

Planning Board
Village of Tarrytown
Regular Meeting
January 25, 2021 6:00 pm

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

ABSENT: All Present

This meeting is being held via Zoom video conference in accordance with the Governor's Executive Order issued in response to the COVID-19 Pandemic that authorizes public meetings to be held in this manner. The public will be able to view the meeting through the Zoom application and be given the opportunity to speak during the public comment period for each application by pressing the "raise your hand" icon to speak or *9 on their phone.

Dr. Friedlander called the meeting to order at 6:05 p.m. He announced the appointment of two new alternate members to the Planning Board. He welcomed Peter F. Gaito, Jr, the first Alternate, and Lissette Mendez-Boyer, the 2nd Alternate. He looks forward to having a productive relationship with the new members and noted that Mr. Gaito, an Architect and Ms. Mendez-Boyer, an Architect and Urban Planner, will both be great additions to the Board.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the December 28, 2020 meeting as submitted.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

The minutes were unanimously approved 5-0.

Dr. Friedlander announced the three adjournments:

CONTINUATION OF PUBLIC HEARING

Sunrise Development, Inc. (contract vendee)
99 White Plains Road

Site plan approval for 85 units of Service Enriched Assisted Living/Memory Care
Housing pending adoption of Zoning Amendment by the Board of Trustees.

Adjournments continued:

CONTINUATION OF PUBLIC HEARING

39-51 North Broadway Associates

39-51 North Broadway

Referral by Board of Trustees for review and recommendation of a Zoning Petition to allow for the development of a mixed-use project in the RR zone and for site plan approval for 80 residential units with retail and off-street parking pending adoption of the zoning by the Board of Trustees.

CONTINUATION OF PUBLIC HEARING

Raining Threes LLC

3 - 5 Carriage Trail

Construction of a single-family home with pool and tennis court.

CONTINUATION OF PUBLIC HEARING–Tarrytown Snack Mart, Inc.- 440 S. Broadway

Expansion to existing automotive filling station to include a net increase of 776 s.f. to the existing convenience store with store front parking and other related site improvements.

Mr. Galvin advised that the applicant has received ZBA variances which included a variance for a state mandated generator. Their engineers are finalizing the steep slope waiver and stormwater design. They have incorporated Suzanne Nolan's landscaping comments into their landscape plan and will provide final plans for the February meeting.

Mr. Walsh confirmed that the generator is a propane generator, non-fossil fuel. They are preparing the steep slope waiver and stormwater plan based on the location of the building and will return for the February meeting.

Dr. Friedlander asked if any Board members have any questions.

Mr. Tedesco confirmed with the Board that if all of the information is received and reviewed by the work session, Mr. Galvin can prepare a draft Resolution for the Board's consideration at the February meeting.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

All in favor. Motion carried. 5 -0

CONTINUATION OF PUBLIC HEARING – Dennis Noskin, RA - 100 Marymount Ave
Approval to relocate the YMCA Day Care Program to the E.F. School at Lugari Hall.

The applicant received a Compatible Use Permit from the Board of Trustees on January 19, 2021 to operate the YMCA Day Care at the Lugari Hall Building at the EF School. The Board had determined that the project meets the proposed site plan design standards and a resolution has been prepared for the Board's consideration this evening.

Mr. Birgy asked if anyone in the Public had any comment. Mr. Ringel advised that there is no public comment.

Mr. Birgy moved, seconded by Mr. Aukland, to close the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

All in Favor. Motion carried. 5 -0

Mr. Birgy read through portions of the Resolution and advised that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting.

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted January 25, 2021)**

Application of Dennis Noskin, R.A. o/b/o Family YMCA at Tarrytown

**Property: 100 Marymount Avenue in Lugari Hall Lower Level (Basement) (Sheet 1.80, Block 43,
Lot 1.1 and R-20 Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant (Dennis Noskin, Architect on behalf of Family YMCA at Tarrytown, the tenant) requested site plan approval to relocate the Family YMCA Day Care Program to the EF International School Campus in the lower level (basement) at Lugari Hall. The application is for interior renovations only with no change to the exterior façade. The application is in the R-20 residential district and requires a Compatible Use Permit (CUP) from the Tarrytown Village Board.

2. The Planning Board on December 28, 2020 determined this to be a Type II Action under 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."* Therefore, no further SEQRA review is required.

2. The Planning Board has conducted a duly noticed public hearing on December 28, 2020 and continued on January 25, 2021 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 and the Architect's conceptual basement floor plan and parking requirements and reviewed Applicant's *Project Narrative* dated December 8, 2020, a letter from Dennis Noskin Architects regarding the *Justification of Parking Calculations* dated December 18, 2020, comments and recommendations from the Consulting Village Planner in memoranda dated December 15, 2020 and January 12, 2021, a denial letter from the Village Engineer/Building Inspector dated December 18, 2020 and a letter from Tarrytown YMCA dated December 23, 2020 to the Village Board requesting the CUP and a letter in support of the application from the EF Schools dated December 22, 2020 which they have considered.

4. The Planning Board on December 30, 2020 provided a positive recommendation to the Village Board for the approval of the Compatible Use Permit (CUP) required for the proposed relocation of the YMCA Day Care Center to the EF School Campus in R-20 residential district.

5. The Village Board of Trustees held a public hearing on January 19, 2021 on the Applicant's request for a Compatible Use Permit (CUP) that is required for this project. After closing the public hearing, the Village Board approved the Compatible Use Permit for this project on January 19, 2021.

5. The Planning Board closed their public hearing on January 25, 2021. 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 and application. The existing Family YMCA Day Care Program is proposed to be relocated from the YMCA property at 62 Main Street. The existing property has been approved for a senior multi-family residential redevelopment project. The YMCA Child Care Program is proposed to be relocated into the basement of Liguori Hall at the EF International School Campus. The Project consists of interior alterations of classroom/lounge space to a child care center. There will be no expansion of the building footprint. The interior alterations involve approximately 8,880 sf of classroom/lounge area. The configurations of the rooms are required to meet the Building Code and *NYS Office of Children and Family Services* standards. These standards require an allotment of space for each child based on their age. Egress, fire sprinkler and natural lighting are key criteria. The interior renovations primarily deal with the addition of required bathrooms. The exterior entrance area has ample area for drop off and pick-ups. There are 24 existing parking spaces in front of the building; the Code requires 23 parking spaces. A grass area near the entrance is available for a fenced in outdoor play space. The Planning Board reviewed the parking and drop off and pick-up procedures and potential maximum number of students over the two-year lease and were satisfied that there would be no negative impacts. The Applicant has provided an Environmental Clearance form which shows no environmental impacts since alterations are interior with no impact to the exterior.

The YMCA Day Care provides an important service especially during the pandemic providing day care for over 50 children for parents who physically need to go to work. The children and parents being served represent a most at-risk population. Moreover, this is the only day care facility in the Village that has stayed open during the pandemic. The Applicant is working on a very tight timeframe to have the facility built out and ready to start up before the March closing on the YMCA property.

II. Approved Plan:

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

Site Plan, Conceptual Basement Floor Plan & Parking Requirements for 100 Marymount Avenue, Tarrytown, NY prepared by Dennis Noskin Architect for Family YMCA at Tarrytown dated 12/9/20 unless otherwise noted entitled:

- *“Site Plan, Conceptual Basement Floor Plan & Parking Requirements for 100 Marymount Avenue, Tarrytown, NY “*

(the “Approved Plan”).

III. General Conditions

- (a) **Requirement to Obtain Approvals:** 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.
- (b) **Changes to Approved Plans:** 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.”
- (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.
- (d) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the site plan application.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

The site plan application was approved: 5 -0

NEW PUBLIC HEARING – PB Tarrytown, Inc. (tenant) – 3 Main Street – Unit A
Change of use from vacant retail to a restaurant use.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing via **Zoom Video Conference** in accordance with the NYS Governor's Executive Orders 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m.** on **Monday, January 25, 2021**, to hear and consider an application by:

P.B. Tarrytown, Inc. (tenant)
53 Kirchner Drive
Tappan, NY 10983

For site plan approval for a change of use from vacant retail space to a restaurant use.

The property is located at 3 Main Street (Unit A) Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 18, Lot 1 and is in the RR Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/32746> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

Public Written Comments will be received in advance of the meeting no later than 12 Noon on Friday, January 22, 2021 by email to: Imeszaros@tarrytowngov.com or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

Documents relating to applications will be provided in advance of the meeting by emailing Imeszaros@tarrytowngov.com or by calling 914-631-1487.

Additional approval will be required by the ARB and Zoning Board of Appeals

All interested parties are invited to join the meeting and be heard.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

January 15, 2021

The mailing receipts were received and the public hearing notice sign was posted.

Theresa Mulqueen and Kevin Mulqueen, the applicants, appeared before the Board and briefly described the quick serve restaurant, Playa Bowls, that they are proposing in the space of the former jewelry store. Ms. Mulqueen shared her screen and showed some of the food product that the franchise offers and noted that there is also a website. All of their new stores have 100% LED technology and use plant-based plastics. In addition, the local community is hired and they are involved in the community affairs.

Ms. Mulqueen shared the interior plans for the benefit of the public. She noted that there are some tables and chairs but the majority of the business is take-out. There will be a doorbell for handicapped customers, or customers that don't feel comfortable coming in due to Covid, to allow staff to bring the order out to them. She showed the sneeze guards for protection against Covid installed along the counter. The basement will be used for the storage of products. She noted her letter to the Board, dated January 20, 2021, with regard to the garbage collection, and showed where the garbage is stored in the rear. She advised that they will use the same private carter as Lefteris and Coffee Labs, Better Carting Services, which will have the same collection schedule to reduce the amount of traffic in the area.

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

Heather Haggerty, 18 Kaldenberg, submitted correspondence to the Planning Board earlier and is glad to hear that the new restaurant will use the same garbage service as Lefteris and Coffee Labs. She noted that village trucks are on Main Street 5 times per week and asked if that could be better coordinated as well. She is concerned about deliveries in the back of the store and noted that residents who park back there are often blocked in by the truck deliveries and there is tension. It is also hard for the trucks to maneuver and the ramp has been damaged. She asked the Board about the possibility of looking into having loading zones on Broadway and Main Street.

Mr. Pennella advised that the ramp in the back is owned by the Music Hall. Due to the difference in grade, it is impossible to change the ramp without lifting the parking lot. The refuse area in the back is completely enclosed and contained to eliminate liquids going down the road, which was addressed in a former site plan application. With regard to the village refuse collection, this service is limited and provided to pre-existing businesses. The village trucks only pick up the garbage/recycling on the street and not in the back of the properties.

Ms. Mulqueen added that their food deliveries would be twice per week using small cargo vans, not large delivery trucks. They will coordinate with Lefteris and Coffee Labs so that their deliveries are not all at the same time.

Mr. Pennella advised that the applicant is unable to provide the 10 parking spaces required in the code which is why they are before this Board. They have been allotted 5 spaces for the prior use and will therefore need a variance from the Zoning Board for 5 additional parking spaces. The applicant will be required to pay into the parking fund for

these spaces since they are unable to provide off-site parking. The applicant has made application to the ZBA for this variance and will appear at the February 8, 2021 meeting.

Mr. Tedesco confirmed with Ms. Mulqueen that Playa Bowls is a franchise and she noted that there are two locations operating in the County, one in Pleasantville and the other in Bronxville. Mr. Tedesco asked Mr. Pennella if this application would change if there was a proposal to allow cooking. Mr. Pennella said that the applicant is before the Board for a parking review. Should they wish to add cooking, this matter would be handled through a building permit which would require a commercial type hood with a fire suppression system but would not trigger a site plan review. Ms. Mulqueen noted that they sell fruits and vegetables, oatmeal, smoothies and food types of that nature that do not require cooking.

Ms. Raiselis asked about composting and encouraged the applicant to come up with a plan since it could save them money. Ms. Mulqueen agreed and said that they will be looking in compostable solutions once they settle in. Mr. Pennella noted the current composting program in the village is only for residential use.

With regard to the interior layout, Mr. Gaito was curious why the counter takes up 90% of the footprint. Ms. Mulqueen noted that the space is small. The countertop is needed for food preparation and for refrigeration behind the counter. They have used the same architect as the other franchises and it works.

Mr. Birgy is glad to see a new business coming to the village. He welcomed the applicants and wished them success.

Ms. Mulqueen is excited to join the community and noted that a lot of the school community has already reached out to them on their Instagram page and they will again be hiring local.

Ms. Mendez-Boyer asked about the possibility of getting a sidewalk café permit. Mr. Pennella noted that the space in front of the store does not meet the code requirement. There is a minimum of a 4 ft. requirement to maintain a clear path.

There were no further questions from the Board.

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

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
 Member Aukland: Yes
 Member Tedesco: Yes
 Member Birgy: Yes
 Chair Friedlander: Yes

All in favor. Motion carried: 5-0

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing when appropriate.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

All in favor. Motion carried: 5-0

CONTINUATION OF PUBLIC HEARING–Ferry Landings, Inc – 41 Hudson View Way

Dr. Friedlander and asked Planner Galvin for an update on this application.

Mr. Galvin noted the public comment received which will be made part of the record. The applicant will need to address Mr. Pennella's review memo. The 30,000 square feet stills requires confirmation. The remaining residential units allowed to be built under the Master Plan is 17 units. The applicant has provided a color coded parking analysis and there is an ongoing conversation about the dedication of the roads since there are parking spaces that go out into the street and affect the parking requirements. There are ways to handle this with a legal agreement or license and they are being looked at carefully. Staff is waiting for revised plans from the applicant in response to his comments.

Dr. Friedlander noted the public written comments that have been received which will become part of the record:

January 6, 2021 and January 11, 2021 – Gary Friedland - Hudson Harbor resident
January 12, 2021 and January 14, 2021 – Joyce Lannert - Hudson Harbor resident
January 13, 2021 – Michael Cohen, Treasurer of Lighthouse HOA
January 13, 2021 – Gary Connolly, President of Lighthouse HOA
January 13, 2021 – Paul Konowich – Lighthouse resident
January 13, 2021 – Kevin Duignan – Lighthouse resident
January 13, 2021 – Dr. and Mrs. Kashen – Lighthouse residents
January 13, 2021 – Dr. Rafael Soltran – Lighthouse resident
January 13, 2021 - Richard and Elizabeth Petrucci – Lighthouse residents

These comments have been read and will be analyzed and a response will be forthcoming from the applicant. For the purpose of this hearing, we shouldn't waste too much time on some of the issues that might be resolved when we receive the applicants revised submission and it is reviewed. Tonight's comments should address any further

questions that the public may have. Dr. Friedlander would like to address the pocket park that was approved with the Lighthouse application in order to come to some sort of resolution for this area. He would like to hear from the Board Members as well as the public on this matter. Some of the public have already expressed concerns of loitering and did not think the park would be useful at this location. Originally, it was thought that this space would provide viewsheds to the Hudson River, but after visiting the site, it provides almost very little, and it is also not in a great location for public access. He suggested possibly eliminating that park and providing an alternate location in the final phase of the development, possibly where the parking lot is between the brick building.

Mr. Pennella thanked Dr. Friedlander for clarifying the status of this application. He noted his January 5, 2021 plan comments to the applicant, which he feels will address many of the public concerns. He has not received the revised plans in response to the comments and he will not comment until after his review. As far as the roads are concerned, road E will have to be brought up to village standards in order to be accepted. He would like to concentrate on this application in order to improve the area and get it cleaned up and improve this road for future transfer. In addition, the pocket park issue also needs to be resolved. His memo had specific requests that need to be addressed by the applicant. He will verify the square footage and the number of parking spaces, not just for this site, but throughout the entire development.

Dr. Friedlander opened the meeting for public comment.

PUBLIC COMMENT PERIOD

Mike Cohen, the Treasurer of the Board for the Lighthouse Condominium, is authorized and is speaking for just about everyone in the building. They are encouraged that the Chairman visited the site to get a look of what is exactly going on down there. He agrees with Dr. Friedlander's comments made at the last meeting. The Chairman was very eloquent in saying that this project is a long time coming. The Tappan Zee group was there for five years and they had to sacrifice for that. These plans coming into focus are the last piece to beautify the area. As the Chairman said, let's get it done. He thanked the Board for taking a look and being receptive to their letters and comments.

Betsy Petrucci, 45 Hudson View Way, is concerned about the park. When she purchased, the plan was to have a park, a green space adjacent to the building. She understands the concerns that have been raised about the downsides to that park, however, the area is a mess. It is an empty lot, surrounded by a chain link fence, with garbage collecting and vermin. If the plan is going to change, she would like the new plan to reflect what is going to happen there. She would hope to have some kind of a nicely landscaped area since it is adjacent to the public entrance to the Riverwalk. This would be in the interest of all the residents of the village since it is a reflection on the entire village. Presently, the northern part of this project looks radically different than the area to the south. She urges the Board to please make sure that when the entire

project is finished, that it looks great and they do not end up with an unpaved parking lot behind them. She feels they deserve some nice greenspace.

Gary Friedland, resident of Hudson Harbor, thanked the Chair and Mr. Pennella for their comments this evening. He has three concerns and some of them might already be incorporated Mr. Pennella's memo which he hopes he makes available. The northern entry road to Hudson Harbor is already heavily travelled as a shortcut to the express train to New York City and other Riverfront destinations from points north. With the Edge on Hudson coming online, this road will become one of the most heavily trafficked roads in the village. The site plan shows at least 22 perpendicular spaces along the road. As cars zoom around the bend into the site towards the train station and the riverfront, the cars backing out of these spaces along the busy road he will create a recipe for disaster. Many of the proposed spaces are located very close to the entry. Eight more head on spaces are located on Hudson View Way crammed in between road E and the southern entry to the building. The application seems to rely on many of these off-site parking spaces to meet the zoning requirements for the office building. Six of the spaces are already slated on the other side of road E, next to the last phase, referred to as the Gatehouse. Since that phase will have no more than 17 homes, he assumes that any off-site parking for the Cooney building could be located on that site conveniently across the street. Crossing the road should be safe since the office workers will presumably be entering and leaving the site only once per day. His second point relates to the fact that Cooney marks the next to last phase of the project and, rather than wait until Mr. Cotter nears completion of the final phase and winds up operations, the village should compile a list of the developers remaining project wide obligations, the road site improvements, and who knows what else. They are at a disadvantage since they don't have the relevant documents. They are not publicly available. It is understandable if the village doesn't have a list of these open matters. The Master Plan was approved 15 years ago and the developer has sought numerous changes to the plan and apparently made other changes without authorization, complicating this. Mr. Cotter seems to control the timing. Rather than allow him to dictate the time, he suggests that the Board attach a condition to the issuance of the Certificate of Occupancy for the Cooney Building to include the obligations with a timetable and the posting of security.

Dr. Ashiru, who lives at 14 Orchard Drive, is concerned about the village accepting the roads. He has two young kids, and he frequently witnesses cars zipping up and down those roads at very high speeds, which is very dangerous. He would like to know what is stopping the village at this point from taking on the responsibility for those roads publicly and if the village doesn't accept them, then who then has the responsibility for the roads. The second question is, if the roads do not currently meet the requirements to be accepted, is there any kind of a waiver process and what does that entail?

Paul Stone, lives at 2 Orchard Drive, just across from the RiverMarket. He has reviewed the plans with Gary Friedland who alerted him to a number of concerns. He thinks the issue of dedication of the streets is critical and needs to be resolved before

this project is approved. He also has a concerns about sufficient parking and the access via road E. This is a very rough road right now there is a sharp dangerous turn as you enter the road. He is unsure of the access plan to the Gatehouse but this road is a major thoroughfare as it is the only north south entrance to this project, and to the train station, as the Edge comes online. He feels that a new traffic study be done to determine how many cars will access and traverse this road and this needs to be part of an integrated plan. He would ask that more development be done about the Gatehouse project and how that traffic will impact the local streets before any action is taken.

Jeanie Calderon, a Hudson Harbor resident, commented that the roads in Hudson Harbor attract as many visitors as any residential community in Westchester, let alone in Tarrytown. Public amenities were created as part of the Master Plan approval, including the construction of the village recreational facilities and the village hall. This project is a classic public private partnership providing significant public benefits. The roads should be public in every sense of the word. It would be fundamentally unfair to burden the Hudson Harbor residents with sole maintenance of the roads that provide a public benefit and will continue to be frequently traveled on by vehicles from outside the community. She assumes that the village followed standard practice to require the posting of performance bonds before the various roads and Hudson Harbor were constructed. She would like to know how much is the balance remaining on each of these bonds and is the amount sufficient to complete the roads. To ensure that road E will be properly built and timely completed, she would like confirmation that a performance bond will be posted as is routinely required before roads are constructed in a subdivision. That way, a source of funds will be readily available in case the developer does not complete the obligations. She also would like to see a compilation of the remaining obligations of the developer. With a project of this size, stretched over a period of over 15 years, it is easy to overlook commitments and obligations made during the original approval process as opposed to any modifications. Further delay presents risks that the project won't be properly completed, and the Hudson Harbor residents and the village will be left to clean up long after the developer has left. The compilation of a list and timetable and the posting of security to secure the obligations are essential before a Certificate of Occupancy is issued for the Cooney Building. She will complete remarks that Gary Friedland didn't finish. Unfortunately, they are not permitted to share our screen with the public tonight. If she could she would show the detailed site plan that illustrates the head on parking spaces along road E and Hudson View Way and the very tight treacherous stretches of road bordering on busy intersections. If the parking required by zoning cannot fit on the building site, or on the Gatehouse site, then Mr. Cotter should seek a variance from the ZBA. Health and safety concerns should not be sacrificed to allow him at economic returns to be achieved.

Joyce Lannert, who lives on W. Main Street in Hudson Harbor, is concerned about the roads. Several comments have been made and they are taking this matter very seriously. The MOA intended that the roads be taken over by the village and the developer stated this in the site plan application in part II B - Parking Overall, which states that parking easements are in place in Hudson View Way and Rivers Edge Drive.

The easements are outside the right-of-way that has been offered to the village. She is assuming that this is correct in stating that and saying that the right of way is not impinged so far and they don't want it to be impinged with road E either. The other concern is the parking in general in Hudson Harbor. At the first session of this public hearing, Mr. Pennella explained that although the parking lot behind the Stone House was short by 43 spaces, according to the leases given to all four groups, the developer assured him that those parking spaces could be made up by spaces by the lodge, and in the TZC parking lot. These locations are also going to be developed and will need parking and they are not spoken about. They are running out of available spaces for alternate space parking. Lookout North and Lookout South, and even the Lighthouse building have all used parking spaces in the street to compensate for inadequate spaces for their building. This is why they are asking the Board to consider the entire project all at one time. How do we accommodate parking at the Cooney building, and the 17 or so townhouses and then maybe a restaurant next to another municipality? She feels the need for an overall comprehensive view and would like this put back on the table. The roads need to be protected so that they are not designed to fail the width requirements. It would be terrible if the Planning Board itself allowed them to build so that the road was inadequate to be dedicated.

Maria Marzan, of 45 Hudson View Way, would like to know who decides what happens to the park if it does not move forward? She understands the traffic concerns and she already spoke about safety and health conditions at the last meeting. She is asking the Board not to lose sight of the fact that there are 40 families, some with grandchildren and children, who have been living without streets, next to a lot that is not maintained. She has lived here for 3 years without sidewalks and no greenspace.

Calvin Chin, 143 West Main Street, also would like to tackle this in a more comprehensive manner and feels it would probably save the Planning Board some time, and it might be more effective. He is particularly concerned about the streets. He walks and jogs in the area and part of the great thing of Tarrytown is that, even during the pandemic, a lot of people came down to Hudson Harbor to walk along the river to kind of cope with their stress. He has noticed an increase in the traffic and feels it would be incumbent on the village to work to take over the streets, not by piecemeal, but in a comprehensive manner. Mr. Cotter did state in his Master Plan offering memorandum that the village would take over the streets. He thanked the Board for their time and hard work.

Craig Singer, lives on Orchard Drive, and appreciates the Board's time on behalf of the residents of Tarrytown. He would like to thank his neighbors for understanding how important this pivotal point in time is to the ultimate success of Hudson Harbor. Their engagement has been gratifying and he feels that his neighbors are a potent force to facilitate a positive outcome. His hope is that Hudson Harbor be completed as agreed and be completed for generations and be a wonderful and continuing addition to the village and its guests. When Mr. Cotter completes what he has agreed to do, Hudson Harbor will be a grand and shining part of his legacy. He feels that they need to have a

full and detailed understanding of the originally agreed upon Master Plan, including any duly approved modifications along the way, and a list of all remaining obligations including corrections of any non-compliance. He would like a timetable to correct and or complete Hudson Harbor and have a plan to enforce compliance when necessary, including related security. He assumes that this analysis exists, but if not, it should be completed before we look backward at a problem. Finally, they cannot ignore the ultimate goal to ensure that full and proper completion is achieved by Joe Cotter, including all construction, landscaping, amenities, and delivery to the village of all the roads on the site. His understanding from the Master Plan is that the roads were to be dedicated to the village upon completion. It is puzzling to him that there may be encumbrances on some of the roads. He does not understand how that could happen. He respectfully requests that everybody does their best to get this project completed in accordance to what was agreed to.

Nadi Ergenc, 1 River's Edge Drive, purchased this home 11 years ago and he was assured that the roads would be turned over to the village. This was very important to us for various reasons. He asked how it is possible that this project can be considered before the Board if road E is too small for the village to take it over.

Penny Paderewski, lives in the Stone House, with her husband. They will soon be moving to 22 Orchard Drive since they love this community so much. They have concerns about the roads since, when they originally purchased, it was understood that the roads would be dedicated to the village. They assumed when they made contract for 22 Orchard Drive that the roads would be dedicated. As a former Town Administrator of the Town in New Castle, she is very surprised about what has happened with the developer of this property and how the plans have gone forward with this project. She just wanted to state her concerns. She thanked everyone for the comments tonight, including the Chair and Village Engineer. She is encouraged and believes that this will all come together. She will be very involved in moving the process forward.

Sean McLaughlin, 163 West Main Street, has lived here for 7 year with his wife. They looked forward to the completion of the bridge, the beautiful Riverwalk as well as the proposed tastefully designed completed development within Hudson Harbor. Upon closing of the unit, it was made clear that the roads within the development would be made public and people would use them to traverse their way to and from the various locations within the riverfront. And it made perfect sense to us. They love Tarrytown, the people, the Restaurants and the diverse socio-economic population. It's a wonderful place to live. However, when an issue comes up regarding Hudson Harbor, it often seems like their interests are held at bay to the current and past behavior of Mr. Cotter. He is sure this complex is a tremendous stress on the infrastructure, but it has also brought with it an abundance of positives for the community. He would ask that the Board separate their past dealings with Mr. Cotter and the Hudson Harbor community when dealing with the road issue as well as all other issues which will come up. He and his wife love Tarrytown and they want to be good neighbors and would like to be viewed

as such by the village and the board as they consider this road issue and all others that continue to arise when dealing with Mr. Cotter. He thanked the Board for all the work they do to help make Tarrytown the wonderful place it is and to and to reiterate what everyone else has said. The Master Plan is just that and it is really hard to do a piecemeal job, and a lot has changed along the way which makes the job that much harder. But they really do want to be good neighbors, and they want to be good to the community as a whole. He wants to reiterate that he thinks the road issue is significant.

Kevin Doyle, 20 Orchard Drive, is also concerned about the road issue and agrees with the comments made this evening. Like other Hudson Harbor residents, he bought on the basis that the roads would become the responsibility of the village. Public ownership is the best opportunity to regulate traffic speeds and volumes through these streets which is important for safety. He hopes that the Planning Board deals with all the Hudson Harbor roads on a comprehensive basis rather than just road E which seems to be the focus tonight.

Joe Praino, 4 Orchard Drive, in solidarity with his neighbors, wants to reinforce the importance of the village taking ownership of the roads, really for safety, and practicality purposes. The thought of owning them and having culpability for them is just unnerving for him and is really a non-starter.

Gary Connelly, President of the Board of Managers for the Lighthouse, thanked the Planning Board members and the Chair for their comments at this meeting as well as the last meeting. He is in favor of the Cooney Building project. He understands what his neighbors are saying about the roads. With regard to the park, perhaps they can meet somewhere in the middle. Maybe the park doesn't have to be so robust with benches, lighting, etc. Maybe it can just be more of a beautiful green space to keep the enhancements of the beauty of Hudson Harbor within this section. It would also be a benefit to all the visitors who go along that path towards the Riverwalk.

Mike Love, who lives on Main Street, thinks the road issue is important, especially if the village is supposed to take them over. With the Edge coming on line, there is going to be a lot of traffic on this road and in the village. It seems like there is no real comprehensive plan for all of this traffic. He doesn't understand how we just keep putting people in and not deal with traffic issues. His neighbor had his front bumper ripped off on Main Street on the turn going down the hill this morning. It is just a matter of time before a child or bicyclist gets hit. He would like to know how many Planning Board Members walk around town and what makes them think all these people are going to walk to go get their products and shopping in town? This needs to be figured out, otherwise, the village is going to have a much bigger problem than development on our hands. He has yet to hear a plan on how to actually address the oncoming traffic issues.

Evan Norris, lives in Hudson Harbor, and would like to point out that Road E is really the only access to the train station from Edge on Hudson, without going over the bridge.

The amount of traffic going through there is going to be incredible. It is really incumbent upon the village to take control of that road. It would be crazy if that road were not a village road. He feels that it is incumbent upon the Board to look at the Cooney Building as part of the rest of the development, primarily looking at it in the context of the Gatehouse as well, because the Gatehouse that is currently planned is much more than what was in the original Master Plan. The original Master Plan, talks about only another 10 or 20 residential units being allowed. The Gatehouse refers to something like 66 additional units. He believes that to talk about development of the Cooney Building without talking about the rest of the site plan, again is not being terribly farsighted.

Anisha Krishnamachari, an 8-year resident of 10 Orchard Drive, thanked the Board for their work. She has seen the traffic grow over the years. She agrees with Ms. Lannert and feels that in this whole process, there have been some gaps that have been left behind, between the original Master Plan, and the deviations to that plan. These projects have been piecemeal and have not been addressed holistically. She agrees with Mike Love's points regarding traffic in general as this plan does not address all the traffic within the village, including the H-bridge. When she bought, she was told the roads would be turned over to the village. She does not understand why she is hearing now that the streets are not compliant. Did the inspections take place as they should have? At what point are these inspections performed? She requests that the ownership of the streets be handed over to the village and the developer takes the steps to make them compliant. This is a concern, especially given the safety of the children in our neighborhood, and the people and the growing traffic.

David Karel, lives at 45 Hudson View Way, and is Vice President of the Board of Managers. He thanked everyone for the comments by so many others tonight including the Board Members. He has been a resident of Tarrytown and Irvington for 35 years and is not familiar with the history of the project. He would like to know exactly what the agreement is with the village with regard to the dedication of the streets. He also would like confirmation that Mr. Cotter has the right to develop the Cooney Building, as of right, without a variance. If he does, then what power does the village have to stop this? It is his ardent hope that the building get completed so the eyesore no longer exists and that the village move forward if he has the right to build it. The Gatehouse portion will remain that property, which means that there's still a hold that the village might have upon developer the extent that there might be any performance bonds or other obligations of developer, hold him to them. At this point, there is scant reason not to complete a building, which is already there, and will only add to Hudson Harbor, which is a beacon for all of us at this time.

Michael Wigon, lives at 10 River's Edge, in Hudson Harbor had these questions. What are the financial ramifications for the homeowners if the associations take over the roads, how will it impact our taxes? Will the taxes go up since the associations land area has now been expanded, or, will they go down because we're bearing the burden of maintaining the roads? How will it impact the values of our homes? How much will it

cost be to maintain the roads? What would the owners be responsible for? Would they be responsible for repaving, sidewalks, lights, sewers, water, gas lines? All of these matters have to be ironed out. Decisions just cannot be made that will create a huge financial burden on the homeowners. It is not fair to change the plan after the fact. It is also not right to change boundary lines after the fact so that you can get a building built taller. If you are going to do something like that, you got to put it back in place. He is concerned about the financial impact and the values of our homes.

Richard Callahan, 153 West Main Street, is one of the longest members of Hudson Harbor. It is a great place to live. He echoes the concerns about the roads that people in the neighborhood have been talking about and hopes that that will be resolved to the satisfaction of people. He would like to make sure that the roads are built according to the specifications that are needed and that it doesn't have any monetary impact on him or his neighbors.

Mr. Ringel advised that there was no more public comment and turned it over to the Chair.

END OF PUBLIC COMMENT

Dr. Friedlander said that the questions and comments tonight were thoughtful and important and the Board is very sympathetic to the resolution of these issues. As he stated earlier, it is very important to finish this project for the benefit of the people in Hudson Harbor and the village residents in terms of tax benefits. There are competing views of what needs to happen going forward with regard to the completion of the project, the road issue, and cleaning up the area for the quality of life of the residents, however, he thinks everyone will agree that the faster it is completed, the better. The Board shares the view that it would be nice if we had a complete plan, and the fact remains, that we do have a complete Master Plan. The question is the implementation of the complete plan. The next phase of the plan is to finish the Cooney Building. This doesn't mean that the Board is neglecting or forgetting about the remainder of the project, which has not changed. If the applicant wishes to change it, then a plan would have to be presented to the Planning Board and the Board of Trustees for a complete SEQRA review. The Village Engineer and Village Attorney have concluded that 17 units of the approved 238 units in the Master Plan remain to be built. We don't have to try to imagine what other things are until they are presented to us with an application. With regard to the roads, Road E is a critical issue, not only for Hudson Harbor but for the entire community. It is the major link from Edge on Hudson to the train station and it needs to be resolved and it will be addressed. As we discuss the rest of this project, it is important to recognize that the people who live closer to this project, those in the townhouses, and those in 45, are those most affected by the lack of completion and they want it to be finished. The Board will pay particular attention to make it as beautiful as possible with sidewalks with lighting with landscaping. With regard to the parklet, in terms of having some green space, if we move the park, we would definitely have attractive landscaping in that area so that it would not be a massive parking lot for the

Cooney Building. This will be worked out through the planning process. He agrees with Gary Friedlander that a punch list, with all the remaining obligations, be prepared as we proceed. With regard to the dedication of streets, Counsel Zalantis will examine this issue with respect to what it says in the Memorandum of Agreement and they will report back to the public. When Mr. Pennella receives and reviews the revised plans, they will report back to the public.

Dr. Friedlander asked the Board Members to comment.

Ms. Raiselis said that the Chair made a good list. She would like to emphasize that the issue of the dedication of roads needs to be resolved. The roads are substandard. Road E is going to be much more popular and she agrees that the intersection should be handled in a way which is somehow safer than it is now. The plan also requires more pedestrian attention. How are the pedestrians going to maneuver around that building? How is it going to be safe for them? There are a lot of curb cuts and parking all over and she does not understand all this parking coming off perpendicular to the road. It seems that many people want the parklet with some greenery. With regard to relieving the traffic, we should find ways to encourage people from Edge to walk to the train when it is nice. Suggestions of a trail that goes up Division Street, and then along an existing path that goes right to West Main Street and parallels the H-bridge perhaps could be revisited. She suggested that maybe to relieve some pedestrian traffic by taking that parklet and trading it for a "linear park" so that people can walk as the crow flies to the station. A punch list is also needed. She has written down the comments all of which need to be addressed. She would like to meet, either in executive session, to help solve the issues and distribute them in some way to the residents. She appreciates the civil way that the public has asked questions and have commented this evening. It is not always easy addressing all these conflicting issues. The Board wants to get this project finished so that as many people as possible are happy with it.

Mr. Aukland thinks that Ms. Raiselis has touched on the open issues or opportunities and he looks forward to pursuing them. He would like to add the Stable Building to the list because he does not think it has been adequately included in prior work. He would like to take a closer look at the parking in general, and he thinks Lot 5B has to be part of that parking study. Beyond that, he sees the traffic from Edge as a major issue. He would welcome exploring some kind of pedestrian walkway between Division Street and West Main Street to encourage people to get out of their cars.

Mr. Tedesco thanked everybody who responded with questions and issues of concern, and assured the public that these are concerns of the Board. These items will be addressed in a meaningful way. The proposed action is covered in SEQRA approvals and findings that have already been granted. If the application is confirmed as being 30,000 square feet of office and related storage, and the Village Engineer has satisfactory responses to his comments and recommendations, then this application should be approved in a very timely fashion, with any needed site plan conditions, as

Ms. Raiselis alluded to, that would be required to make this a really good project. The unsatisfactory state of this area needs very prompt attention. After the approval, issues of the streets should be addressed, and other issues of importance that were raised by Board Members and the public. He also feels that the proper completion of Hudson Harbor, those 17 units, particularly that remain, should be expedited.

Ms. Raiselis requested a plan from the applicant showing all of the sidewalks that are proposed and, in addition, a drawing of the proposed 17 units on Lot 5A. She would just like the drawing to show detail of the sidewalks, and anything else that has been changed along the way that is maybe not on these drawings. She does not think it is an unreasonable request to see what is absolutely existing now and what they can expect in the future. She does not know if the other Planning Board members agree with this, but the applicant probably already has this drawing.

Dr. Friedlander said we will take this under consideration after the other Board Members respond.

Mr. Birgy is also sympathetic to the residents of Hudson Harbor. It is hard to believe how this has gone on so long. He would like to see the developer fulfill his obligations to the residents of Hudson Harbor and, as importantly, the community that has also been impacted by this by loss of tax revenue. He thinks that the process of having the roads dedicated to the village should continue. He does not see how road E can become a major thoroughfare from Sleepy Hollow to the village and feels it is unacceptable and a plan is needed to figure this out. This leads to the same issue of traffic which continues to be a major concern for the village. Kicking the can down the road, approving projects and saying we will figure it out later, could potentially be disastrous. He is certainly not a proponent of making Broadway a four-lane highway, but he thinks that is certainly the direction the village is going in if we don't get a grip on what's happening here and looking at this comprehensively, as a resident brought up earlier. Not only with Hudson Harbor, but with all of the projects that are impacting the village, because they are all interrelated. Obviously, if we continue to approve some of these projects on the docket Hudson Harbor will be impacted. The neighborhoods off Franklin Avenue will be impacted. He wants to take a comprehensive look at this. With Hudson Harbor, he would like to get a win-win with the developer and he will point towards Ms. Ward and Mr. Cotter to work with the village. He feels that the village has accommodated Mr. Cotter over the years and he thinks that is the way it should be when it is needed, but when the time is up, and this has gone on for 15 years, he thinks it is time to push this along. He looks to the developer to make some sort of commitment to say that he is going to make good to the residents of Hudson Harbor. They deserve to get results as quickly as possible as does the entire community.

Peter Gaito thanked everyone for their comments. There have been some common threads discussed. He looks forward to continuing the process and providing feedback.

Lissette Mendez-Boyer agrees with the idea of having a plan that shows the existing and what is remaining to be done to include all the sidewalks and roads so that the residents have a really clear sense of what has been done and what needs to happen. She likes the idea of a “linear park” that can connect from Division Street down to West Main Street. This residential area is so close to the train station that she would be surprised that anyone would drive over the bridge to get to a parking area, and then take the train. It won't resolve all the other issues with going to supermarkets or going anywhere else, but at high peak travel times, traffic could be alleviated with a very simple linear park that can encourage walking, not necessarily mandate it. She lives on Grove Street, a 10 to 15-minute walk to the station, and even since before the pandemic, even through snow, she has walked back and forth to the train station. It is good exercise, allows her time to relax before getting home, and is environmentally friendly. She hopes to encourage walking as much as possible rather than using cars. She thinks the residents should take advantage of the fact that Tarrytown is a very walkable village and the Planning Board should also encourage this.

Dr. Friedlander said that with regard to connectivity and sidewalk points raised by Ms. Raiselis, he has walked in the park often, and all through the Hudson Harbor site. The streets and the sidewalks are well maintained and very adequate in terms of width. The landscaping is also above average compared to what he has seen in other developments. He would like to apply this standard, and maybe a little bit more, to the Cooney Building, in terms of making it as attractive as possible and also as useful as possible in terms of pedestrian walkability. He would like to see extensive landscaping in the area facing the Cooney building in an eastern direction, on the western side of that parking lot and also in the southern part of that parking lot, facing the carriage houses. If that can be included in the Cooney site plan, we would be doing a great service to anyone who walks there, and certainly the people who live there. In addition, for over 10 years, he has been talking with the Board and others about a moving walkway, similar to what you see at airports, from Edge on Hudson, along the right of way of the MTA to get to our train station. This could be a solution to alleviate the parking and traffic. He has tried unsuccessfully and Members Raiselis and Aukland have also explored this during the Comprehensive Study. He doesn't know if it is dead in the water or whether it is worth trying to resuscitate it at this point, but perhaps we could try again. He agrees that the traffic from Edge on Hudson is either going to go over the H- bridge, which is going to take a beating, or through Hudson Harbor, which nobody wants. Member Raiselis' suggestion of a “linear park”, is a possible solution, but would probably not work in the cold months. Otherwise, we are going to have people driving their cars, dropping off their spouse, taking that car through the rest of the village or taking the return trip back home over the H- bridge, or through Main Street and through the small streets to the south, and it is going to be a problem. He also would like to discuss the possibility of making road E a one-way street to reduce the traffic impact, but added that other alternatives also need to be considered. The traffic from Edge will not only impact Hudson Harbor it will have an effect on the rest of the village. It is a problem we are all aware of, and, as a Planning Board, have tried in the past to get a major comprehensive traffic study done. We have had some success and

we do have committees that are looking into this. We can't really jump the gun without thinking of the long-term effects of parking and traffic and congestion, especially around the train station, because that is where everyone is headed, or that is where we think they are headed pre COVID.

Dr. Friedlander asked the applicant to respond.

Lynn Ward, Attorney, representing the applicant, appeared with her colleague, Lauren Calabria, and addressed the Board. She reminded everyone that they are here tonight, talking about 41 Hudson View Way application, because it seems that they have been talking about a lot of other things this evening. They are here to discuss the renovation of the Cooney Building, which has operated as a continuous office building for over 40 years. It is a by right application. It is a 30,000 square foot building and they have sent clarification of that number to Mr. Pennella, at the end of last week, for his review. They also took his sound advice, to collect all these comments and respond all at once. So, after hearing previous comments, in addition to the comments tonight, they will now turn these plans around. They agree with many of the comments from Mr. Pennella's memo and many of the others that have been made tonight. They feel that they have been a very responsive applicant. They have charged I.Q. Landscaping, who has done all the landscaping throughout Hudson Harbor from the beginning, with making the pocket park beautiful. It seems that some people don't want the pocket park now, but there is a process for deciding that and it is not arbitrary in any way. They will produce something in response to the specific comments that they have heard this evening and have that discussion whether to relocate it or do something else. There was a second section of comments which focused on the road. That is an area of discussion which they, the developer, will have with the village. They will also bring professional input into that, because some of the things that have to be studied here are the one-way street comment that was made very succinctly by the Chairman. They also need to look at how many residents who have permits parking west to the bridge, and various other things like that, that impact us. They will certainly be addressing that. They need also to point out that some of the parking is utilized by the DPW, contrary to agreements that we do have, and will all have to address that. And finally, the parking will comply with the SEQRA Findings. That is what rules the situation here. They are very impressed with the level of the comments tonight, and will try to be very responsive. They would like for results, the same as everyone, and this means that they need support for the implementation. They actually can't have residents from one end of the complex arguing with residents from the other end of the complex, and people being somewhat selfish in their views. What they need to do also here is to dig up the institutional memory that resides in Chairman Friedlander and Member Tedesco and some of the people who have been here on this particular task for a long period of time. Be assured of their utmost concern for our residents. They will address all of these comments in due course.

Dr. Friedlander asked Counsel Zalantis for an update on the road dedication as it relates to the Memorandum of Agreement with the Village as well as the procedure for

making roads one-way streets or restricting their use in some way before the next meeting. Mr. Pennella said that the conveyance of the streets and the parking count were part of his review memo. This is his first plan review for the entire development and he is putting all the pieces together to make sure that all of the requirements of the developer are met. With regard to the roads, the applicant has to comply with village standards concerning parking in the right-of-way.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

All in favor. Motion carried: 5-0

Adjournment:

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 8:15 p.m.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

All in favor. Motion carried: 5-0

41 HUDSON VIEW WAY – PUBLIC COMMENT -

January 6, 2021 – Gary Friedland - Hudson Harbor resident

January 11, 2021 – Gary Friedland – supplement to January 6, 2021

January 12, 2021 – Joyce Lannert - Hudson Harbor resident

January 14, 2021 - Joyce Lannert – Hudson Harbor resident

January 13, 2020 – Michael Cohen, Treasurer of Lighthouse HOA

January 13, 2021 – Gary Connolly, President of Lighthouse HOA

January 13, 2021 – Paul Konowich – Lighthouse resident

January 13, 2021 – Kevin Duignan – Lighthouse resident

January 13, 2021 – Dr. and Mrs. Kashen – Lighthouse residents

January 13, 2021 – Dr. Rafael Soltran – Lighthouse resident

January 13, 2021 - Richard and Elizabeth Petrucci – Lighthouse residents

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Public Comment - Cooney

Supplemental Memorandum

To: Tarrytown Planning Board
From: Gary Friedland
Re: Cooney Building Redevelopment/Supplemental Memorandum
Date: January 11, 2021

This supplements my January 6, 2021 Memorandum to highlight the key points that I request the Board consider in connection with the pending Cooney Building site plan application. While I hope that you read my earlier Memorandum in its entirety, the following are some key points:

1. **Developer's compliance with the Master Plan and remaining obligations:** Almost 15 years have elapsed since the Master Plan was approved in 2006. Since then, the project has been reconfigured numerous times at the developer's request. It is understandable that it is difficult to track the status of the approvals, developer's obligations and developer's actions. Accordingly, I urge that the Board review developer's compliance with the Master Plan to date and update developer's remaining obligations under the Master Plan. It would be a mistake to delay this review until the developer on its own timetable files its site plan application for the final phase of the Master Plan and given the many mistakes, to assume it is accurate. The recent discussion about the remaining residential density demonstrates the difficulty in ascertaining whether the developer's actions are in compliance.
2. **Size of the Cooney building redevelopment:** The Building adds a wing and raises the height of the building. Yet the applicant's engineer certified that the existing structure was 30,000 square feet and now contends that the proposed redevelopment will be the same size. Please explain how this is possible and confirm the accurate square footage. (See also Section 1 of my comment memorandum re building use, parking, future enforcement and SEQRA determination.)
3. **Public Roads and Infrastructure:**
 - a. Applicant's December supplement confirmed internal roads have been offered for dedication. Please advise the status of completion of each of the roads, work remaining to be completed before roads will be accepted by the Village, and the status of bonding for the existing roads. (See also Section 2a of my comment memorandum.)
 - b. Given the prolonged project duration and the change in circumstances, including the expected increase in traffic due to the opening of the Edge on Hudson, I recommend that the Board require that all road and other infrastructure improvements be completed as a condition to the Phase 4 Cooney Building approval rather than allow further delays and more difficult enforcement.
4. **Final Phase of Master Plan:**
 - a. Developer has made it clear that it intends to seek a dramatic increase in the density for the final phase of the project (that it refers to as the "Gatehouse"). Possibly, for its strategic advantage, Developer has delayed in filing the site plan application that has been ready since February 2019. For example, developer might seek to avoid triggering the requirement that an amended and restated EIS be prepared that could delay the approval of the Cooney Building especially if the Building exceeds 30,000 gross square feet. In any event, with the common goal to finally complete Hudson Harbor, no matter how the Cooney Building is treated in this process, doing this in segments poses too many risks.

- b. If the spine internal roads are not completed now, Developer might misguidingly seek to use the road completion as leverage to obtain approval of an increase in residential density. (See Sections 2b and 2c of my comment memorandum.)
5. Miscellaneous questions and comments re:
- a. Parking:
 - i. Cooney Building: The amount of available parking should be considered. (See Sections 4aii and 2 of my comment memorandum).
 - ii. Project-wide parking: Please reconcile parking per Tables. (See Section 4ai)
 - b. Road and site improvements in Phase 4 (See Section 4aiv)
 - c. Flood Zone updates. (See Section 4b)
 - d. Cooney Building Survey to Insert title information, especially in light of history of mistakes. (See Section 4c)
 - e. Was the Stable Building (Phase 5B of the applicant's November site plan submission) part of the Master Plan? (See Section 4d of my comment memorandum.)
 - f. Does the Master Plan impose a deadline for the project to be completed?
6. Request for Release of Master Plan Documents: To enable the residents to track the developer's progress towards completion of the project, I request that the Board make available to at least the Hudson Harbor community, the various documents relating to the Master Plan approval and amendments. During COVID-19, it is virtually impossible for anyone to view these documents at the Village Hall. The availability of these documents will enable residents to assist in monitoring the developer's compliance with its obligations and minimize the need to contact the Village staff with questions. (See the last section of my comments entitled "Request for Release of Master Plan Documents")

I note that this is merely a summary as my January 6 memorandum discusses these points in more detail, raises questions and provides comments about the applicant's site plan application. I look forward to your responses.

Furthermore, as the development of Hudson Harbor hopefully draws to completion, it must be noted that decisions made today will have impacts on the Village, Hudson Harbor residents and visitors today and for years to come. Let's make sure that Hudson Harbor is what the Village envisioned and current and future residents purchased in reliance on the joint efforts of the Village and the developer. Thank you.

Memorandum

To: Tarrytown Planning Board
From: Gary Friedland
Re: Ferry Landing/Site Plan Application - Phase 4 of Hudson Harbor Master Plan and related matters
Date: January 6, 2020

Again, thank you for providing me with the opportunity to express a few of my comments at the public hearing held on December 28, 2020. The developer's application dated November 5, 2020 (as supplemented by its December 23, 2020 filing) addresses the Cooney building redevelopment as well as the Hudson Harbor project as a whole. Accordingly, this memorandum sets forth my comments and questions about the application.

Introduction:

I believe I can offer a different perspective as an attorney, a former real estate developer and for the past several years a research scholar and adjunct professor at the NYU Stern School of Business. My wife (an NYU Stern law professor for more than 30 years) and I have been residents of Hudson Harbor since 2013.

Nearly 15 years ago, the Planning Board, the Board of Trustees and the developer established the framework through the Hudson Harbor Master Plan to revitalize the Tarrytown waterfront – a resounding success story on many levels. It was conceived as a Public-Private Partnership.

Especially most recently during COVID-19, the revitalized waterfront area provided use and enjoyment by the entire Tarrytown community, probably to a greater extent than its visionaries ever anticipated in 2006. One would expect that the waterfront area will only become more successful over time in accomplishing its mission.

However, success presents challenges. If Hudson Harbor, including its infrastructure, were complete these challenges would not be as daunting. As the vaccine takes effect a new normal will emerge. Increased pedestrian traffic in and around Hudson Harbor will be accompanied by an increase in vehicular traffic that has been artificially low during COVID. This traffic will be compounded by new development in Tarrytown as well as at the nearby Edge on Hudson where nearly half of the 1,177 residential units are expected to be completed in the next 12 to 18 months, with many of the residents anticipated to commute from the Tarrytown train station.

Thus, it is imperative that the roads and infrastructure at Hudson Harbor be completed promptly and correctly to handle the surging amount of pedestrian and vehicle traffic.

No one questions whether the Cooney Building should be redeveloped. But it would be a serious mistake if the Board were to review the redevelopment plan in isolation. Instead, the Board should use this opportunity to conduct a thorough review of the status of developer's many obligations under the Master Plan entitlements. This should include a review of the project-wide infrastructure – roads, utilities, sidewalks and the like. I suggest that the Board require this work be completed and tested before it issues a certificate of occupancy for the Cooney Building.

As explained in Questions and Comments section 2cii on page 7 below below, developer has told me that he would not start the final phase of Hudson Harbor until and unless he obtains a substantial increase in the residential density for the project. I respect developer's right to employ whatever strategy it deems appropriate. However, I suggest the Board ensure that the infrastructure for the project as a whole, excluding only the internal infrastructure required for the last phase, be completed – again, nearly 15 years after the Master Plan was approved.

The Master Plan benefits extend far beyond the 500 or so existing Hudson Harbor residents. The benefits are enjoyed by the entire Tarrytown community as well as the many visitors from near and far. The Board has the power to ensure that these benefits will inure to future generations. The decisions the Village makes today and the conditions it imposes in connection with the final phases of Hudson Harbor will shape its future enjoyment or inadvertently stifle it. I am confident you will take the appropriate measures.

Questions and Comments:

I realize that my comments and questions are detailed. Keep in mind that many of these points merely elaborate upon points raised by the Board at the work session and public hearing and addressed in developer's original and supplemental application. I am confident that the Board as always will take the "hard look" that SEQRA demands.

I hope the Board fully addresses these matters before it renders a decision about the pending Cooney application and considers appropriate conditions to be attached to the approval. Otherwise, we all need to be concerned that fundamental issues about the project that have lingered for years may very well be forgotten forever, or possibly not addressed until the developer appears on its own timetable to seek approvals for the final phase of the project.

For ease of reference, my comments and questions are set forth in outline form below and refer, where appropriate, to the applicable document filed by the applicant. Also, I have labeled each question with a "Q" followed by the question numbers in each section in numerical sequence, although many of my comments implicitly raise questions for the Board to consider.

1. Size of the Cooney Building: Cooney Building Site Plan Application dated November 2020 as supplemented by December 2020 Site Plan Application (the "December Supplemental Application")

a. Cooney Building size discrepancy and SEQRA determination:

- i. The Zoning Compliance Form dated 11/5/2020 (page 15 of 18 of the Site Plan Application posted document) and certified by a licensed engineer states that the total floor area of the existing Cooney Building is 30,000 gross square feet (gsf), plus or minus, and the proposed building is 32,000 gsf plus or minus.
- ii. At the Public Hearing it was announced that applicant discovered a calculation error and refiled the form that shows a total floor area of exactly 30,000 gsf. The December Supplemental Application provides a line-item detail of the square footage by section.

- iii. It is hard to follow how the proposed plan is the same size as the existing building. The proposed plan involves an addition to the north wing of the building. It does not provide for a reduction in the size of the balance of the building, except for a note that the mezzanine has been eliminated. Thus, it is logical to assume that the proposed building, the subject of the pending application, must be larger than the existing building which is certified to be 30,000 gsf.
- iv. Q1: Reconcile size: Please explain how the building as modified with additional floors is no larger than the existing building.
- v. Q2: Additional square footage; SEQRA determination: The area described as Storage and a substantial portion of the area described as Office are each approximately 28 feet high per Sheets A.06 and A.07 of the December Supplemental Application. Under Section 305-24 of Tarrytown law, "Any interior space with a floor-to-ceiling height in excess of 14 feet shall be counted twice".¹ This is apparently in recognition of the fact that the owner can easily create additional square footage and avoid the application of the law by adding a floor within the space. This space is twice the 14-foot height that triggers the double counting of interior square footage, and can fit at least two additional floors. Thus, it appears that the total square footage for these purposes exceeds 30,000 square feet. If so, then presumably the development would constitute an unlisted action under SEQRA and a determination of significance would be appropriate. If the building size exceeds the threshold, given the potential adverse impacts associated with the development of this building, the Board should consider issuing a positive declaration.
- vi. Q3: Enforcement relating to future increase in size or expanded use:
 - 1. Assuming the proposed building will not exceed 30,000 gross square feet, what will be the enforcement mechanism to ensure that the space will be utilized for office and storage use and/or not increased in size by simply installing an additional floor within the 28 feet high space?
 - 2. Will a declaration or deed restriction be recorded against the property to prohibit future development or construction in the building that would increase the gross square footage of the building or change its use?
 - 3. Will the building department be required and authorized to perform periodic inspections to ensure that the storage section of the building is in fact used solely for that purpose and/or that the square footage has not been increased? And if it is not found to be in compliance what will be the consequences?
 - 4. It is well-known that applicant has a long history of committing flagrant building violations and ignoring Village citations. Some

¹ Technically this section pertains to dwellings. I could not locate a definition of floor area for commercial purposes. Thus, I assume the same concept applies to commercial buildings.

examples are the illegal penthouses constructed on the rooftop of the nearby Lighthouse Condominium building and the recent stop work order issued in response to the applicant's illegal renovation of the interior of the Cooney building. After a CO is issued for the office/storage use of the Cooney building, what prevents the applicant or its successor from installing a floor and creating additional square footage inside a building that is not visible from the exterior. With new technology, this can be performed quickly and quietly.

5. Will a note be added to the amended site plan to address these issues?

vii. **Q4: Office vs. storage:**

1. Why is part of the proposed redeveloped Cooney building characterized as "storage"?
2. Did the previous SEQRA determination delineate "office and storage" use or only "office" use?
 - a. If storage uses were not delineated, does this proposed use trigger a new SEQRA determination?
3. Is there a zoning reason that the entire building could not be described as "office" to eliminate the possibility of other uses and to fit squarely within the delineation of the permitted use? In fact, spaces used for offices often have ancillary storage for its tenants. Will the storage area be limited to use by the office tenant.
4. If the building were characterized as "office", would the applicable parking space requirements be met?
 - a. The November application indicates that 67 parking spaces are required, but the December application indicates only 60 parking spaces are required. Does the application characterize the space as "storage" to qualify for a reduced parking requirement without an enforcement mechanism? This area is already burdened with an underwhelming number of outdoor parking spaces.
5. Will occupants of the building with 100% office use require more parking spaces, thus absorbing spaces that are needed for the local residents?
6. Presumably, the CO for the completed building will delineate the permitted use.

2. **Hudson Harbor Master Plan – December 2020 Supplemental Site Plan Application ("December Supplemental Application")**

a. **Public Streets**

- i. The December Supplemental Application states that the internal roads in Hudson Harbor are "considered for public dedication as required". (Section IIC)

1. The application omits Orchard Drive. I assume this was an inadvertent omission and that Orchard Drive will also be dedicated.
- ii. I understand that the Filed Map constitutes an offer of dedication of each of the internal roads.
- iii. **Infrastructure completion as condition to Cooney building redevelopment:** I am concerned that the road, utilities and other infrastructure have not been completed, nearly 15 years after the approvals were granted. I request that in connection with the approval of Phase 4 (the Cooney Redevelopment) and prior to the issuance of a certificate of occupancy for the Building, the Village require that the applicant complete any outstanding infrastructure improvements for the entire project. Otherwise, there is no assurance as to whether or when the work will be completed.
- iv. **Q1: Restoration of roads damaged by developer:** As the Board probably knows, some of the condominium associations within Hudson Harbor have sued developer for construction defects with claims totaling several million dollars. In settlement of some of the lawsuits, developer agreed to reconstruct or repair some of the construction work. This major repair work has continued over a period of years with an assortment of heavy construction trucks and equipment carrying loads of building materials on the roads in Hudson Harbor as the equipment, trucks and materials are stored on site a considerable distance from where the work is being performed. This work has damaged, and continues to damage, the internal road system in Hudson Harbor. I understand that upon completion of this reconstruction, developer will restore and complete the roads. Please confirm.
- v. **Q2: Offer of road dedication:** Is any additional documentation required to be submitted by the applicant to offer and subsequently transfer the roads, utilities and other infrastructure improvements (the "roads") for dedication to and acceptance by the Village?
 1. If so, I request this documentation be filed now rather than allow applicant to continue to delay its submission.
 2. Can the completed roads be accepted by the Village for dedication as Village-owned roads in sections or must it all be at the same time?**Q3: Current road completion status:** Have all roads installed to date been satisfactorily completed for acceptance of dedication? If not, what additional work is necessary and how will performance be secured? Have the roads been inspected, tested and certified?

- vi. **Q4: Performance and Completion Bonds:** How much is the outstanding balance, if any, on the performance and completion bonds for Rivers Edge Drive, Orchard Drive, Hudson View Way and West Main Street?²
- vii. **Q5: Parking easements:** The Supplemental Application states that "parking easements are in place on Hudson View Way and Rivers Edge Drive. The easements are on property outside of the right-of-way that has been offered to the Village." (Section II B)
 - 1. Please confirm that the easements, if any, are located outside of the right-of-way and do not affect the anticipated acceptance of the roads by the Village. If the easements exist, what are the terms?
- viii. **Q7: Road E completion and dedication:** As a condition to the approval of Phase 4 (the Cooney Building Redevelopment) will the applicant be required to complete the installation of Road "E", the road that runs in a general north-south direction between the Cooney Building and Phase 5A (the phase referred to as the "Gatehouse")?
 - 1. Will the Village require that applicant post a performance and completion bond to ensure completion of Road E?
- b. **Remaining residential density in Hudson Harbor**
 - i. The December Supplemental Application states that 218 residential units have been constructed to date. (Section II A)
 - ii. At the December 17th work session and at the Public Hearing, Village officials differed as to the number of residential units remaining under the Hudson Harbor Master Plan.
 - 1. The three Village representatives had a difference of opinion as to how many units remain. One indicated 17, another indicated 18 and a third indicated 20 or 23.
 - 2. The Table - Sheet A04 of the December Supplemental Application shows 20 units (townhomes) remain, all of which are planned for a "Future Building" in Phase 5A. This is the final phase of the project that applicant refers to as the "Gatehouse".
 - 3. Yet, the December Supplemental Application contends that 3 of the 218 units have been combined and only 215 COs were issued. Thus, the applicant argues that 23 units (238 total authorized minus 215) remain. This assumes that the Master Plan density was based on COs.
 - a. **Q1:** How many building permits have been issued to date? Is that number determinative of how many residential units remain to be constructed if that number is greater than the number of COs issued? Which residential units in which buildings have been combined and when?

4. Q2: Please clarify and confirm how many residential units remain to be constructed within the boundaries of the Hudson Harbor Master Plan community.

c. **Final Phase of Hudson Harbor Master Plan – Phase 5A – the “Gatehouse”**

- i. **Coordinated filing of Cooney Building and Gatehouse:** A number of residents and Board members thought it appropriate to require that applicant proceed to file its site plan application for the final phase of Hudson Harbor contemporaneously with the Cooney site plan application, in recognition that nearly 15 years have passed since the Master Plan was approved. One of the Board members suggested that would be a mistake as it could be interpreted as an invitation to the applicant to seek an increase in the residential density, as only 18 residential units remain to be developed.
- ii. **Developer's intentional delay in filing site plan application for Phase 5A:** However, the applicant, an experienced, developer does not need an invitation. On its own initiative, the developer has apparently made it known to certain members of the Planning Board and/or or Board of Trustees as well as to several Hudson Harbor residents that in connection with its development of the final phase – the Gatehouse – it will seek a dramatic increase in the residential density under the Master Plan – more than triple the remaining number of units.

1. Developer provided to me a 15-sheet detailed plan entitled *“Gatehouse and Cooney – Site Plan Submission” prepared and dated February 6, 2019*. Attached for your information and review is an 8.5" x 11" section of applicant's cover page. (Note that the December Site Plan Submission has been relabeled to delete the reference to Gatehouse but includes on Sheets A01 and A11 a rendering of a portion of the same Gatehouse building.)
2. The Site Plan covers a substantial portion of the land on Phase 5A with a series of residential buildings totaling more than 100,000 gross square feet and 66 residential units – not 17 or 20 or 23 units and obviously not consistent with the approved Master Plan as to density or bulk standards.
3. Developer has stated that it will not develop Phase 5A unless the Board approves the increase in density. I believe this is an idle threat – based on developer's claim of “hardship”. Any hardship would have been self-created given developer's numerous requests to reconfigure and modify the original master plan approval (including the relocation of residential units to the more valuable waterfront area) and inappropriate to characterize as a hardship in light of the enormous financial success of the Hudson Harbor project.
4. **Amended and restated EIS:** Presumably, the developer realizes the application would likely trigger its obligation to prepare an

amended and restated environmental impact statement for the project. This strategy is consistent with the pattern that it has repeatedly established as it has proceeded to modify the original approvals phase by phase in isolation to tailor it to its needs without being held accountable to consider the cumulative environmental impacts on the site/project.

- iii. **Importance of completing infrastructure now:** Developer's strategy highlights the importance of ensuring that the infrastructure improvements and other developer commitments under the Master Plan are completed as conditions to any approval that is issued with respect to the Cooney Building phase. Otherwise, it would be predictable to expect that developer will seek to use these unfulfilled commitments as leverage to seek an increase in density or to delay the completion of the project.
- iv. **Q1: Time limits required by existing documents:** Do any of the various Master Plan documents (EIS, Findings Statement, Developer's Agreement, Resolutions of Approval, etc., all as amended) impose a time limit or timetable for completion of the project?

3. Developer's Neglect of Area Surrounding the Cooney Building and Lighthouse Condominium

- a. At the hearing, many residents spoke about the dangerous and unsanitary conditions surrounding the Cooney Building and the Lighthouse Condominium
 - i. Some argued that this justifies expediting the entitlement process
 - ii. I am sympathetic to the residents' plight but the wrong party (the developer) should not be rewarded due to its own neglect.
 - iii. The applicant, as landowner, has a legal duty to maintain and secure the property. Rather than focus on installing adequate exterior security measures of the grounds, the applicant for the past year has chosen to focus on illegally improving the interior of the Cooney Building without a building permit.
 - iv. It is puzzling to understand how the applicant justifies waiting for nearly 15 years to apply for a site plan application with respect to an existing building and yet prior to filing the application takes the bold initiative of commencing construction without filing for and obtaining a building permit. Substantial portions of the interior have been framed, insulated, sheet-rocked, etc. This resulted in the issuance of a Stop Work Order. Subsequently, a demolition permit was issued but apparently applicant continues to proceed with substantial renovation of the building in continued apparent violation of the law. Certainly, these and applicant's many other violations put the Village on notice that strict written guidelines and enforcement are required to minimize the risk of future violations.
 - v. Applicant has proceeded with interior construction apparently recognizing that the Village does not have the staffing to monitor this activity for which

a building permit is not pending and has more important priorities during COVID-19.

- vi. Thus, the applicant should be held responsible to protect the exterior of the building and local residents rather than proceed with interior construction without a building permit.
- vii. It is noted that the owner also continues to neglect Phase 5A, the open area to the north of the club house and to the east of the Cooney Building. Perhaps, the Village should require that adequate security measures be installed.

4. Miscellaneous Items re Cooney Application

a. Sheet A.03 Parking Distribution and A.04 Parking Distribution Tabulations

- i. **Reconciliation of parking spaces:** Parking Analysis table on A.03 includes 2 areas apparently not included in the site plan:
 - 1. Additional parking under H Bridge: 48
 - 2. Future use: 25
 - 3. Does the developer own or control these parking spaces? If so, how?
 - 4. Where are the 34 guest parking spaces located?
- ii. **Cooney Building required parking:** This supplements the parking space discussion in the Cooney Building size section of this memorandum above. Have the required number of parking spaces provided been confirmed, including but not limited to the spaces to be provided for the Cooney Building?
 - 1. Have any of the spaces in the parking lot located between or surrounding the Cooney Building and the Lighthouse Condominium been sold, leased, licensed, transferred or otherwise been allocated to the owners of the adjacent Lighthouse building?
- iii. **Bulk requirement compliance with Master Plan:** Do areas as-built and proposed to be built throughout the Hudson Harbor Master Plan fall within the bulk standards and other requirements of the Master Plan approval, including open space, setbacks, height limits, building coverage, impervious surface coverage and the like?
 - 1. **Table of bulk requirements and reconciliation with plans as-built and proposed:** Has the developer prepared and submitted a table confirming compliance with the bulk and other requirements pertaining to the approved master plan?
 - 2. **Overlay comparison of project approvals vs. as built and future approvals:** To better understand the project history and relationship of (1) the project as-built and to be completed to (2) the approved master plan, it might be helpful to require the developer to prepare an overlay plan to compare the master plan as approved to the project as built to date and then as supplemented by how developer proposes to complete the project

with details. This will highlight any differences between the approved plan and the plan as built and to be completed.

iv. Cooney Site Plan Drawings – Roads and other improvements

1. **Q1: Public road specs:** Do site specifications shown on Site Development Plan Drawings including, but not limited to the Site Detail (Sheet 530), conform to Village specifications for a public road?
2. **Q2: On the Site Plan (Sheet C130), the word "(Private)" appears under "Road E". Please explain what "Private" refers to.**
3. **Q3: Comparison of 2007 approval vs. current submittal drawings:** The note on the Title Sheet (T500) states that these drawings are prepared based on the 2007 approval, but the site plan has been modified to reflect the architectural plans. Please describe in detail how the drawings and site plan differ from the approved 2007 plans.
4. **Q4: Road construction timing:** Please confirm that, as a condition to approval of the site plan for the Cooney Building, Road E must be completed prior to the issuance of a building permit or CO (as per Village requirements) for the Cooney Building.
 - a. Note that in the next 12 to 18 months it is anticipated that more than nearly half of the total 1,177 homes will be completed at the Edge on Hudson (at this stage, 246 homes being constructed by Hines Development and 336 homes being constructed by Toll Brothers).
 - b. The current traffic conditions are artificially low due to the effect of COVID-19. It is anticipated that after the vaccine is widely distributed, the new normal will take effect and likely dramatically increase traffic in and around Hudson Harbor.
5. **Q5: Drawing 11/C530 on Sheet C530 depicts the Cross-Striping Detail. Was similar cross striping detail required for the other crosswalks in Hudson Harbor? If so, when will the cross-striping be installed? Will developer also implement other traffic calming measures?**
6. **Q6: The sight distance at the northeast corner of the intersection of Hudson View Way and Road E seems to be obstructed by the evergreens planted at the corner. Will the row of evergreens in that vicinity be replanted to improve the sight distance? Will a stop sign be installed at the northwest corner of the intersection of Hudson View Way and Road E? Many vehicles making a right hand turn from Road E at that intersection do not yield to the vehicles traveling west on Hudson View Way, presumably**

anticipating that the vehicles will turn right rather than continue along Hudson View Way, thereby creating a dangerous condition.

7. Q7: I assume a sidewalk will be installed by developer along the Road E shoulder to facilitate the increasing number of pedestrians who walk along that stretch of road.

b. Environmental Clearance Form

I. Flood zone

1. A representative of FEMA recently informed me that the property comprising the Hudson Harbor property is included in a moderate flood hazard zone based on 2007 mapping, but noted that the Village was proposing new mapping in or about 2014, partly in response to Hurricane Sandy.
2. However, the representative also informed me that the Village is in charge of the procedure for changing the zoning map and that FEMA's role is limited to making the maps publicly available online
3. Q1: What is the status of the proposed change to the flood zone mapping for the area?
4. Q2: Is the proposed mapping publicly available for viewing?
5. Q3: What is the procedure and estimated time frame for the mapping to become finalized?
6. (Note the survey submitted with the pending application indicates that the flood zone mapping is based on the 2007 mapping).

c. Cooney Building survey

- i. Survey is dated 6/30/20 and is referenced as a "Map of Existing Conditions".
- ii. Title search information to be disclosed and incorporated: The second note states that the survey was performed without the benefit of a title search.
 1. Q1: Developer has owned the site since 2006 or earlier. Why does it not provide a title policy to the surveyor so that an accurate and complete survey can be prepared showing all covenants, easements, restrictions, conditions, and agreements of record?
 2. Q2: The third note carves out these title defects from the survey. While this might be appropriate for a single project, given the number of known material survey errors made by applicant and its agents in connection with the development a more detailed analysis is merited.
 3. Q3: In one note the survey carves out subsurface structures – why? In another note, the survey states that the underground utilities shown on the survey are based on a survey prepared by the developer's engineer. Has the engineer's survey been submitted to the Village for review?

d. Phase 5 B (the "Stable Building") Sheets A.02 and A.03 of December Site Plan Submission:

- i. **Is the Stable Building part of the Hudson Harbor Master Plan: Phase 5B shows parking spaces and an existing building on a narrow strip of land.**
- ii. **The December Supplement Site Plan states that the "Stable Building" was approved in 2015 "as restaurant, coffee shop, with 44 parking spaces".**
 1. **The building is not identified on the Site Plan Submission. Is the structure the Stable Building?**
 2. **Is applicant's characterization of the building and its approved use accurate?**
- iii. **Is Phase 5B incorporated in the original master plan? What was the approved use if any?**
- iv. **Why do dotted red boundary-type lines extend to River House, the property to the north of Hudson Harbor in Sleepy Hollow?**

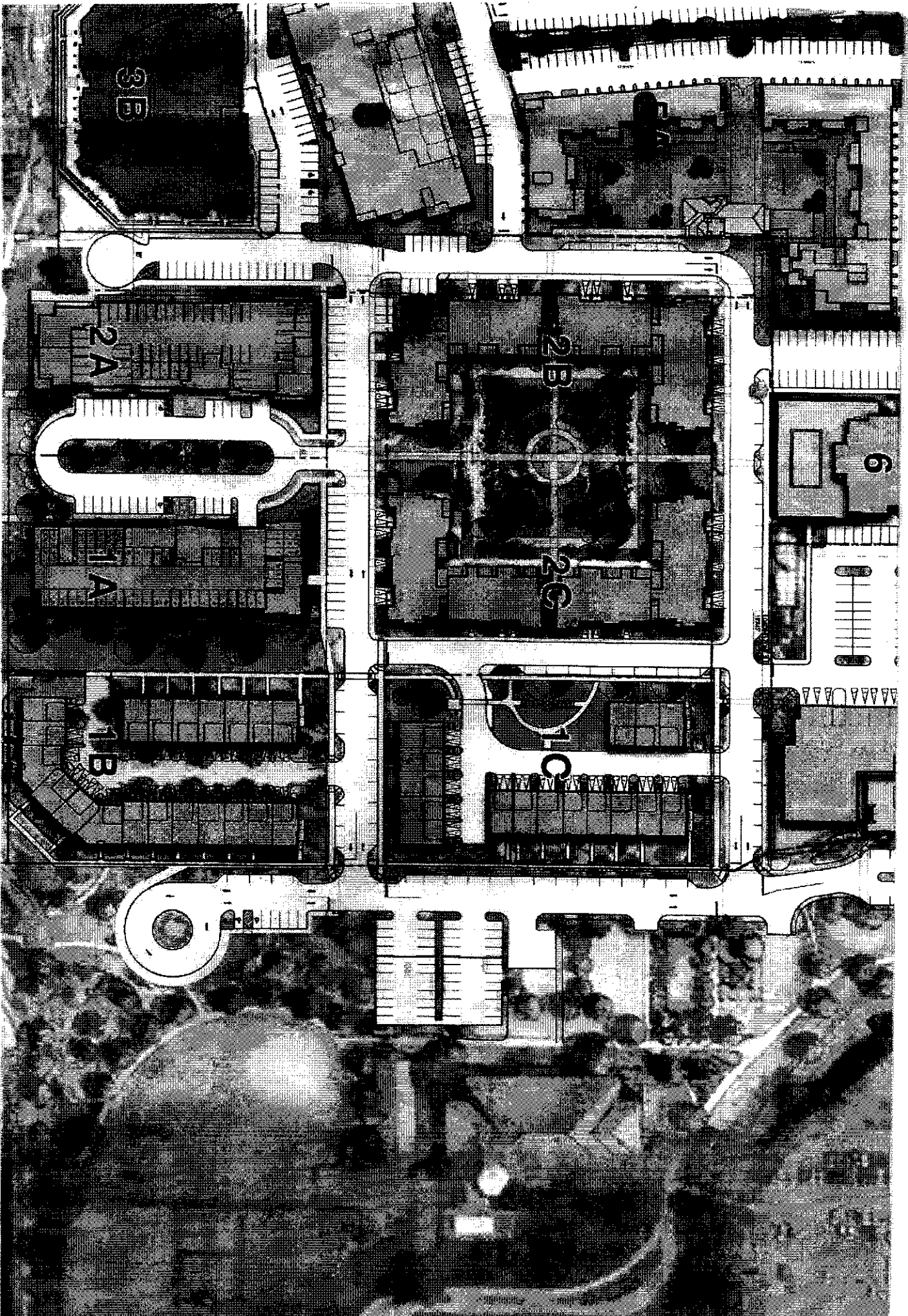
Request for release of Master Plan documents:

It is understandable that due to the passage of time and developer's frequent reconfiguration of the phases that the Board has difficulty in keeping track of whether the project as built complies with the approved Master Plan. For example, at the December 17th work session, the Village Attorney pointed out that she prepared a detailed memorandum laying out the original approval, subsequent approvals and comparing them to the project as built, including the remaining residential units.

I assume the Board understands that it is virtually impossible for Hudson Harbor residents to keep track of these matters. Similarly, we have no basis for knowing what developer's obligations are under the Master Plan entitlements and whether they have been met. Many of the historical entitlement documents are not readily available to the public. It is likely that these documents contain information that will enable us to resolve some of the outstanding project issues without having to bother the Village's professional staff.

During Covid-19 it is not practical to visit the Village's offices to review the documentation. Thus, I respectfully request that the Village post on its website or otherwise make available, the relevant documents, including but not limited to the DEIS, FEIS, Findings Statement, Developer's Agreement, as well as any relevant plans for each of the completed Phases, each as amended. In addition, if appropriate, it would be extremely helpful to obtain a copy of the memorandum prepared by the Village Attorney.

Thank you for the opportunity to provide these questions and comments.



HUDSON HARBOR ILLUSTRATIVE MASTER PLAN

PHOTOGRAPH BY: JAMES H. HARRIS, JR. FOR THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PREPARED BY: JAMES H. HARRIS, JR.

TARRYTOWN, NY

Scale bar: 0 60 120 feet

Graphic: A circle with a dot in the center, representing a well or a specific feature.

1

2

3

Memorandum

To: Tarrytown Planning Board
From: Joyce Lannert
Re: Cooney building site plan application
Date: January 12, 2020

Ferry Landing (FL) has three remaining projects to complete at Hudson Harbor according to the MOA agreed to by the Village Board.

The Cooney Building is just one of them – but FL has also had informal discussions with Planning and Village Board members regarding a change to the second, the Gatehouse project, for which Cotter is seeking an increase in the number of units from the twenty (20) residential units as per the MOA to sixty-six (66) residential units. Mr. Cotter has also had meetings with the residents and separately with the Association presidents in which he stated the same intention.

As for the stable building, Ferry Landing was approved to build a restaurant/café, with 44 parking spaces, in 2015. This additional project, however, was *never* included in Mr. Cotter's remarks to the residents and not referenced again during the first public hearing on the Cooney building.

So - what we, as residents, are looking forward to is a great deal more build-out in the northern part of Hudson Harbor. More build-out, more density, more cars, more traffic. NOT to consider these actions as a whole, not to require a new SEQR on the entirety of the remaining projects, is incomprehensible. Especially as these projects are within 500 ft. of a neighboring municipality with its own project of 1170 residences, hotel, commercial entities, supermarket – none of which existed when the original MOA for Hudson Harbor was executed.

There is still considerable confusion about the square footage, current and proposed, of the **Cooney building** that was not particularly clarified by the architect and his flying illustrations in the first public hearing.

What is of concern is that there appears to be a conflict between the final square footage, 30,000 sq.ft., as alleged by FL's architect and the Village's zoning code. Under

§ 305-24 Definitions.

Words used in this article shall have the meanings indicated in Chapter **305**, Zoning, and, in addition thereto, the following terms shall have the meanings indicated:

and

§ 305-26. Any interior space with a floor-to-ceiling height in excess of 14 feet shall be counted twice.

①

Those areas in the Cooney building where the mezzanine has been demolished leaving ceiling heights *well in excess of 14'* have to be counted as twice the floor space. I'm assuming that this portion of the code was in recognition of the fact that at any time in the future the floors may be re-added as tenancy changes. So we're back to requiring a new SEQR for the Cooney building alone.

The next phase, the **Gatehouse (5-A)**, as presented by Cotter in two meetings with the residents, now consists of sixty-six (66) townhouses in the TZC parking lot, not the original twenty (20) as permitted by the MOA. Presumably these sixty-six unit owners will have cars, some more than one. What number of parking spaces are included in this project? And many of these residents will take River/Division Streets to exit Hudson Harbor, joining their neighbors from The Edge.

Then there's the **café/restaurant/brew-pub** proposed for 5-B. This is all the residents know about this *next next* phase. Offices on top, restaurant on the ground floor – how many people in either space is unknown. Where are the workers/patrons' cars supposed to park? The "site plan", shown on an illustrative rendering offers no detail – except to show parking spaces for this endeavor in the space currently used to park Village DPW trucks. Are they being re-located?

There's a reason for Hudson Harbor residents to be suspicious about Cotter's plans for "parking". He hired a consultant to conduct a "parking survey" in March of 2019 – the results were underwhelming, given the season and the time of day the survey was conducted. For example, only five of the twenty-seven Carriage houses have two-car garages, residents use the street for own additional parking.

Any further reliance on available on-street parking becomes problematic. We did our own survey of available on-street parking in September, 2019. According to this survey there are one hundred and twenty (120) available on-street parking spaces. But like the Carriage house residents, those in LOS and LON rely on these spaces for their second cars. And although there are one hundred and twenty-eight (128) parking spaces *assigned by lease* to the tenants in the Stonehouse and the Lodge – there are only eighty-five (85) available spaces. *Survey attached.*

We've been patient – some of us are "pioneers" who came in 2010 – but it's 2021 and the project is still not completed. I do have sympathy for those in the Carriage houses and One Hudson Way who have been looking at those unfinished parcels for years. But we want a quality finish, one that meets the normal standards of good planning.

The extent of the remaining projects absolutely requires SEQR to address the *cumulative impact* of these remaining three projects. Looking at each project in a vacuum is dodging this responsibility.

Attachment: Hudson Harbor on-street parking survey – September 5, 2019

Hudson Harbor on-street parking survey – September 5, 2019

Hudson View – Southwest side of Rivers Edge	14 (18-4 marked “reserved”)
Northwest side of Rivers Edge	5
Hudson View – Southeast side	10
Lodge driveway	36
Orchard – west side	13
Orchard – east side	13
Rivers Edge – east side	12
Rivers Edge – west side	17 (37-20 marked “reserved”)
Available	120 available on-street parking spaces

Stone House/River Market parking lot	total	85 spaces
Stone House residents	10	
Konica Minolta	22	
Riverstone Yoga	36	
River Market Restaurant	60	
	128	assigned by leases
shortfall	43	spaces

*The portion of Orchard Drive and Rivers Edge that runs east-west is a *private* road. This occurred because of the developer’s failure to correct the land survey after the amendment to the MOA that allowed the construction of Lookout South (LOS) and Lookout North (LON) instead of the additional townhouses as planned.

As a result, the southern property line for LOS runs through *seven* of the front property lines of residents of Hudson Harbor 1, and the southern property line of the Carriage Houses runs through *three* of the front property lines of HH 1 residents. Hudson Harbor 1 Association was required to secure easements from the other two Associations to ensure residents’ access to their own homes.

Liz Meszaros

From: jlannert [REDACTED]
Sent: Thursday, January 14, 2021 2:22 PM
To: Liz Meszaros
Subject: Cooney building et al.

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Planning Board Members:

I was disappointed that in your discussion of the Cooney building at this morning's work session that you did not reconsider requiring that *all three remaining projects* be considered together, given the tremendous amount of development potential remaining in the northern part of Hudson Harbor. During this morning's discussion the point that "cumulative effects" were what was important, rather than the specific elements of one project, it would seem obvious that this applies here, too.

Another point of confusion - with regard to parking spaces for the Cooney building being located on E Street, making the road non-compliant with Village standards, Dan simply stated that "Now that the roads will no longer be public, that's not an issue."

Who said the roads would not be public? Who decided that?

The MOA indicated that they were to be built to Village standards and turned over to the Village at the completion of the project. There has been NO internal discussion in Hudson Harbor, among the five HOAs, about privatizing the roads. So the Cooney building's parking requirement cannot be assumed to be met by siting them along E Street until that issue is settled - yet another reason for considering ALL the remaining parcels at the same time.

We realize here that Cotter "sold" parking spaces along Rivers Edge to Lookout North (LON). But was it even legal for him to do so, given that the roads were to be dedicated to the Village? Is this yet another occasion where Cotter ignores the rules - and there's no consequences?

And one last point. Joan had suggested that it would be a good idea to place public restrooms on that northern public park site adjacent to the RiverWalk. This *would* be a good idea as the public facilities at the Rec Center are far away. And that location, available to the significant number of walkers who take advantage of our lovely RiverWalk, is far better than locating them back by the Gatehouse. In general, in America, public facilities are too often neglected as part of the public landscape - as if, in America, no one ever really needs or uses them.

granted
To PB.
1/15/21

Liz Meszaros

From: Gary T.A. Connolly
Sent: Wednesday, January 13, 2021 4:03 PM
To: Liz Meszaros
Subject: FW: Cooney Building

Importance: High

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Good Afternoon Ms. Meszaros,

I am the President of the HH Lighthouse Condominium Board of Managers and wholeheartedly agree with my residents (One for example see below). This issue is a quality of life, safety, and environmental issue for our residents and neighbors.

We are the MOST impacted by this and we certainly hope we can be heard by your committee and plead that you please approve the proposed plans!!!

Most Sincerely,

Gary



Gary T.A. Connolly | Director, Multiple Listing Service & Information Systems

Hudson Gateway Association of REALTORS®
OneKey Multiple Listing Service LLC

| t 914.681.0833

| f 914.681.9202

| e Gary.Connolly@HGAR.com

Liz Meszaros

From: Paul Konowitch [REDACTED]
Sent: Wednesday, January 13, 2021 12:58 PM
To: Liz Meszaros
Subject: Cooney Building

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Dear Ms. Meszaros,

I purchased my unit at 45 Hudson View Way in September of 2018 and this is my primary residence. I wholeheartedly support the plan to renovate the Cooney building and to allow Joe Cotter to complete the work as soon as possible.

The existing Cooney building is such an eye sore and an embarrassment for the residents that live in our building. Once the bridge contractors vacated the premises at the Cooney building, it was my hope that things could be addressed very quickly. I know approvals have to be done properly and that these things are taking longer during Covid, but it has been an ongoing hardship for those that live here and we are losing our patience. I am reminded of the poor condition of the building and the negative feelings I have each time I arrive or depart using the garage entrance or go to the lobby to pick up packages or mail. Friends that know me who had been visiting prior to Covid, would ask me what is it like to live across the parking lot from such a ugly and unmaintained building.

Frankly, I don't understand why anyone is opposed to these improvements since the benefits to all in the community far outweigh any potential issues. Other residents have beautiful landscaping to look at and we have an ugly beat-up building to view.

Please hear our desperate cry to make this a top priority and move forward with the proposed plans.

Thank you.

Paul A. Konowitch
45 Hudson View Way, [REDACTED]
Tarrytown, NY 10591
[REDACTED]
[REDACTED]

Liz Meszaros

From: MICHAEL COHEN [REDACTED]
Sent: Wednesday, January 13, 2021 3:01 PM
To: Liz Meszaros
Cc: [REDACTED]
Subject: Cooney Building

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Dear Ms. Meszaros;

Hope you are well. Please assist such that the Planning Board reads this.
Thanks!

Dear Board of Trustees,

We are pleased to learn that National Resources has submitted to the Village Building Department its proposed schematics and plans for the Cooney building renovation.

✓ The Board of Directors for One Lighthouse Way Homeowner's Association, and many of our residents, have had the opportunity to review those proposed schematics. After reviewing the plans and discussing them with many of our residents, the Board would like to express on behalf of our residents our overwhelming desire that the Village approve the proposed renovation of the Cooney Building on an expedited basis.

Aside from the Cooney building and its lot being an eyesore in the community, our residents have also raised security and public health concerns arising as a result of the building being unoccupied. The residents of One Lighthouse Way are uniquely affected by the vacancy because our homes are right next to the Cooney building. As you may know, we had previously raised many of these issues with Mr. Slingerland on a zoom conference on June 26, 2020.

We believe that approval of the proposed renovations to the Cooney Building will alleviate our health and safety concerns and cap-off an already beautiful waterfront community development. So again, we strongly support the final phase of Hudson Harbor and hope that the Village acts expeditiously in its approval process.

Best

Mike Cohen : Treasurer / 1 Lighthouse Way HOA

Public Comment - Cooney

Liz Meszaros

From: [REDACTED]
Sent: Wednesday, January 13, 2021 12:37 PM
To: Liz Meszaros
Subject: Cooney Building Application

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Dear Planning Board Members,

We live at 45 Hudson View Way, Apt 403 and previously resided at 18 Rivers Edge Drive, Apt 410. We listened to the last meeting of the Planning Board which included comments by residents of Hudson Harbor.

Although we will admit that Joe Cotter and National Resources have not fulfilled all promises, they have created a beautiful community that we are proud to call home. We strongly believe the application regarding the Cooney building needs to be approved expeditiously.

The other residents of our building have already outlined the reasons the completion of the Cooney building is necessary for our safety and well being. The people opposed do not live directly across from this eyesore and clearly have their own agendas that have more to do with punishing Mr. Cotter for his perceived misdeeds than protecting us. The result is they are holding us hostage to make a point.

The plans for the Gatehouse should not be necessary for you to help us get the Cooney Building project started.

We hope you will consider our issues paramount in your decision.

Respectfully,

Dr. Mark Kashen and Mrs. Sharon Kashen

*Mailed
to PB
& COT.*

Public Comment - Cooney

Liz Meszaros

From: Tarrytown NY via Tarrytown NY <cmsmailer@civicplus.com>
Sent: Wednesday, January 13, 2021 8:32 AM
To: Liz Meszaros
Subject: Form submission from: Contact Us

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Submitted on Wednesday, January 13, 2021 - 8:31am
Submitted by anonymous user: 108.14.231.87
Submitted values are:

What does this comment regard: Community Planning
Please include any questions or comments:
January 13, 2021

Dear Tarrytown Planning Board,

I have lived at 45 Hudson View Way since August of 2018, one of its first inhabitants. After viewing the last planning board meeting in December, I wish to express but three brief points:

I had the pleasure of seeing the numerous Tappan-Zee (TPZ) trailers out from my window and patio (and they had a bird's eye view of my environment) every day for one and a half years. Thankfully, they filled those vacated spaces with gravel thereby greatly reducing the number of rodents and mosquitoes in the area but the latter still pose a health problem as the number of bites remain huge and the potential for disease they may carry is real. Professional sprays, electric zappers, ultrasonic misters do not deter them. The TPZ people knew this and as a parting gift, they graciously gave me extremely strong industrial strength pellets to put in whatever puddles/swamps that remained in the parcel to kill the larvae. I have hesitated to use it for fear of possibly harming other animals/people. These important health issues aside, I too have seen people urinating by the fence netting especially when the weeds grow taller.

The Cooney Building has not only been a perennial eyesore (who doesn't love looking at an abandoned dilapidated building every day?) but serves as a hangout spot for young adults/teens in the warmer months. The beer cans and other debris they leave only add to the charm of the neighborhood. There is also a need for formal streets and sidewalks for safety.

I am a practicing physician in this community. I treat patients with covid-19, heart attacks, pneumonia, etc. and can answer most medical questions germane to my practice. I know little to nothing about town planning, building codes, and the like, hence, need to put my faith in you (just as a person puts faith in their physician) and trust you to make certain the builders submit the required paperwork and obtained their permits. The builders having done so, I feel it is not the Planning Board's task to impede their proposed work. PLEASE oversee their work so they meet standards and building codes but delaying the work that has already been approved serves our community not and ensures continued suffering for those of us who live here.

I sincerely thank you for your time,
Rafael Soltren, MD

==Please provide the following information==
Name: Rafael Soltren

Liz Meszaros

From: Kevin Duignan
ent: Wednesday, January 13, 2021 8:02 PM
To: Liz Meszaros
Subject: Approval of Cooney Building Plans

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Tarrytown Planning Board Members,

I write to implore you to proceed with the approval of the plans for improvement of the Cooney Building. As a 25 year resident of Westchester and two year resident of the beautiful Hudson Harbor development I am shocked and embarrassed that the Town would allow the building to remain in its current state which is both visually disgraceful and clearly dangerous.

I listened and participated in the Planning Board meeting on December 28th and was disappointed in those that objected to approval of the plans. They have an agenda that is clearly aimed at delay without any aimed at finding a realistic and acceptable solution and outcome. They are invested in finding flaws in the plans when the obvious flaw is the continued existence of the building in its current state. Why should their delay tactics be rewarded while the rest of us have to suffer the consequences?

I am fortunate to live in the wonderful town of Tarrytown and specifically in the Hudson Harbor waterfront community. This is an area that Tarrytown should be proud of and it has clearly been an attraction for thousands of residents and visitors, especially during the pandemic. It is an oasis. But it is an oasis with a dangerous eyesore at its center. When you drive over the H bridge it is the first thing you see. Is this the image that we want to promote? Was it ever conceived that we would go years with the building in this state? Are you going to wait for a child to fall off one of the loading docks before you acknowledge that these issues could have been resolved by approving the plans?

I am invested in this community - literally and figuratively - and like all of you, I am looking for ways that we can continue to improve our community. There is an opportunity to make a significant improvement to Tarrytown's beautiful waterfront right in front of all of us yet delay seems to be the favored path. I hope you will see the greater good of approving the plans so that the improvements can begin and be concluded in as expeditious a manner as possible so that all of us can enjoy the benefits. It's what Tarrytown's residents deserve.

Respectively,

Kevin Duignan
45 Hudson View Way
[REDACTED]
Tarrytown

January 13, 2021

Dear Board of Trustees,

I am pleased to learn that National Resources has submitted to the Village Building Department its proposed schematics and plans for the Cooney building renovation.

I have had the opportunity to review these proposed schematics. I would like to express my overwhelming desire that the Village approve the proposed renovation of the Cooney Building on an expedited basis.

Aside from the Cooney building and its lot being an eyesore in the community, I have also raised security and public health concerns arising as a result of the building being unoccupied. The residents of One Lighthouse Way are uniquely affected by the vacancy because our homes are right next to the Cooney building. As you may know, we had previously raised many of these issues with Mr. Slingerland on a zoom conference on June 26, 2020.

I believe that approval of the proposed renovations to the Cooney Building will alleviate our health and safety concerns and cap-off an already beautiful waterfront community development. So, again, I strongly support the final phase of Hudson Harbor and hope that the Village acts expeditiously in its approval process.

Sincerely,

Nilou Mobashery, MD. MS
45 Hudson View Way
Unit 306
Tarrytown, NY 10591

Public Comment - Cooney

45 Hudson View Way #409
Tarrytown NY 10591
January 13, 2021

Planning Board
Village of Tarrytown

Dear Board Members:

We are asking you to approve the Ferry Landings (Cooney Building) project expeditiously.

As residents of Hudson Harbor, who live adjacently to the Cooney Building, we were dismayed to hear several members of your committee make comments that were not supportive of getting this project done in a timely manner during your Dec. 28, 2020 meeting.

The overall Hudson Harbor Development has been a great addition to our Village. The Riverwalk, Community Recreation Center, playground, outdoor concert venue and restaurants are enjoyed not only by Tarrytown residents but people from the entire area. However the project needs to be finished so that the remainder of the Hudson Harbor development looks as good as the initial and public spaces. The 45 Hudson View Way building sits next to a neighborhood blight. This was acknowledged by the Planning Board during the Dec. 28, 2020 meeting. The Cooney Building is vacant and deteriorating. The adjoining property is surrounded by a chain link fence and overgrown brush. This situation generates health issues. Garbage, vermin and standing water are commonplace and omnipresent. I'm not aware of any other residential neighborhood in Tarrytown that is subject to these same conditions. Safety is also an issue since there are no sidewalks in this north portion of Hudson Harbor or permanent roads.

There is money in escrow and a timeline in place, that is long past, to put in the pocket park that will improve some of the vacant lot north of the Cooney Building. There is an approved plan to finish the Hudson Harbor Development including the Ferry Landing project.

We urge you to take steps to approve this project, including the pocket park, and get the remainder of this project completed. I think that all residents of Hudson Harbor are tired of living with the mess and disruption of construction and most importantly the residents of 45 Hudson View Way deserve to have action taken to immediately improve the poor conditions that we are currently living under. This project has been ongoing for over 14 years and it needs to be completed as soon as possible.

Sincerely,
Richard and Elizabeth Petrucci

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