 at which comments were made by the public, Planning Board

members and staff. A record was made by a court stenographer of the public hearing held on both dates and made part of the official record of the public hearing which were provided to the Planning Board and staff for review and made available to the public; and

Whereas, the Planning Board closed the public hearing on the SDEIS on July 22, 2019 and asked the applicant to prepare a FSEIS to address all comments received during the public hearing. The Planning Board also specified the additional letters received that needed to be addressed in the FSEIS. Finally, the Planning Board requested the Applicant to provide a record of addressing all previous comments made by staff and counsel during the production of the SDEIS; and

Whereas, the Applicant was provided with a memorandum dated August 2, 2019 summarizing comments to be addressed in the FSEIS. The Applicant provided the FSEIS on September 19, 2019 which was reviewed by the Village Planner and staff. The Village Planning consultant reviewed the FSEIS in consultation with the Village Attorney and Village Engineer and recommended that the FSEIS adequately responded to the comments requested in the prior August 2, 2019 summary memorandum; and

Whereas, on September 23, 2019, the Planning Board reviewed the *Village Consulting Planner’s Completeness Memorandum dated September 16, 2019* and determined that the FSEIS adequately addressed the comments provided during the public hearing process on the SDEIS and is complete. The Planning Board directed staff to prepare a Notice of Completion for the FEIS for publication in the Environmental Notice Bulletin (ENB), transmit to the involved agencies and provide a copy on the Village web site and maintain a copy in the Building Department and the Warner Library.

NOW THEREFORE BE IT:

RESOLVED, on September 23, 2019, the Planning Board determined that the FSEIS submitted on September 19, 2019 is determined to be complete and directed staff to prepare a *Notice of Completion for the FSEIS* for publication in the *NYS DEC Environmental Notice Bulletin (ENB)*, transmit the FSEIS to the involved agencies, place a copy on the Village web site and maintain a copy in the Building Department and the Warner Library available for the public; and be it further

RESOLVED, that the Planning Board will proceed to make a Findings Statement based on the SEQRA record (DSEIS and FSEIS documents) and provide a recommendation to the Village Board of Trustees for the Artis Senior Living proposed text for the Floating/Overlay zone and proposed construction of a 64-bed Alzheimer’s/Dementia Care Housing facility located wholly on the 153 White Plains Road parcel.

Ms. Raiselis noted the correction of two spelling errors (bulletin and Warner Library).

Mr. Tedesco moved, seconded by Mr. Aukland, to accept the FSEIS document as completed with the 2 changes. All in favor. Motion carried. Mr. Galvin advised that the ENB Notice will be forwarded to the DEC and staff will begin to prepare a Statement of Findings.

CONTINUATION OF PUBLIC HEARING – Lexington 202 Group LLC – 29 S. Depot Plaza

Steven Wrabel, Attorney 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, appeared before the Board. He introduced Paul Ferraro, a principal owner, the project planner, Dave Smith, the project engineer, Michael Mastrogiacomo, and the project architect, Andrew Collingham, of Collingham Architecture PLLC.

Mr. Wrabel explained for the public benefit that this site has a current site plan approval to build a two (2) story self-storage facility at 29 South Depot Plaza. Subsequent to that approval, they were approached by the village to take a look at the site and see what other uses could work on this property. They looked at the Comprehensive Plan which encourages a Transit Oriented Development (TOD) and also encourages a diversity of housing options. In addition, the station area strategic plan for this specific area noted that there is enough surface parking in this area and the village should encourage Transit Oriented Development. They have since returned with a plan for three (3) stories of residential units above a mixed use of retail lobby space and residential amenity space.

This is their 3rd meeting before this Board on a referral from the Board of Trustees for a recommendation for a zoning text amendment. This amendment will allow for mixed use in the ID District for properties at least one (1) acre in size and located within 100 feet of the metro north platform. They have provided the Board with a fiscal analysis, a parking analysis (which has been supplemented to the original JMC report), a utility summary, a planner memo on the proposed density, a layout of the proposed amenity space, renderings of the building shown in the context of the surrounding properties, letters from the architect regarding Green Building techniques and some of the architectural features that will be incorporated into the project, a memo from their project engineer explaining why no amenity space can be provided on the roof and, in addition to the proposed site plan, a parking layout, a pedestrian circulation plan, and a site lighting plan.

Mr. Wrabel asked the Board if they have any questions on the material submitted so far and if there is any additional information that they feel they need in order to give a recommendation to the Board of Trustees on the proposed zoning amendment. Their goal is to have the Board issue a Negative Declaration for this action under SEQRA. Without the negative declaration, they cannot move forward on the zoning amendment.

Mr. Tedesco asked Mr. Pennella to comment on infrastructure in his memo that he provided to the Board. Mr. Galvin may also wish to comment.

Mr. Pennella referred to his memorandum to the Board, dated September 23, 2019, which will be given to the applicant. Mr. Pennella is concerned with the water and the analysis used on the approach of the design; the applicant is only using standards and

guidelines, and the water and sewer computations appear to be low. He referred to other items in the memo that need to be addressed as follows:

- Easement concerns that need to be addressed; agreement will need to be provided.
- Termination of existing water service.
- The Sanitary sewer is connected along the railroad property; consideration should be given to an alternate connection since the entire line has not been evaluated.
- No provisions for stormwater.
- Ingress only (in order for people to egress they would have to jog around lot through the metro north railroad to get out of the site which is a concern)

Mr. Pennella was concerned about the parking; Mr. Galvin advised that the proposed zoning text language has provided for the parking requirements for the TOD zone. There should be no variances for the parking.

Mr. Wrabel feels that most of these issues raised by Mr. Pennella are site plan questions and will be addressed at that time. This issue before the Board tonight is what their recommendation will be on the proposed zoning and the larger planning impacts of the zoning.

Mr. Galvin said the Board is looking at the larger planning impacts and they need to know if it is feasible to put the water and sewer in at this location. Some of Mr. Pennella's comments are site specific by some need to be just generally addressed.

Mr. Galvin suggested that a third party review of the parking analysis be done to determine if it is feasible and within the range of TOD type projects. This will give the Board an understanding of the parking needs and a better comfort level when considering changes to the code. Mr. Wrabel feels that a 1:1 parking ratio makes sense for this type of development but will agree to a third party review.

Dr. Friedlander asked Mr. Wrabel if they were using the existing foundation. Mr. Wrabel said they were using the existing foundation.

Mr. Collingham said they will be recycling the metal of the existing building and the foundation will be re-used.

Dr. Friedlander feels that there is an opportunity to make this a better project. Dr. Friedlander originally thought that the footprint was fixed but if that is not the case, it could be smaller to provide more amenities. He would like to know specifics with regard to size and dimension and feels that it is important to talk about all these things now so they can make a recommendation to the BOT. He asked about the possibility of going higher and putting the parking under the building as an alternative plan. Right now, he feels that there is no place for plantings and the project is maxed out on the site. If the height is a problem, there may be a way to adjust that height and still accommodate the density demands.

Mr. Wrabel said they can look at the alternative, but he noted that this is a fully impervious developed site.

Dr. Friedlander said he is not saying that they are making it worse. He wants to make this project even better than better.

Mr. Wrabel thinks it is better. He said there are monetary costs and realisms for re-developing a site. They are here before the Board with a second version for site plan approval. They are trying to make their prior approval better for the village already. They can look at this alternative, but keep in mind that they have been working with the village as much as they can within reason. They have put a lot of thought into the space and have revised the plan to alter the allotment of space for self-storage vs. amenity vs. retail space. They are pretty far down the road and they think that this is a good project for this site. They will certainly address the alternative which has been discussed this evening.

Mr. Birgy said the applicant is asking for 69 units which is not as of right. The Board is not looking for a boiler plate building; they are looking for something extraordinary. It is not a one-way street.

Mr. Wrabel said they are asking for something that is not as of right despite the fact that his client originally only wanted the self-storage, which is as of right. The reason they are here is because the village approached them with a proposal which they believed was a better concept. His client has spent a significant amount of time and money working on this development and the zoning. While he understands that the Board's job as Planning Board members is to try to get the best development possible for this site, they are here and are working with the village to improve what already has been approved.

Mr. Birgy does not feel like they are on the same page. From his perspective, they are looking to do what they want to do. Mr. Wrabel said he disagrees with that characterization. They have made a number of adjustments to the plan and are willing to take the additional comments made this evening and look at them but would ask that the Board look at this project from their perspective.

Mr. Tedesco agrees with Dr. Friedlander that the applicant has come a long way and they have listened to the Board. All the Board is saying is that by maybe going a little higher and reducing the footprint, it may become a better project, not only for the village, but for the applicant as well. The Board would just like them to consider the possibility and come back with factual information, and give reasons why the alternative won't work. He feels that for the applicant to dismiss the idea of making this project better is not such a good idea.

Mr. Galvin advised the Board that it is within their realm to provide a recommendation to the Board of Trustees and to also change the proposed text if they feel it will improve the project. Then the applicant could design to that recommendation.

Mr. Wrabel agreed to look at the Board's suggestion as a possibility.

Dr. Friedlander stated that solving the parking problem is a big benefit to the applicant and may make it a better project with regard to rent revenue. Similarly, the amenity package or a smaller footprint may create a better atmosphere and more connectivity which could also benefit the project. These are win-wins for both the village and applicant. He does not know if it is costly, but he does not think that the applicant should be locking themselves in and should consider other possibilities to make it a better project.

Mr. Galvin said it would also be beneficial to provide this alternative to the Board of Trustees when making a recommendation.

Ms. Raiselis said this is a much better plan than what was originally proposed. During the site plan process she hopes they will be flexible to make changes with regard to landscaping which is important to her.

Ms. Zalantis advised the Board that they are going through the SEQRA process now and the Board needs to have enough information now before they can make a determination of significance. With regard to infrastructure, if there are still open issues and concerns with water and sewer capacity, this needs to be addressed now before a SEQRA determination can be made. She also suggested that the parking requirements be looked at to determine that there will be no significant impacts on the parking.

Ms. Raiselis suggested moving forward and securing the parking consultant. Dr. Friedlander agreed to do this but said there are still other issues that have to be addressed.

Ms. Raiselis asked the applicant if there was a restriction on how high they can go with the existing foundation.

Mr. Pennella said they are limiting themselves to what the existing foundation can sustain. If they want to go up more stories they would have to do additional work, put in additional piles, etc. This is something you could ask the applicant to look at.

Ms. Raiselis asked the applicant if they are restricting themselves or just saying that going up another story can't be done.

Mr. Wrabel said if you are asking if a new building could be built on a flat piece of ground with a new foundation of course it could. The project engineer is here and it would be best for him to address this question.

Ms. Raiselis asked Mr. Wrabel if Lot 37 is a part of this zoning. Mr. Wrabel said that this zoning applies to sites of at least one (1) acre and within 100 feet of the metro north platform.

Dr. Friedlander would like the applicant to describe the size of the concrete foundation.

Mr. Mastrogiacomo, the project engineer, came up and said that the entire foundation is about 75 ft. x 300 ft. which includes the loading dock. There is a break with slab and foundation and the main part is higher with the loading dock. The property itself is on one (1) acre and is about 56,000 s.f.

Dr. Friedlander asked if they extract the roadbed, what is left? In other words how much available space is there for other things than the building? Mr. Birgy said there is not much room for landscaping and green space. Mr. Mastrogiacomo showed the areas where the plantings are proposed. Ms. Raiselis asked the architect to show the landscape plan to the Board.

Dr. Friedlander raised his concern about how the applicant came up with 100 feet from the platform on sites no more than one (1) acre in the proposed zoning. He would like to know the rationale for this criteria and what is the rationale to prevent other people to use the same formula? Counsel Zalantis said if you are asking for legal advice, I would rather do that in an executive session.

Dr. Friedlander asked the applicant what their basis was for the criteria that they used. Mr. Wrabel said they drafted a text amendment that would allow a TOD on this piece of property based upon their conversations with the village; this site is unique and this type of development is keeping with the goals of the Comprehensive Plan. Dr. Friedlander said the piece of property right next to it is only 110 feet from the site. What is to prevent them from asking for this zoning?

Mr. Wrabel said this is the nature of zoning. Counsel Zalantis said they would also have to go through the same approval process. Dr. Friedlander said it may good for someone but not for the whole station area. Mr. Wrabel said this is why we have applied specific criteria. They could have applied for the variances as well but that would be a use variance and another process.

Mr. Galvin said this Board will be recommending the language in the zoning amendment to the Board of Trustees. This Board can adjust the language to what they want in order to accomplish their objectives for the area, not necessarily to this particular lot.

Mr. Wrabel said that the Board of Trustees in is the process of recommending zoning for the station area and this Board could recommend to the Board of Trustees if they wished to expand similar TOD uses elsewhere. Mr. Wrabel said the text is currently drafted to keep with the goals of the Comprehensive Plan and the station area plan.

Mr. Aukland asked Counsel Zalantis that if they recommend this re-zoning to the Board of Trustees, to what extent do they lock themselves into this proposal if they go back to the Board of Trustees with a broader recommendation?

Counsel Zalantis said the applicant is requesting the re-zoning of this property under the parameter's they have proposed. The zoning amendment that this Board is recommending to the Board of Trustees is just for this property. The Board of Trustees could adopt this zoning to other areas, but if you recommend the re-zoning and it is approved by the Board of Trustees then this overlay will apply to this property. If the re-zoning allows for an additional height, then it would be allowed.

Mr. Aukland wants to make sure that they do preclude themselves to a better alternative and lock themselves in on the criteria as proposed.

Counsel Zalantis asked the applicant if there was a height limit on the proposed zoning.

Mr. Wrabel said the maximum height is 52 feet or 4 stories.

Dr. Friedlander asked how they came up with 52 feet. Dr. Friedlander wants to know if they can recommend another height. Counsel Zalantis advised that they could make a recommendation but they would have to analyze those impacts now because the impacts could be greater.

Mr. Birgy said it seems to him that this project is being based on the existing foundation which seems strange. Mr. Wrabel has said all night long that they will be happy to look at the Board's alternative suggestion to see if it is feasible. With regard to the height issue, it is the height that is used in the WGBD zone which is what zone they used for the initial proposal. Mr. Pennella said they are above the BFE so flooding is not a problem in the area.

Mr. Galvin would like to know what the height would be if the parking were underneath with the four (4) stories.

Mr. Tedesco moved, seconded by Mr. Aukland, to go into Executive Session, to discuss procedural matters and for legal counsel at 8:05 p.m. All in favor. Motion carried.

The Board returned to the meeting room at 8:20 p.m.

Mr. Tedesco moved, seconded by Mr. Aukland, to come out of Executive Session at 8:20 p.m. All in favor Motion carried.

Mr. Tedesco said the Board is aware that the applicant is looking to get a negative declaration on this application so that they can move forward. In order to do this he will list the items needed to get to this point:

1. The village will hire a consultant to report on the impacts of traffic and parking.
2. The applicant will respond to Mr. Pennella's memo so that issues are addressed.
(a consultant may review this)

3. A consultant will be needed to review the fiscal impacts of storage vs. the storage and residential combination. Counsel Zalantis said that this has already been submitted by the applicant and needs to be reviewed by the consultant.
4. Applicant to make proposal about the specific FAR in the re-zoning for the Board's analysis. In other words, make a proposal with the specific FAR so that the analysis can be by FAR.
5. Applicant to look into the possibility of parking in building and going to a greater height. Mr. Galvin said not to limit themselves to the existing foundation.

Ms. Raiselis acknowledged that the applicant has gone through a lot of trouble to look at the Comprehensive Plan and work with the village. The Board realizes that they need someone to come in to help them understand the impacts from neutral ground. Mr. Galvin said that will set the tone so that the Planning Board could move toward a negative declaration. Counsel Zalantis said that depends on what the consultant's information reveals.

In the interest of time, which is a key factor, Mr. Wrabel would appreciate if the Board could authorize the hiring of consultants for this project this evening.

Counsel Zalantis advised that this does not need to be a formal action so staff may reach out to consultants since the Board has authorized this.

Mr. Aukland welcomes the concept which is in the spirit of the Comprehensive Plan. At the conceptual level, he feels the applicant is on a good track. Details will be worked out at site plan. Mr. Galvin noted that the work that is being done now will make the site plan process easier.

Mr. Wrabel said they will take a look at alternatives, respond to Mr. Pennella's memo and respond to the fiscal analysis if more information is needed.

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

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

CONTINUATION OF PUBLIC HEARING

RUBICON RA TARRYTOWN LLC - 49 EAST SUNNYSIDE LANE

Steven Berté, of Fusion Engineering, appeared representing the applicant, Rubicon RA, Tarrytown LLC. Mr. Berté advised the Board that they have addressed all comments from the Village Engineer and the Village Landscape Architect and he is hoping that the Board will consider approval of this project this evening.

Dr. Friedlander asked if anyone in the public has any questions or comments. No one appeared.

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

Mr. Raiselis 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 September 23, 2019)**

**Application of Rubicon RA Tarrytown LLC
Property: 49 East Sunnyside Lane (Sheet 1. 230, Block 132, Lot 47 and Zone OB)**

Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval for the construction of exterior improvements/modifications to the existing on-site pathways and patios to provide ADA compliant means of ingress and egress from various buildings to parking areas and amenities, including reconstruction of existing garden areas and the conversion of meeting rooms to three new guest rooms. A conference center is allowed in the OB zone with the issuance of a compatible use permit from the Board of Trustees. Tarrytown House was issued a Compatible Use Permit for a conference center by the Board of Trustees on August 15, 2011 for a period of 25 years with automatic renewal.

2.The Planning Board on July 22, 2019 determined this to be a Type II Action under NYS based on NYS DEC 617.5 (c) (2) *“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes.”* The Project upgrades the pathways and other site improvements for ADA compliance; and based on NYS 617.5(c)(9) *“construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance.”*

2.The Planning Board has conducted a duly noticed public hearing on July 22, 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 Applicant’s cover letter dated June 28, 2019, the *Environmental Clearance Form* and the *Zoning*

Compliance Form and the revised site plan reflecting the addition of the three additional parking spaces required by the conversion of meeting rooms to three new guest rooms.

4.The Planning Board has received comments and recommendations from the Village Consulting Planner in a site plan review dated July 11, 2019, from the Village Landscape Consultant in a staff report dated August 16, 2019 and revised staff reports dated August 22, 2019, August 30, 2019 and a final review dated September 16, 2019, from the Building Inspector/Village Engineer in a denial letter dated May 30, 2019 and a memorandum reviewing and approving the stormwater management system for the site dated September 17, 2019 which they have considered.

5.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 project for the Tarrytown House provides required site improvements for ADA compliance. Tarrytown House occupies 26 acres in the OB zone. The application is for exterior improvements/modifications to the existing on-site pathways and patios to provide ADA compliant means of ingress and egress from various parking buildings to parking areas and amenities. It includes the reconstruction of existing garden areas and conversion of existing meeting rooms to three new guest rooms. Specific ADA improvements include walkways throughout the site; modifications to the King’s Mansion and Patio; a leveling pad for handicapped parking near the rose garden and Cottage building and repainting the eastern façade of the Rockland Building and the southern façade of the Fairfield/Atrium Building. No vertical structures or walls exceed 4’ in height. The lighting plans provide for low level lighting around the reception area/King Mansion, pool area, the event lawn and rose garden. The planting plan has been revised to include additional native plantings, the elimination of invasive plants, detail on the accessible ramp handrail in the pool area and has otherwise addressed the Village Landscape consultant’s recommendations in the 8/30/19 staff report. The landscape plan has been reviewed and approved by the Village Landscape consultant in a final review dated 9/16/19.

The proposed action includes the conversion of three meeting rooms into additional guest rooms. This would increase the existing room count from 214 to 217 guest rooms. The additional three guest rooms maintain the open space requirement of 1,000 sf per guest room which is 217,000 sf of open space per guest room. In fact, the site's open space totals 23.45 acres or 90% of the site.

The site contains environmental features including steep slopes, high ground and hilltop. The hilltop is shown with an elevation at 359'; the average grade within 100' radius of the hilltop is 346'. This is shown on the site plan as required. The hilltop area and high ground has previously been developed with a 2-story building. There are steep slopes around the pool area. Applicant has proposed 4' ADA compliant asphalt walkway providing ADA access to and from the pool. The Applicant will install the asphalt walkway in a zig zag direction up the slope in order to avoid steep slope areas and minimize disturbance. The ADA walkway maintains a slope of 6.7% which is below the maximum allowable slope of 8.3%. This ADA walkway improvement represents a minimal amount of disturbance in an area already disturbed by a pool and existing pathway. The plans have been revised to include modifications to the ADA paths and ramps to include edge protection and handrails. Stormwater Management and erosion & sediment control plans have been submitted as part of the application. Additional stormwater generated from the patio will be collected in an underground stormwater infiltration system located under the patio area. The Village Engineer has indicated that the stormwater system has adequate capacity for the proposed additional impervious area. He has reviewed and approved the stormwater management system in his final memorandum dated 9/17/19.

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.

Civil Plans prepared by Fusion Engineering PC dated 6/28/19 and last revised 9/11/19 and Landscape, Lighting and Exterior Furniture Plans prepared by Knibb Design Corp. dated 9/25/18 and last revised 8/23/19 unless otherwise noted entitled as follows:

Civil Plans

- Sheet 1 of 4 "*Overall Site/Slopes Map*" for Tarrytown House, 49 E. Sunnyside Ln., Tarrytown, NY
- Sheet 2 of 4 "*Site Plan*" for Tarrytown House, 49 E. Sunnyside Ln., Tarrytown, NY
- Sheet 3 of 4 "*Pool Pathway Plan*" for Tarrytown House, 49 E. Sunnyside Ln., Tarrytown, NY
- Sheet 4 of 4 "*Details*" for Tarrytown House, 49 E. Sunnyside Ln., Tarrytown, NY

Landscape, Lighting and Exterior Furniture Plans

- L101 “*Reception Area/King Mansion Landscape, Tarrytown House Landscape*”
- L102 “*Pool Area Landscape, Tarrytown House Landscape*”
- L103 “*Event Lawn/Rose Garden Landscape, Tarrytown House Landscape*”
- L104 “*Details, Tarrytown House Landscape*”
- L105 “*Reception Area/King Mansion Lighting Plan, Tarrytown House Landscape*”
- L106 “*Pool Area Lighting Plan, Tarrytown House Landscape*”
- L107 “*Event Lawn/Rose Garden Lighting Plan, Tarrytown House Landscape*”
- L108 “*Reception Area-Exterior Furniture Plan, Tarrytown House Landscape*”

(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.

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

CONTINUATION OF PUBLIC HEARING – YOGA LOVE NY LLC – 69 NORTH BROADWAY

Diana Kolev, Attorney with the firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, appeared on behalf of the applicants, Nancy Puleo and Shannon McGee, of Yoga Love NY LLC.

Ms. Kolev explained that this application is before the Board in order to amend the site plan resolution to allow the lower level of 69 North Broadway to be used at a Yoga Studio. Ms. Kolev said they were last before this Board on August 26, 2019 at which time the public hearing was adjourned pending approval of variances from the Zoning Board. The variances were granted on September 9, 2019 which eliminated a condition of approval that restricted the use of the lower level and were also approved variances for parking spaces. In addition, they have submitted a schedule of the proposed class times as requested by the Board. On behalf of her clients, she respectfully requests that the Board approve this application this evening.

Dr. Friedlander asked if anyone in the public has any questions or comments. No one appeared.

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 September 23, 2019)

Application of Yoga Love NY LLC (Contract Vendee)
Property: 69 North Broadway (Sheet 1.40, Block 14, Lots 4 and 5 and Zone RR)
Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval for a change of use/conversion of basement storage to a yoga studio (personal service use) in the RR zoning district.

2. The Planning Board determined that the Project was a Type II action based on *NYS DEC 617.5 (c) (7) "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls."*

3. The Planning Board has conducted a duly noticed public hearing on August 26, 2019 and September 23, 2019 and closed the public hearing on September 23, 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 and received comments and recommendations from the Consulting Village Planner in memoranda dated August 15, 2019 and September 12, 2019 and comments from the Building Inspector/Village Engineer in a denial letter dated August 8, 2019 which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request to lift the condition in the original Snap Fitness ZBA approval dated July 11, 2016 that prohibited the use of the basement for gym activities, limiting its use for storage only. The applicant also requested a parking variance for an additional seven parking spaces. The ZBA opened a public hearing on this application on September 9, 2019. The ZBA closed the public hearing on September 9, 2019 and approved the lifting of the condition in its original Snap Fitness approval limiting the use of the basement. The ZBA also approved the parking variance for the additional seven parking spaces but recommended that the Applicant provide a payment into the parking fund for two parking spaces.

6. The Planning Board reviewed the Applicant's Letter dated September 11, 2019 providing information on the proposed schedule of classes requested by the Planning Board. Applicant indicated the anticipated morning and evening class hours from Monday through Friday and weekends. Applicant also represented that evening classes during the week would not begin earlier than 5:30 pm and not end later than 9:30 pm. Weekend classes would not begin prior to 8:00 am and end no later than 5:30 pm. To avoid any overlap between patrons entering and leaving the building, there would be a 15-minute interval between classes.

7. The Planning Board closed the public hearing on September 23, 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 considered the standards set forth in 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 building is located at 69 North Broadway at the s/w corner of Dixon Street and North Broadway. The yoga studio would occupy the 1,700-sf basement of the building which is currently used for storage. The upper floor is used by Snap Fitness gym which is a 24/7 operation. The building has 61 parking spaces at the rear of the building. These spaces would be shared by the proposed yoga studio tenant. The property is in the Restricted Retail RR Zone. The McKeel municipal lot is located opposite on the east side of North Broadway containing 70 off-street parking spaces. The yoga studio will include men’s and women’s locker rooms, a 400-sf waiting area, an 800-sf exercise room and an office. Occupancy between the exercise room and waiting area is calculated at 20 persons based on the maximum floor area allowances per occupant. The Applicant in a letter dated September 11, 2019 has provided information on the proposed initial schedule of classes. He anticipates that morning class hours from Monday through Friday will be 9:15 to 10:30 am. Evening classes from Monday through Thursday would be 6:30 pm to 7:45 PM. On Saturday, morning classes would be 10:00 am to 11:15 am. Sunday classes will be determined between the hours of 9:00 am to noon. Evening classes would not begin earlier than 5:30 pm nor end later than 9:30 pm. Weekend classes would not start prior to 8:00 am and end no later than 5:30 pm. There would be a 15-minute interval between classes to avoid any overlap between patrons entering and leaving the building. This initial schedule can change as the business continues to grow over time.

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 by Design Development PLLC dated August 8, 2019 prepared for Yoga Love, 69 North Broadway, Tarrytown, NY 10601 , unless otherwise noted entitled:

- G-100 *Cover Sheet*
- G-101 *Code Requirements Plan*
- A-101 *Construction Plan & Wall Types*

(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:

- a) The Applicant shall comply with the condition imposed by the Zoning Board of Appeals in their resolution dated September 9, 2019 granting the Applicant's Parking variance including but not limited to
 - i. Prior to issuance of a building permit, the Applicant shall make a payment into the Village of Tarrytown Parking Fund for two parking spaces in the amount of \$2,000.00 (\$1,000.00 per space up to 5 spaces) per §305-63(7)(d)[1][a].

Mr. Tedesco moved, seconded by Ms. Raiselis, to approve this application. All in Favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – LYONSPRIDE 14 N BWAY, LLC -14 N. BROADWAY

Jorge Hernandez, RA., the project architect, appeared before the Board and introduced the owner of the property, David Lyons. He reviewed the site plan once again for the benefit of the public and advised the Board that they have received the variances for parking from the Zoning Board at their 9-9-19 meeting. In addition, they have met with the Village Landscape Architect on site and have made revisions to the landscape plan and they have also provided additional street parking. With regard to the tax impact as a result of the change to residential, he advised that the property classification will not change and the property will be re-assessed based on the work performed and total value of the building.

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

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

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 23, 2019)**

**Application of Lyonspride 14 NBway LLC
Property: 14 North Broadway/12 Hamilton Place
(Sheet 1. 80, Block 41, Lot 13 and Zone RR)**

Resolution of Site Plan Approval Background

1. The Applicant initially requested site plan approval for proposed interior renovations and reuse of building for mixed use including retail and seven apartments in the RR Zoning District. This request was later revised to reduce the number of apartments from seven to six units.

2. The Planning Board on July 22, 2019 determined the proposed action to be a Type II Action based on NYS DEC 617.5 (c) (18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit.” Further SEQRA review was not required.

3. The Planning Board has conducted a duly noticed public hearing on July 22, 2019, August 26, 2019 and September 23, 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 revised plans and received comments and recommendations from the Village Consulting Planner in memoranda dated July 9, 2019, August 12, 2019 and September 10, 2019, and from the Building Inspector/Village Engineer in a letter of denial to the applicant dated June 20, 2019 and August 20, 2019, and the Village Landscape consultant’s final review dated September 20, 2019 which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant’s request for variances for parking in a front yard facing Hamilton Place (property is a corner lot fronting on both Hamilton Place and North Broadway) and a parking variance to allow the parking of 13 spaces on an adjacent lot which is owned by the Applicant at a public hearing held on September 9, 2019. The Zoning Board of Appeals closed the public hearing on September 9, 2019 and approved the requested area and parking variances on that date subject to the Applicant providing a minimum of one on-street parking space on Hamilton Place .

6. The Planning Board closed the public hearing on September 23, 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 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 subject property is located at the southeast corner of North Broadway and Hamilton Place. The 18,200-sf property, which is in common ownership of the applicant, includes two parcels: Parcel I contains 14 North Broadway and 12 Hamilton Place and a portion of the existing parking lot in front of 12 Hamilton Place; Parcel II includes 18 Hamilton Place and the remainder of the parking lot. The building at 18 Hamilton Place is a 2 ½ story, two-family brick/stucco building at the rear of the property. Its four parking spaces are provided in the adjacent parking lot. The building at 12 Hamilton Place is a one-story structure located at the rear of 14 North Broadway. The 14 North Broadway structure is a 2 ½ story brick building fronting on North Broadway.

The application concerns only 14 North Broadway and 12 Hamilton Place with a redesigned parking lot. Both buildings are currently used for offices. The existing two-family residence at 18 Hamilton Place will not be changed. The original application included seven apartments which has been reduced to six apartments. The existing office spaces at 14 North Broadway will be converted to retail spaces on North Broadway and four apartments. The two retail spaces will be located along North Broadway. The retail spaces consist of 733 sf comprising 51 percent of the lower floor of 14 North Broadway, thereby, complying with the Code. There will be a 656 sf one-bedroom on the first floor, 2 two-bedroom units on the second floor (604 sf and 656 sf) and a 955 sf two-bedroom unit on the third floor. The office space at 12 Hamilton Place will be converted to a one-bedroom unit (620 sf) and a two-bedroom unit (1,137 sf). This approximately 1,137 sf, two-bedroom apartment has been identified by the Applicant as the one affordable housing unit required by the Village code (§305-130).

The existing parking lot has been redesigned to include landscaped areas and eliminate the existing tandem parking spaces in front of 12 Hamilton Place. The plans show a total of 22 parking spaces including one handicapped space. The parking analysis indicates that the parking requirement for 14 North Broadway and 12 Hamilton Place is 18 spaces. An additional four spaces are required by the adjacent 2 family residence at 18 Hamilton Place. This results in a total of 22 required parking spaces. The existing parking lot contains 27 spaces for 14 North Broadway, 12 Hamilton Place and 18 Hamilton Place. These include 5 tandem spaces in front of 12 Hamilton Place. The existing lot has a continuous curb cut along Hamilton Place. The redesigned parking lot shows two curb cuts on Hamilton Place – the western curb cut provides for entrance only and is one way; the second curb cut is at the eastern end of the

parking lot providing two-way ingress and egress. The redesigned parking lot plan provides landscaped islands and a landscaped buffer strip with appropriate width along Hamilton Place. The plan indicates curbing between the curb cuts on Hamilton place per Village specifications. The site plan shows the width of the aisles in the lot and two on-street parking spaces along Hamilton Place.

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 Jorge B. Hernandez, R.A, AIA, ARQ.HT Design Group dated 2/12/19 and last revised 9/17/19 unless otherwise noted. The Plans are entitled as follows:

- T-1 *“General Notes, Renovation of Comm. Space into Res. Units, 14 North Broadway, Tarrytown, New York 10591”*
- T-2 *“1st, 2nd & 3rd Floor Key Plans, 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*
- S-1 *“Survey of Property prepared for 14 North Broadway, LLC siuate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York”* surveyed April 17, 2009 and map prepared April 23, 2009 prepared by H. Stanley Johnson and Company P.C.
- S-2 *“Proposed Site Plan, 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*
- S-3 *“Proposed Landscaping Site Plan, 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*
- A-1 *“Exist. Basement & Exist. & Demo. 1st Floor Plans, 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*
- A-2 *“Exist. & Demo. 2nd & 3rd Floor Plans, 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*
- A-3 *“Existing Basement & Proposed First Floor Plans 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*
- A-4 *“Proposed 2nd & 3rd Floor Plans 14 N Broadway and 12-18 Hamilton Pl, Tarrytown, NY 10591”*

(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) 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. The Zoning Board of Appeals required the Applicant to provide a minimum of one on-street parking space on Hamilton Place. The Applicant’s site plan (SP-2) shows two on-street parking spaces on Hamilton Place. As the Applicant’s site plan proposes work and improvements in the Village-owned right-of-way, the Applicant must obtain an approval from the Village DPW and this site plan approval is granted subject to the Applicant obtaining such approval. In addition, any improvements done by Applicant in the Village owned right-of-way, including but not limited to the plantings, may be removed by the Village without notice to Applicant if it is deemed necessary

for any reason by the Village. Also, as result of the modified curb cut, the Applicant is required to replace all curbing and sidewalk for the full length of new planting bed/area (approximately 90-feet), which work shall be done to Village standards and is also subject to getting a DPW approval.

2. The Applicant shall maintain all landscaping, plantings and curbs in the Village’s right-of-way, as well as any currently existing walls and fences in the Village’s right-of-way. Like the improvements in the Village’s right-of - way authorized through this site plan approval, any existing walls and fences in the Village’s right-of-way, may be removed by the Village without notice to Applicant if it is deemed necessary for any reason by the Village.

3. Prior to the issuance of a Certificate of Occupancy, Applicant shall provide language pursuant to §305-63 C.(1) for a deed restriction or other legal instrument to maintain the two lots at 14 North Broadway/12 Hamilton Place (Sheet 1.80, Block 1, Lot 13) and 18 Hamilton Place (Sheet 1.80, Block 1, Lot 12) in common ownership to allow the continued use of shared parking on both lots. Such language will be reviewed and approved by the Planning Board Attorney. The Applicant shall file such legal instrument with the Office of the Westchester County Clerk and submit written evidence of such filing to the Building Department.

4. The Applicant is required to provide one affordable unit in compliance with the provisions of §305-130 (“Affordable Housing”). The newly constructed affordable unit has been identified by the Applicant as a two-bedroom apartment (Unit #5) on the first floor of 12 Hamilton Place (approximately 1,137 sf in size).

Dated as of September 23, 2019

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

NEW PUBLIC HEARING – PETER F. GAITO & ASSOCIATES – 84 CENTRAL AVENUE

Dr. 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, September 23, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Peter F. Gaito & Associates
 333 Westchester Avenue, Suite S-303
 White Plains, NY 10604

For site plan approval in order to convert existing first floor space into a pottery studio to be used only by a limited number of club members.

The property is located a 84 Central Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 16, Lot 15 and is in the GB 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 is required by the Zoning Board of Appeals.

Dated: September 13, 2019

Lizabets Meszaros
Secretary to the Planning Board

The mailing receipts were received and the sign was posted.

Peter F. Gaito Jr., the project architect, appeared with Mr. Connor McGinn, Business owner and the tenant of the property. Mr. Gaito presented the plan and described the space on Central Avenue used as a pottery studio to be expanded to include artisans fabricating goods to be sold at wholesale. The space will be operated under a club membership which limits the number of club members using the space at any one time. Because of the nature of the business, there are different hours of operation for the members, some come during the day, others at night, and they will vary. They have an application with the Zoning Board and will return to the Board in October for the parking variance required for this use.

Mr. Gaito presented the plan and showed the building which is landlocked on Central Avenue with no access to the back. On the plan, he showed a flat area with steep ramp in the middle, the designated space assigned for the members, the kiln area, and the staff area. He thinks this project will play a viable role in the Central Avenue Development which will eventually become the next retail corridor for the village.

Dr. Friedlander asked the size of the space. Mr. Gaito said the space is approximately 6,000 s.f. and the building front is on Central Avenue. He showed the loading area where the items would be loaded to sell.

Ms. Lawrence asked the applicant about the other types of “Artisans” since it is not just for pottery. Mr. Gaito said originally the plan started as a pottery studio but they have since expanded it to an Artisan-Craftsman setup of makers fabricating items for wholesale such as woodworking or metal.

Mr. Tedesco asked Mr. Pennella about fire protection with regard to the kiln. Mr. Pennella said the change of use requires that the kiln be segregated and sprinkled.

Mr. Pennella explained that the original building application as presented allowed for a retail use with an accessory use for the fabrication of pottery. The area proposed for this use was smaller than what they are now presenting. The Zoning Board application has been revised to include more of the space in the lower level designated for each “Artisan” These revisions will need to be reviewed and the application will have to be re-noticed for both zoning and planning to also include the additional increase in the required parking spaces. A sprinkler system will need to be installed to provide protection to the other buildings as well. There is another use on Ann Place which is a mechanics shop which is no more than 1500 s.f. Mr. Gaito showed the location of that shop on the plan.

There was a brief discussion about the construction of the building and the need for the fire sprinkler. Mr. Gaito said this project is an F2 low hazard facility and if there are other elements introduced they will be addressed.

Ms. Raiselis said that this type of business is exactly what the village would like to see in this area. It is in line with the recently adopted Comprehensive Plan. This type of business is new to Tarrytown. Mr. McGinn is breaking the ice and she feels it will be very positive. It will increase the activity on the street and bring energy into the area.

Mr. Pennella advised that he would like to see revised plans depicting exactly what the specific combination of uses will be, the area that will be used, and a parking analysis. It will need to be re-noticed to reflect the proper use of the space.

Counsel Zalantis also advised that until they have a clear indication of the square footage that will be used for this space, a SEQRA determination cannot be made this evening.

Mr. Galvin needs to know the exact square footage that they will be using in order to make a SEQRA determination. Mr. Pennella noted that the plans submitted for the pottery studio were for 5,500 s.f.

Dr. Friedlander moved, seconded by Ms. Raiselis, that the applicant submit the required square footage disturbance in order to determine the SEQRA action and have the applicant re-notice this application for a New Public Hearing to more accurately describe the proposed use. All in favor. Motion carried.

NEW PUBLIC HEARING – Jeffrey M. Gaspar, P.E. . – 49 Mallard Rise

Dr. 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, September 23, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Jeffrey M. Gaspar, P.E.
 1 Sunlit Path
 Cortlandt Manor, NY 10567

For site plan approval in order to repair and replace existing retaining walls, portions of which are 300 feet above sea level.

The property is located at 49 Mallard Rise, Irvington, NY (Tarrytown jurisdiction) and is shown on the tax maps as Sheet 1.270, Block 137, Lot 43 and is in the R-10 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 Board

DATED: September 13, 2019

NEW PUBLIC HEARING – Jeffrey M. Gaspar, P.E. . – 51 Mallard Rise

Dr. Friedlander read the public hearing notice into the record for the adjacent property:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, September 23, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Jeffrey M. Gaspar, P.E.
1 Sunlit Path
Cortlandt Manor, NY 10567

For site plan approval in order to repair and replace existing retaining walls, portions of which are 300 feet above sea level.

The property is located at 51 Mallard Rise, Irvington, NY (Tarrytown jurisdiction) and is shown on the tax maps as Sheet 1.270, Block 137, Lot 44 and is in the R-10 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 Board

DATED: September 13, 2019

The mailing receipts were received and the signs were posted for both properties located at 49 Mallard Rise and 51 Mallard Rise.

Both applications for 49 and 51 Mallard Rise were presented by Jeffrey M. Gaspar, P.E., who is the project engineer, representing both of the property owners of 49 and 51 Mallard Rise. Mr. Gaspar explained that he is here to obtain site plan approval to replace an existing deteriorated timbered retaining wall with a segmented retaining block wall. Portions of the existing wall are located above the 300 foot elevation which requires Planning Board approval in order to perform this work. The wall is being replaced in the same location of the existing wall but instead of replacing one 6 foot wall, they are proposing 2 - 3 foot walls which will be set 3 feet apart.

Ms. Raiselis wanted to know if the walls are historic. Mr. Gaspar said that they are not historic walls and advised that he has been before the Architectural Review Board and they had no concerns.

Mr. Pennella asked if there will be any re-grading on the property at 51 Mallard Rise. Mr. Gaspar stated that there is water ponding in the backyard of number 51 which will require some minor re-grading to re-direct the water away from the house. Mr. Pennella said that they will need to ensure that the water does not go onto the other property.

Mr. Pennella said that the landscape consultant had a difficult time determining the property lines on the plan. She was not able to identify what trees were coming out and being put back. Mr. Gaspar said he was in contact with Ms. Nolan and has received her review. They will be removing one dead tree and another tree directly behind the wall which creates a safety hazard, will also need to be removed. The trees will be replaced.

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

Mr. Galvin confirmed with Mr. Gaspar that there will be no shared responsibility of the maintenance and that each owner will be responsible for their own maintenance and construction.

Mr. Gaspar described the color of the wall which looks like various shades of gray slate. The blocks are a maximum size of either, 4, 6 or 8 inches wide x 18 feet long and they are interlocking. Mr. Pennella confirmed that there is not much to see of the walls since the properties are flagged and at the end of the cul-de-sac. Mr. Galvin commented that the elevation rises significantly starting at the cul-de-sac.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare the application for 49 Mallard Rise, 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 continue the public hearing next month for the 49 Mallard Rise application. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare the application for 51 Mallard Rise 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 continue the public hearing next month for the 51 Mallard Rise Application. All in favor. Motion carried.

NEW PUBLIC HEARING – CRESCENT DRIVE OWNER LLC – 1202 CRESCENT DRIVE

Dr. 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, September 23, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Crescent Drive Owner LLC
950 Winter St. - Suite 4300
Waltham, MA 02451

For site plan approval to convert existing garage space to provide amenities (gym) to the residents with interior alterations to the leasing office above.

The property is located at 1202 Crescent Drive, Tarrytown, NY and is shown on the tax maps as Sheet 1.201, Block 122, Lot 1.3 and is in the MU 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 Board

DATED: September 13, 2019

The mailing receipts were received and the signs were posted.

Josh Martin, Attorney, representing the owner, Crescent Drive Owner LLC, appeared before the Board to seek site plan approval in order to covert garage space into a gym amenity and clubhouse area with interior alterations to the leasing office for the residents who live there.

As requested by the Village Engineer, a wetlands clearance form has been submitted by the project architect, Ray VanVoorhis, who is present to answer any questions.

Mr. VanVoorhis presented the site plan and said that the plan was very simple. He showed the two (2) garages at the lower level that will be converted into a gym to provide amenities to the residents. In addition, the upstairs office space will be expanded into the other apartment. Most of the improvements are interior. There is about 3,600 s.f. of conversion space. They will be moving the door, installing an awning and installing the required handicapped parking space at the lower level in front of the gym. There will be a net increase of one parking space.

Ms. Raiselis asked if these spaces are part of the original parking calculations. Mr. Pennella said the applicant has done the parking analysis in a prior application.

Mr. Tedesco asked Mr. VanVoorhis about the encroachment into the wetland area. Mr. VanVoorhis advised that a Wetlands Clearance Form was submitted for review by the Village Engineer. Mr. Galvin asked how many feet they are away from the wetland. Mr. Pennella said the corner of the existing building is at 125 feet so they are at the verge of almost not being in the wetlands. Mr. VanVoorhis showed the encroachment on the plan and said they are only adding the new required handicapped parking space and expanding a small retaining wall.

Dr. Friedlander asked the applicant what their motivation was to install a gym. Paul Bowie, Director of Construction Management of DSF Advisors, came up and explained that this will be an improvement for the residents who don't have these amenities on site. Mr. VanVoorhis pointed out that it is industry standard nowadays to provide this type of amenity.

Mr. Galvin requested that the applicant provide a narrative with regard to the impact on the wetland before the next work session for the Board's consideration.

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 have the applicant provide a wetlands narrative and continue the public hearing in October. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland to adjourn at 9:25 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary