

Planning Board
Village of Tarrytown
Regular Meeting
March 27, 2023

PRESENT: Chair Raiselis, Members Friedlander, Aukland, Gaito, Mendez Boyer,
Counsel Addona; Planner Galvin, Secretary Meszaros.

ABSENT: Alt. Member Mezey, Village Engineer Pennella

Ms. Raiselis called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES - December 27, 2022

The December 27, 2022 minutes will be considered when there is a quorum of members present.

APPROVAL OF MINUTES - February 27, 2023

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, with Dr. Friedlander abstaining, to approve the minutes of the February 27, 2023 meeting, as submitted.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Abstain
Member Gaito:	Yes
All in favor. Motion carried.	4-1 (abstention)

Ms. Raiselis announced the following adjournment:

First Korean Methodist Church of NY - 500 South Broadway

Site plan approval for the construction of a parking lot with related stormwater and site improvements to include ingress and egress access from properties located at 14 and 18 Walter Street, respectively.

CONTINUATION OF PUBLIC HEARING – JCC on the Hudson, Inc.– 425 South Broadway

Adam Weiss, the CEO of Shames, JCC, appeared before the Board. Mr. Weiss stated that the JCC is a community organization and their mission is to add value to the community by providing services and programs to a majority of the residents of Tarrytown, including the senior population. The completion of this site is critical in order for the JCC to thrive. He thanked the Board for the conversation over the past few months. He noted that there are some open issues with the upcoming NYSDOT construction and road widening project and advised that the JCC is committed to addressing these issues when they arise.

Ms. Raiselis acknowledged receipt of the sidewalk proposal which provides access from the public sidewalk on Broadway to run along the south side of the property and connect to the internal courtyard sidewalk. She was pleased with the added sidewalk since it addresses the Village's Comprehensive Plan to provide connectivity to make it safer for walkers and bicyclists.

There were no further comments from the Board.

Ms. Raiselis asked if anyone in the public wished to comment on this application. No one appeared.

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Dr. Friedlander read through portions of the draft Resolution and noted that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted March 27, 2023)
Application of JCC on the Hudson, Inc.

Property: 371 & 425 South Broadway (Sheet 1. 140, Block 88, Lot 4 in Zone LB)

Resolution of Site Plan Approval

Background

1. The Jewish Community Center on the Hudson, Inc. (JCC, the Applicant) requests amended site plan approval for a 13,000-sf interior renovation to the east end portion of the building to include a café, theater/event space, kitchen, bathrooms, office and storage located at 425 South Broadway. Applicant has also amended his site plan application to include request to install updated playground equipment in the same general area as existing playground between JCC's two buildings at 371 and 425 South Broadway.

2.The Planning Board determined that the Project was a Type II action based on 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”*. The Planning Board sent a GML referral on January 23, 2023 to Westchester County Planning for this application. Subsequently, the Applicant amended his application on February 10, 2023 to include the updating and expansion of the playground. The Planning Board at its meeting on February 23, 2023, determined that this action was also a Type II action *based on 617.5(c)(9) “construction or expansion of a primary or accessory /appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area”*. The total size of the playground equipment which is non-residential is 1,282 sf and, therefore, qualifies as a Type II action.

3.The Planning Board opened a duly noticed public hearing on January 23, 2023 and continued the public hearing on February 23, 2023 and March 27, 2023, at which time all those wishing to be heard were given the opportunity to be heard.

4.The Planning Board has carefully examined the Application including the Applicant’s cover letters dated January 5, 2023, February 10, 2023, February 23, 2023 and March 14, 2023, the *Environmental Clearance Form* and the *Zoning Compliance Form*, photographs of the site and surrounding properties, views of the playground area, the *ZBA minutes of April 10, 1995* regarding interpretation of Playground as an accessory use, *Architect’s Amended Site Plan* showing interior uses, parking calculations and parking chart (2/10/23), *Plans (3/7/19) for the approved West Parking lot Expansion, Playground Elevations*, and photographs of playground equipment, *Kimley Horn Parking Report (10/25/22)* and updated Report (2/10/23) with vehicle counts and actual February 2023 Building Occupancy, *Kimley Horn Estimated Actual Parking Demand* with updated parking ratios and parking analysis based on follow-up site visits, *Kimley Horn Recommended Parking Demand Calculations (February, 2023)*, *Conceptual Sidewalk Plan* for pedestrian access to building from Rte. 9 (3/16/23), and *Land Banked Spaces (2/24/23)*.

5.The Planning Board has received comments and recommendations from the Village Consulting Planner in memoranda dated February 13, 2023, and March 13, 2023, and from the Building Inspector/Village Engineer in revised Denial letters dated November 7, 2022, January 9, 2023, February 1, 2023, February 22, 2023, and February 23, 2023.,which they have considered.

6.The Planning Board at its February 27, 2023 meeting approved a resolution memorializing the parking calculations and waiver reducing the amount of required parking to 83 parking spaces. The resolution allowed the Applicant to proceed to the ZBA for the 83- space area parking variance and 100’ special setback from South Broadway.

7. The Applicant appeared before the Zoning Board of Appeals on March 13, 2023. The ZBA reviewed the Applicant's request for a parking variance of 83-spaces and the 100' setback variance from Route 9 (South Broadway). After review of the Planning Board Resolution dated February 23, 2023, and consideration of the Applicant's request, the Zoning Board of Appeals closed the public hearing on March 13, 2023, and granted an 83-space parking variance and 61-foot playground setback variance (from Route 9). The ZBA also recommended to the Planning Board that the Planning Board attach as conditions to any approval a requirement for land banked parking, and post-approval review of the JCC's parking after full occupancy of the building and completion of NYSDOT's Route 9 improvements.

8. The Applicant received approval from the Board of Architectural Review on March 15, 2023, for the installation of the replacement playground equipment and play surfaces between JCC's two buildings at 371 and 425 South Broadway.

9. The Planning Board closed the public hearing on March 27, 2023. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board finds that the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's amended application, site plan, parking studies and the submitted plans. In 2015, JCC obtained a re-approval for a 29,000-sf renovation to the existing building which included the now 13,000-sf that is being submitted as part of the amended site plan application. The proposed action is an amendment to an existing site plan for the completion of the 13,000-sf interior renovation to the east end portion of the building to include a café, theater/event space, kitchen, bathrooms, office and storage located at 425 South Broadway. The work is entirely interior work with no change to the building's height or massing. There would be no expansion of the building's footprint based on the current plans submitted. The existing exterior walkway was constructed as part of the previous renovation.

The Planning Board reviewed the proposed renovations for consistency with prior approvals, and to ensure that there was sufficient parking. The Planning Board approved an additional 28 spaces by resolution on August 28, 2019. This was accomplished by the expansion of the West

Parking Lot. This increased the total number of parking spaces from 153 to 181 spaces. The Planning Board reviewed the proposed uses in the existing building including the theater/event space which would be used mainly in the evenings, outside of the JCC's regular daytime hours of operation for its busiest programs. The café will provide an area for members to congregate and eat a snack or light meal before or after enjoying one of the JCC's programs, it is not designed to be a destination by itself or to draw foot traffic.

The Planning Board has reviewed the *Amended Site Plan*, prepared by Studio Architecture, showing the interior uses and parking calculations – this shows the parking requirements based on "Place of Assembly" and pre-school and sensory room in Building B (552 spaces) and the actual parking spaces of 181 spaces. The Chart entitled "*Estimated Actual Parking Demand*," prepared by Adam Weiss, CEO of the JCC shows that actual parking demand does not exceed 150 vehicles based on expected capacity and the scheduling of activities. On weekdays, the highest demand by existing use is 140 vehicles from 8am – 2 pm and in the evening from 7pm – 8 pm (147 vehicles).

Applicant's *Drawing SP-1*, shows the parking space layout last approved by the Planning Board in 2019. It shows the completed Phase 1 and the Phase 2 which is described in the amended site plan application. The *Parking Report* prepared by Kimley Horn, dated October 25, 2022, was reviewed by the Planning Board. Kimley Horn conducted parking counts on Wednesday October 12, 2022. The *Kimley Horn Parking Study* reviewed the current usage of the JCC facility to ensure that the current parking counts were not unduly influenced by COVID-19. The JCC has been running a full assortment of programming during this period.

Kimley Horn noted that there are 28 more spaces than the original 151 spaces for the entire facility, and that there were approximately 75 parking spaces available during peak periods on a normal day and that there is ample parking available even factoring for some amount of lesser activity due to COVID. Prior to 2020, the JCC required parents to park and escort their children into the facility for pre-school, camp, and after-school programs, the JCC now utilizes a system of curbside drop-off and pick-up. Employee parking is no longer directed to the neighboring streets.

The Applicant submitted additional information requested at the Planning Board's January meeting. Kimley Horn submitted an update to the parking information. They added last two columns on Chart "*Estimated Actual Parking Demand*" with updated parking ratios and provided *Updated Parking Analysis* based on follow-up visit to the site. Kimley Horn conducted additional am and pm counts; counted building occupancy in all spaces; and confirmed calculations of parking demand. February parking counts peaked in the morning at approximately 10:30 AM, when 120 vehicles were observed to be parked for facility activities. In the afternoon, parking peaked at approximately 5:00 PM, when 113 vehicles were observed to be parked. The February and October counts are generally consistent with each other and, most importantly, both of these counts are well below the 181 parking spaces provided.

Kimley-Horn has prepared recommended *Parking Demand Calculations* based on a combination of Village Code-required parking and ITE Parking Generation rates based on the mix of uses at JCC. Their determination of the appropriate parking generation rates and discussion of the process was provided in their Chart “*Estimated Actual Parking Demand*” on Sheet A 010 (*Amended Site Plan*). As indicated in the table, when the parking ratios are applied to the areas of the uses (gross square feet for non-public-assembly uses - back of wall to back of wall, rather than net front of wall to front of wall), a total of 181 parking spaces are required. Kimley-Horn’s follow up counts and actual data for actual building usage confirm a peak parking demand of fewer than 155 vehicles.

At the request of the Planning Board, the applicant submitted a land banking plan showing that the Applicant has the area to accommodate 68 additional parking spaces if needed as a precaution. The Applicant is also working on an agreement with Montefiore for parking as another precautionary layer. The Village Engineer has reviewed and agreed that the Applicant has sufficient room in the land banked parking area for the required tree plantings. If the land banked parking is needed, the applicant will need two islands in each row and there is 15 feet between the parking area and property line which provides room to fit the landscaped islands and maintain the necessary parking. *Drawing A012* shows the “Land Banked Spaces” area for 68 parking spaces.

Applicant has amended his site plan application to include a request to install updated playground equipment in the same general area as existing playground between JCC’s two buildings at 371 and 425 South Broadway. Application has been amended to include *Replacement of the Playground*. *Sheet A010 (Site Plan)* shows the breakdown of the individual pieces of equipment and coverage in the Playground. The total coverage of the playground equipment is 0.44% which is less than 1% as required by the Code. The total size of the pieces of equipment is 1,282 sf. Applicant also provided an elevation showing the views of the top of the playground equipment from Route 9, and a colored rendering depicting all the various playground pieces. The applicant required a variance from the ZBA for the 100’ setback from Route 9 (South Broadway). The ZBA granted these variances at its meeting on March 13, 2023. The ZBA also recommended to the Planning Board that the Board attach as conditions to any approval a requirement for land banked parking, and post-approval review of the JCC’s parking after full occupancy of the building and completion of NYSDOT’s Route 9 improvements.

At the request of the Planning Board, a *Conceptual Sidewalk Plan (CSP-1)* has been developed showing a demolition plan and the implementation of a 4’ wide sidewalk extending approximately 186’ from Route 9 down the southern side of the JCC driveway bordering the hotel property to the crosswalk at the end of the driveway leading to the existing JCC building.

II. Approved Plan:

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

Plans prepared by Studio Architecture for *JCC on the Hudson, 425 South Broadway, Tarrytown, NY 10536*, dated 2/10/23, unless otherwise noted entitled as follows:

- SP-1 “*Materials & Grading Plan, West Parking Lot Expansion, JCC on the Hudson*” dated 3/7/19 and last revised 6/21/19
- A010 “*Amended Site Plan*” SP-2 “*Planting Plan, West Parking Lot Expansion, JCC on the Hudson*” dated 1/5/23
- A011 “*Site Plan Playground*”
- A012 “*Land Banked Spaces*” dated 2/24/23 and last revised 2/27/23
- A300 “*Elevations Playground*”
- CSP-1 “*Conceptual Sidewalk Plan*” dated 3/16/23
- “*JCC Playground Colored Rendering*” prepared by Environment Design dated 7/26/22

(the “Approved Plans”).

III. General Conditions

(a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plans (“Final Site Plans”):

- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions

1. Prior to issuance of a Certificate of Occupancy, the Conceptual Sidewalk Plan depicted in *Drawing CSP-1* shall be implemented to the satisfaction of the Village Engineer.
2. Applicant shall return to the Planning Board in one year from their approval and after full occupancy of the building and completion of the NYSDOT Route 9 improvements (and potentially two years if the NYSDOT project is not fully complete one year from Planning Board approval) with a traffic and parking update study so that the Planning Board can evaluate the impacts of the NYSDOT improvements on JCC circulation and parking and determine if the land banked parking spaces need to be implemented with required tree plantings based on *Drawing A012*.
3. Applicant shall not schedule large events in the theatre in conflict with other JCC events in the building and should be required to notify the Police Department when a large event is planned in the theatre. The Planning Board reserves the right to evaluate and add greater specificity as to what constitutes a large event after review based on condition #2.

Mr. Aukland raised a concern about defining what constitutes a large event. A brief discussion took place. Language was added to clarify specific condition #3 as follows: "The Planning Board reserves the right to evaluate and add greater specificity as to what constitutes a large event after review based on specific condition 2".

Mr. Aukland moved, seconded by Mr. Gaito, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

NEW PUBLIC HEARING - Gracemere Partners, LLC – 00 Browning Lane

Ms. Raiselis read the following public hearing notice into the record.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, March 27, 2023, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Gracemere Partners, LLC
17 Saw Mill River Road
Hawthorne, NY 10532

For site plan approval for the demolition of an existing single-family residence and the construction of a new single-family residence.

The property is designated as Lot 1 - 00 Browning Lane, Tarrytown, NY and is shown on the tax maps as Sheet 1.190, Block 112, Lot 35.1 and is located in the R-60 Zoning District. Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required from the Architectural Review Board.

Dated: March 3, 2023

Lizabeth Meszaros
Secretary to the Planning Board

The mailing receipts were received and the signs were posted.

Brandon Zappi, P.E., with Zappico Real Estate Development, appeared before the Board representing the land owner and applicant. He presented the site plan and showed the existing lot at the southern end of Browning Lane where it intersects with Gracemere by Emerald Woods. This property in question is identified as Lot-1 of the 9-Lot Subdivision which was approved by this Board back in November of 2014, referred to as the Jardim Estates East Subdivision. Most of the lots are located down the road in the area where the new road will be built. They are proposing to demolish the existing structure on Lot-1 and rebuild a new single-family home on the lot. The lot is just under one acre and will be serviced by municipal water and sewer utilities as well as propane gas for heating and cooking. This proposal will have less impervious surface in post construction. He showed the existing 2-story structure and the proposed 2 ½ story structure and the existing driveway which will be removed. That driveway served as a common driveway for the three-family stone house to the south. He showed the small patch of steep slopes that will not be disturbed. They are proposing to remove six (6) trees which were approved for removal back in 2014. The home itself will be smaller and is located in the same location. It is not in an area of high ground and it is not located in a critical environmental or coastal area, and there is no historic significance related to this property. He showed the Streetscape of the existing home. Dr. Friedlander asked about the stone house in the back. Mr. Zappi showed that lot and noted that he does not own it. Mr. Zappi said that after site plan approval for this lot, they will move forward to the ARB for their approval.

Ms. Raiselis opened the public hearing. She advised that information was received this afternoon that has not been reviewed which is part of the bigger picture that the Board needs to understand.

Ms. Mendez-Boyer moved, seconded by Mr. Gaito, to declare this a Type II action with no further environmental review required under SEQRA.

The secretary recorded the vote:

Member Gaito:	Yes
Member Friedlander	Yes
Chair Raiselis:	Yes
Member Aukland:	Abstain
Member Mendez-Boyer	Yes
Motion carried. 4-1 (abstention)	

Mr. Gaito moved, to set an escrow in the amount of \$3,500.00, seconded by Dr. Friedlander.

The secretary recorded the vote:

Member Gaito:	Yes
Member Friedlander	Yes
Chair Raiselis:	Yes
Member Aukland:	Abstain
Member Mendez-Boyer	Yes
Motion carried. 4-1 (abstention)	

Counsel Addona advised the applicant that there are some outstanding items with the subdivision itself which the Planning Board discussed at their last work session. She acknowledged the applicant's submission to the Village Administrator earlier today but did not know if it they intended it to be sent to the Planning Board. She advised that the submission will be reviewed as part of this application because this property is part of the subdivision.

Brian Zappi, P.E., joined Brandon Zappi at the podium and advised that he submitted the letter with attachments earlier today and they have given it their best effort to provide the documentation. They believe that all of these items, previously a part of the subdivision, have been addressed in their entirety, are documented in their memo. He understands that it was received today and has no objection to the Board or Counsel reviewing the submission.

Ms. Raiselis advised that they do want to review the submission.

Brian Zappi advised that they are making their best effort and are trying to do everything they can to address whatever the village feels has not been addressed, but that should not affect this individual lot, in terms of the health department, and in terms of the entire subdivision resolution, approval of this lot should not be affected. Counsel Addona asked the applicant when the subdivision conditions will start getting incorporated into the lots that are being developed? How long does the village go down this line until we get to the issues that are outstanding on this subdivision? Brian Zappi advised that the items will be addressed when they come in to discuss the new homes that are relative to the new road that has to be built, which will require new water and sewer utilities. This property before you is located on an existing road and they feel it should not be involved. They are making their best effort and are looking to move forward with this application conditioned upon resolving the items.

Ms. Raiselis said the Board will be moving forward. The 5 pages of notes that were received today will have to be reviewed and discussed at the next work session, with Counsel and Mr. Pennella, the Village Engineer, not present this evening. Brian Zappi stated that the Board should take their time to review but advised that this application has been delayed a little bit due to a technicality and they are trying to see the project move forward. By no means is he pushing the Board, it is just a request.

Ms. Raiselis said the Board will do whatever is necessary to get these matters settled so that everyone is happy. Brandon Zappi asked if the Board could possibly close the public hearing.

Ms. Raiselis said we still have the documentation to review. It is a fair question, but the answer is no.

Ms. Raiselis asked if the Board Members or staff have any questions or comments. There were no questions or comments at this time.

Ms. Raiselis asked if the anyone in the public wished to comment.

Public Comment #1 – Please see “Attachment A” to these minutes.

Linda Viertel, a resident of Gracemere, read a letter into the record expressing her concern about the poor road and property conditions in the area and the lack of maintenance by the applicant. The full letter with attachment and a PowerPoint presentation is included in Attachment A. The PowerPoint presentation shows pictures of a large fallen tree, several photos of the deteriorated road conditions from a prior rain event, and the current deteriorated road conditions. Ms. Viertel added that she has a dozen more photos which she could share but most of the Board is familiar with this area, and, if they dare, they can come down and see what it is like.

Brian Zappi came up and noted that the speaker raised some good points. There is definitely some work that needs to be done. He advised that they have met with both Mr. Pennella, the Village Engineer, and Village Counsel roughly a year ago and he would like the public to know, for the record, that they have tried, since day one, to work diligently with the village to get everything up to par in this area. They have sent over a dozen emails to the village trying to get the ball rolling which have gone unanswered. Brandon Zappi added that, despite the fact that the road does not have anything to do with this application, it is a misconception that they purchased that road property and, even though the previous owner of these lots maintained the common area, it was not purchased as part of that package.

Counsel Addona stated, for the record, that she strongly disagrees with Mr. Zappi's characterization that there were delays on the part of the village that prevented improvements being made. She referred to Village Counsel, Kathy Zalantis' letter on behalf of the village, asking the applicant to reach out to the residents in the area in order to try to resolve some of these issues. It was noted in the letter that the prior owner used to do some minor work on the road filling in potholes, etc. in order to avoid situations. The village asked the applicant to do the same thing as the prior owner and we have all heard the public response as to what has happened in this area. To say this is on village, is very frustrating.

Brandon Zappi advised that the reason they addressed their response to Mr. Slingerland is because he is aware of the unanswered emails, which began when they tried to set up a meeting last year to discuss ways to move forward and get the road taken care of. The

unanswered emails were all sent to Mr. Slingerland. Maybe Counsel Addona was not aware of them, but it is all on the record.

Counsel Addona clarified with Brandon Zappi, for the record, that there were meetings with Kathy Zalantis and Dan Pennella, late last year, to discuss these issues and how to move forward. Brandon Zappi agreed.

Ms. Raiselis asked if anyone else in the public would like to comment.

Public Comment #2 – Please see full letter included as “Attachment B” in these minutes.

Elizabeth DeDonato, who lives in the Gracemere neighborhood, read a letter into the record expressing her concern with the poor road conditions and lack of maintenance in Gracemere by the applicant.

Ms. Raiselis asked if there was anyone else in the public who wished to comment. No one appeared.

Ms. Raiselis commented that the Board will review the information submitted for discussion at the next work session. The public is invited to attend.

Dr. Friedlander moved, seconded by Mr. Gaito, to continue the public hearing.

The secretary recorded the vote:

Member Gaito:	Yes
Member Friedlander	Yes
Chair Raiselis:	Yes
Member Aukland:	Abstain
Member Mendez-Boyer	Yes
Motion carried. 4-1(abstention)	

ADJOURNMENT

Mr. Aukland moved, seconded by Dr. Friedlander, to adjourn the meeting at 7:40 p.m.
All in favor. Motion carried. 5-0

Liz Meszaros, Secretary

Attachment A
Public Comment
00 Browning Lane Site Plan Application
Public Comment #1 - Linda Viertel

Linda Viertel - Public Comment c 3/27/23
P.B. mg.

Zappi: (show photos of tree and road at end of presentation)

Linda Viertel: 8 Gracemere. The document you have before you is a letter Tarrytown's counsel wrote to Zappico on November 15th 2022 after a meeting with our Village Administrator, Village Counsel and Village Inspector/Engineer. I had requested the meeting due to plowing, road and tree issues on ZappiCo's Gracemere property which were concerning to all Gracemere residents, especially given that one resident is 100 years old, another is 96 and there have been several medical emergencies when EMT, police and fire services needed access to these homes. Winter plowing was a paramount issue which the HSA had done in the almost 35 years we have lived on our property, and none of us knew whether that would continue now that Zappi Construction owned the HSA homes, land and roads.

In it, you will also note that Ms. Zalantis states: *The Village suggests that Zappico contact Ms. Viertel directly to discuss plowing and limited maintenance of the roads before and during the construction period for the lots. If necessary, the Village would be willing to facilitate discussions between Zappico and the residents but the Village believes it would likely be a more productive and fruitful dialogue if these conversations took place directly between you, as the developer, and the current residents. Thank you for your attention to this matter. I never heard from Mr. Zappi nor do I know if there was any response to Ms. Zalantis' letter on behalf of the Village.*

As the photos and written commentary will show, Jim Zappi has been a derelict property owner in Gracemere. He has allowed his land and houses purchased from the HSA to become degraded and demonstrates a total lack of responsibility to the neighborhood we all live in and treasure, some of us for over 60 years, others for over 35, and still others moving in relatively recently because they love the remote, old-world feeling of our little enclave. At least when the HSA owned the property, roads got patched, trees got removed, requests

for clearing the stream were heeded, the road was plowed, and, there were responsive people either on site or nearby who took care of problems. Not so any longer; Gracemere now has an "absentee landlord" who has let pipes burst in Greystone Hall so that water flooded Mr. Cohen's property. Zappi has said, "I don't have insurance" to cut up and remove a tree that fell on a neighboring property. (I've never heard of a development company that doesn't have insurance! But, the Village should certainly have proof that ZappiCo has insurance before allowing a tear down permit, that's for sure.) And, as you can see from the following photos, that tree on his property has been sitting there for months, looking unsightly. It should have been removed immediately. We all remove trees that fall on our properties or unto our neighbors; we take good care of our woods and help our neighbors. Mr. Cohen once mentioned to me that he believes he's spent close to a quarter of a million dollars caring for the meadow he doesn't own across the street from his home- pruning trees, removing dead trees, even cutting the grass himself when he moved in over 60 years ago. We've all been doing our part to keep up our neighborhood: I've cleaned road and stream grates, others have tried to fill potholes and place cones in deep road holes to avoid tire damage, but the Zappis have done nothing to maintain their Gracemere properties and don't seem to care.

Here's what the ZappiCo website states:

Founder/Jim Zappi: He purchases raw land and works with local towns to develop communities that recreate each unique sense of place. (Gracemere is already one of the most unique places in Tarrytown, one that Mr Zappi is not only taking advantage of but ripping apart at the seams.) "His subdivisions boost affordable housing, conservation easements and parks and are designed to be neighbor friendly." (Thus far, he has not been neighbor-friendly one bit or he would have met with residents, consented to plowing his roads, removed the tree that

fell from his property unto his neighbors, removed the massive tree that fell along Gracemere Road on his property and begun repairing the roads in adverse, dangerous conditions leading to his planned development.)

Brian Zappi/ Consulting VP: His passion is designing communities with the Environment in mind. The philosophy is to create "open space" environmentally friendly subdivisions while creating a community feel. (There is nothing "environmentally friendly" about allowing road rubble to flow into the lake, our property or stop up grates, no community feel when residents get flat tires or have accidents, or have to clean stream grates, fill potholes, clear away the environmental degradation on the property which its owner, ZappiCo should be doing as the largest property owner in Gracemere. If he has insurance, which he surely does, it is his responsibility to make a claim on the tree fall on his property and get it cleared away which, I respectfully ask the PB to insure before any tear down permit is allowed.

I realize Mr. Zappi is at this PB meeting for the tear-down permit, but it's clear from the company's behavior thus far, that trust has been eroded before he's even begun to ask the village for permits. He hasn't met with his neighbors (which both Andy Todd and the HSA did with their development plans in and adjacent to Gracemere); in fact, ZappiCo has been arrogantly negligent and run rough-shod over our once beautiful little world, already replete with open space and a "community feel." Clearly, ZappiCo is a developer who needs to be watched every step of the way, monitored, and, be requested to begin to "take care of business" before any permits should be granted. Gracemere residents will be vigilant, and I would ask that our PB be as well.

Thank you for your time.

(Show photos: **The first set of photos** is of the large fallen tree on ZappiCo property that has yet to be cleared along with massive road damage and flooding of our property with rubble and asphalt after a major rain event. ZappiCo owned the property when this rain event occurred, which also tore apart the berm we created and paid for all along our property. **The second set of photos** illustrates the current state of the roadway in Gracemere leading to ZappiCo's properties which are planned for development. Residents' cars find it almost impossible to navigate now and had placed cones in more severe potholes to warn drivers. Future construction trucks will not only further damage our roads but find that driving to construction sites will be nearly impossible. It is our hope that ZappiCo's roads will be repaired before any permits are granted.)

*Submitted as attachment to Public Comment @ 3/27/23
Planning Board mtg.
by Jerda Vestel*



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November 15, 2022

VIA EMAIL
brandon@zappico.com

Brandon Zappi, P.E., CVP
Zappico Real Estate Development
17 Saw Mill River Road
Hawthorne, NY 10532

Re: Jardim East Subdivision

Dear Mr. Zappi:

As you know, my firm represents the Village of Tarrytown and we write to discuss the Jardim East subdivision roads that Zappico Construction, LLC owns. The Village has been fielding calls from concerned residents who live on or directly off of the subdivision roads that heard about the change in ownership from the Holy Spirit Association ("HSA") to Zappico and are anxious to come to some understanding about the roads' maintenance before the winter season. It is critical that the residents continue to have unobstructed access over the subdivision roads and that their access not be impaired by snow or ice. The Village seeks to facilitate discussions between the residents and Zappico as the Village has an interest in ensuring the roads remain accessible so the Village can continue to provide sanitation and emergency services.

By way of background, prior to Zappico's ownership, HSA plowed the roads and performed certain maintenance work on the roads. HSA also provided the residents with a contact person they could call in the event of significant road issues.

It would be helpful if Zappico could assure the residents it intends to continue in HSA's footsteps by plowing the roads. The residents know Zappico's ultimate intention to develop the subdivision lots, which requires infrastructure improvements in the roadbeds. We know it is not reasonable to expect Zappico to re-asphalt the roads before the infrastructure work is completed, but Zappico should consider doing some limited patching of the potholes to ensure that vehicles and trucks can continue to pass freely over the roads.

Through this letter, we introduce Zappico to Linda Viertel, who owns one or more of what is identified in the HOA Declaration as an "out parcel lot" and who is copied on this letter (and whose email is listed below). The Village suggests that Zappico contact Ms. Viertel directly to discuss plowing and limited maintenance of the roads before and during the construction period for the lots. If necessary, the Village would be willing to facilitate discussions between Zappico and the residents but the Village believes it would likely be a more productive and fruitful dialogue if these conversations took place directly between you, as the developer, and the current residents.

Thank you for your attention to this matter.

Very truly yours,

SILVERBERG ZALANTIS LLC

Katherine Zalantis

Katherine Zalantis

KZ:

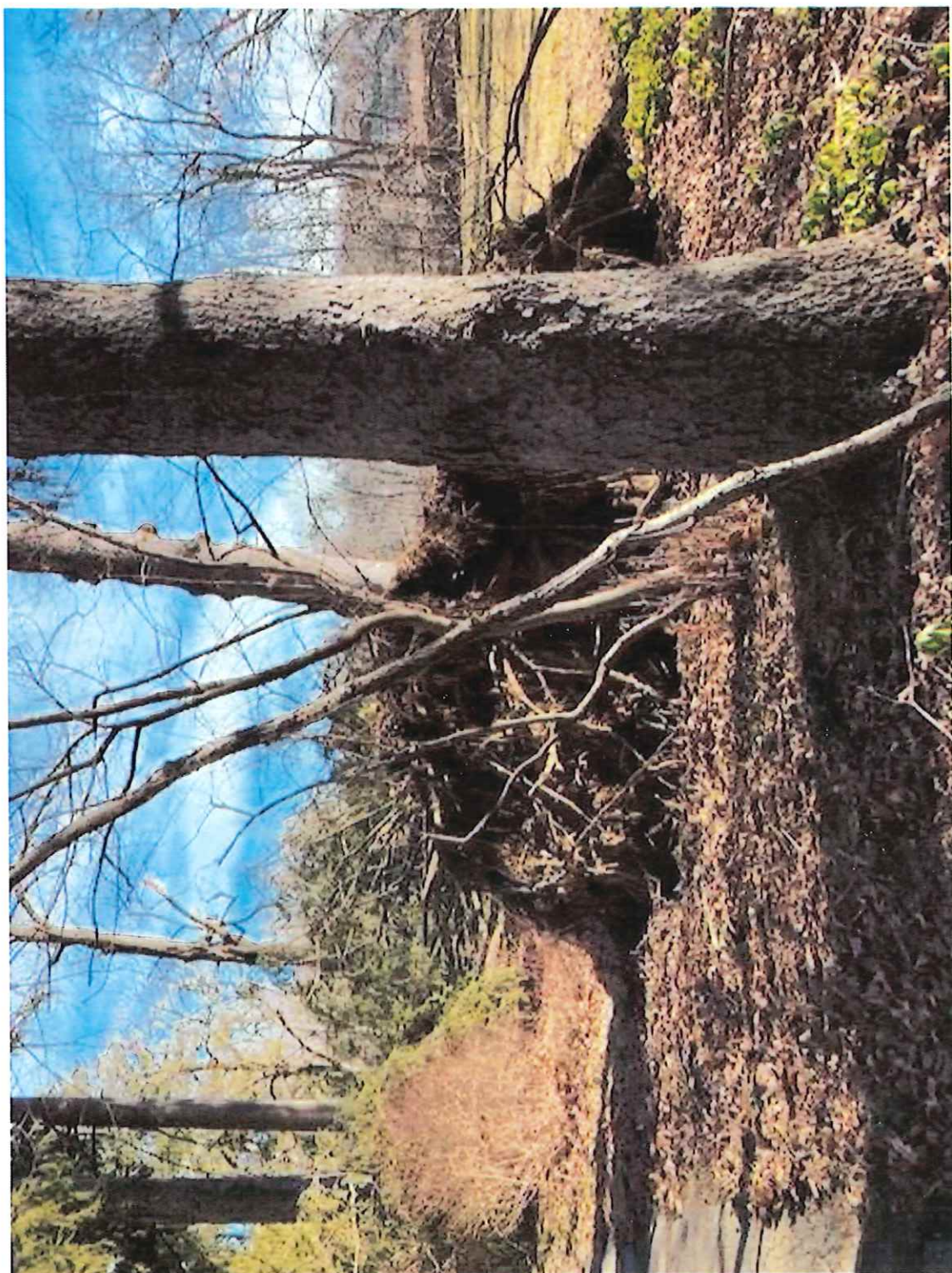
cc: Linda Viertel (via email: lgviertel@gmail.com)
Frank Peters, Esq. (via email: frank@frankjpeters.com)
Richard Slingerland (via email: rslingerland@tarrytowngov.com)
Donato R. Pennella, P.E. (via email: DPennella@tarrytowngov.com)

Gracemere

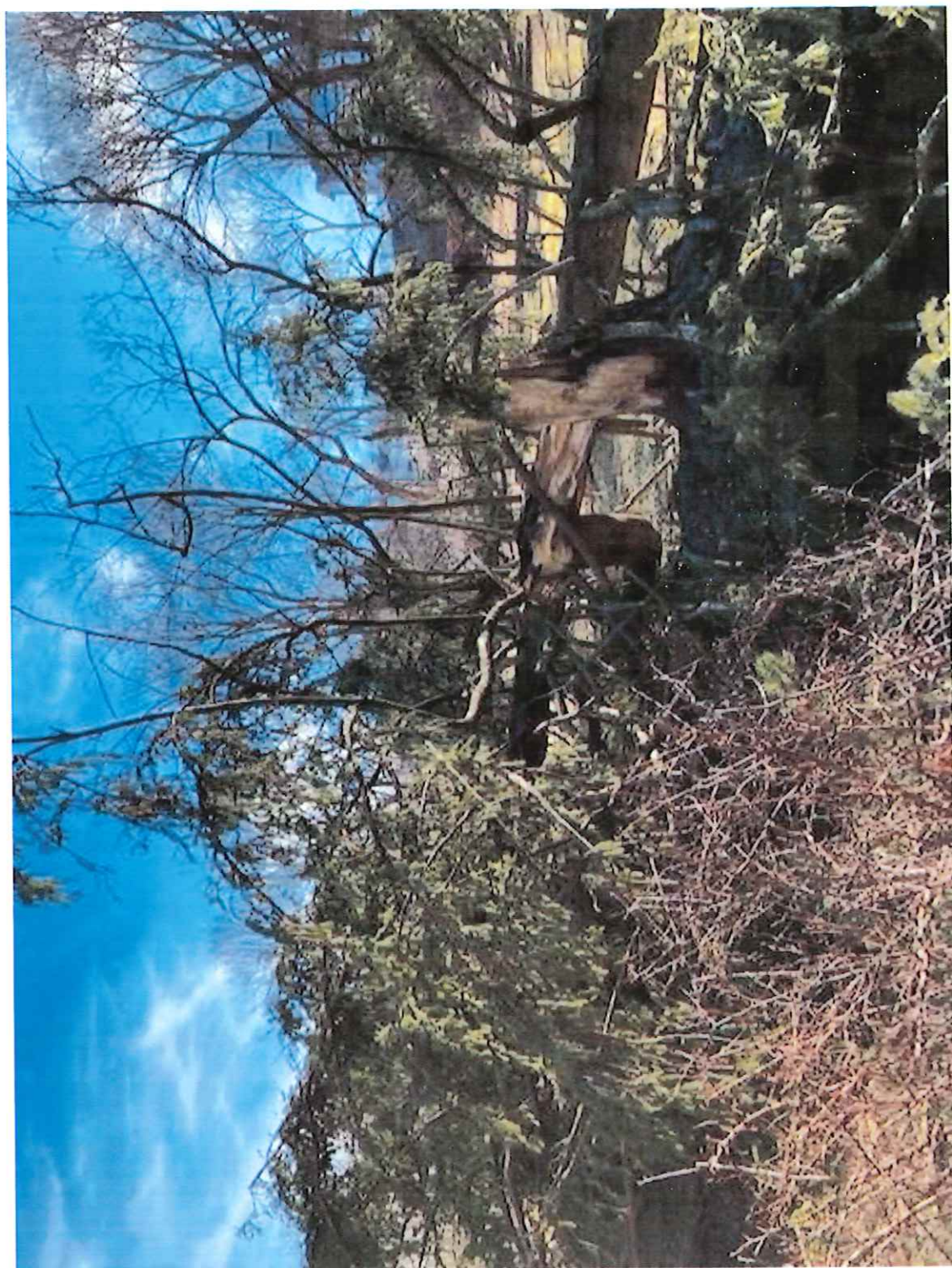
Fallen Tree and Rain Event Damage Planning Board Meeting

3/27/23

1/18 Presentation c 3/27/23 Planning Board Mtg - Linda Vertel - Gracemere
-00 Browning Jan







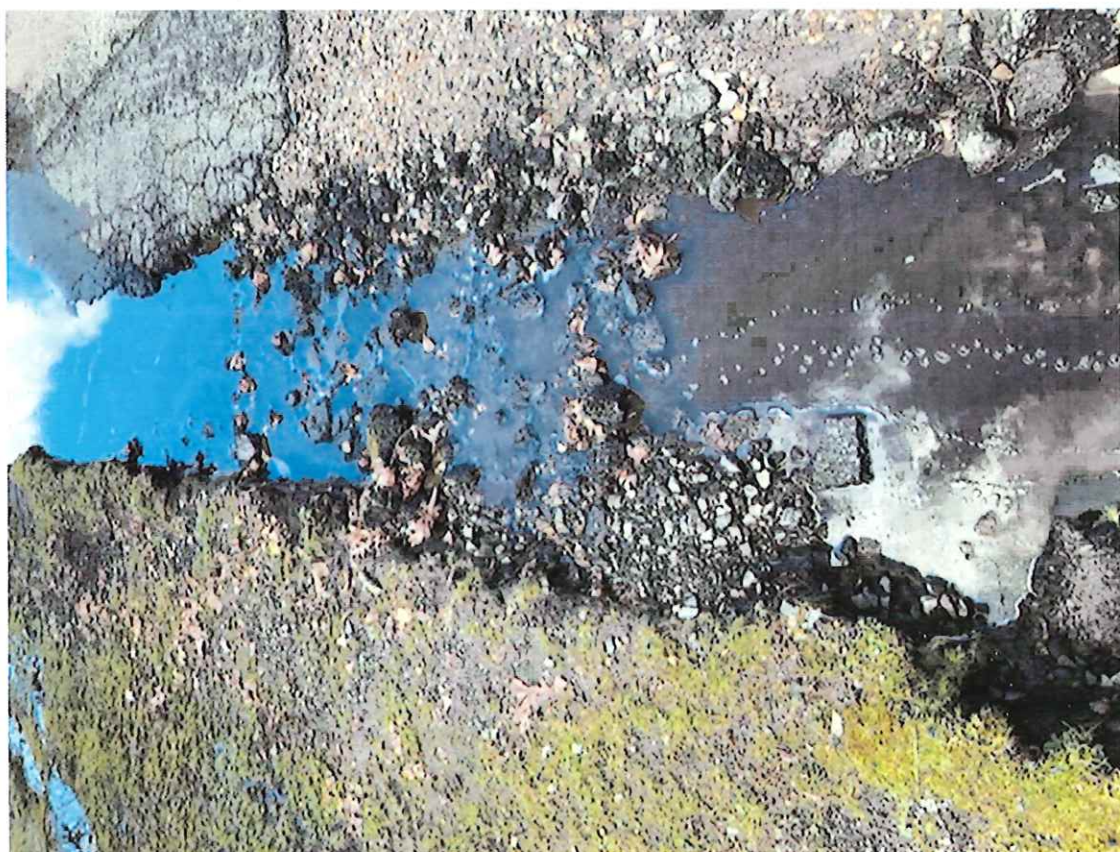




6/18









8/10/18

Gracemere

Current Road Conditions

11/18



8/1/18









16/18



8/1/18



Attachment B
Public Comment
00 Browning Lane Site Plan Application
Public Comment #2 – Elizabeth DeDonato

Liz Meszaros

Subject: FW: Comments to the board re: Zappi permit

From: Elizabeth DeDonato [REDACTED]

Sent: Monday, March 27, 2023 8:23 PM

To: Liz Meszaros <lmeszaros@tarrytowngov.com>

Subject: Comments to the board re: Zappi permit

Hi my name is Elizabeth DeDonato, I live in the Gracemere neighborhood where Mr. Zappi is requesting his permit. While the property in question can definitely benefit from total repair, myself and my fellow neighbors are troubled by the overall lack of care and attention that we've seen of the current properties owned by Mr. Zappi in Gracemere.

As mentioned, dangerously large trees have fallen close to homes without removal, and perhaps even more pressing, that all of Gracemere residents and its visitors (including the city workers who service the neighborhood) must deal with, is the treacherous road conditions that only seem to be getting worse.

I'm aware of incidents where children have gone over their handlebars and neighbors who have repeatedly blown tires when hitting some of these nearly **12inch deep** potholes. As you probably know, repeated tire damage from potholes can also lead to dangerous blowouts once a vehicle reaches higher speeds -- such as driving on 287. I myself am 15 weeks pregnant and even going for a walk in the neighborhood can be dicey as the many gouges out of our roads present dozens of tripping hazards.

And because of the lack of care, some well-meaning neighbors take it upon themselves to fill the potholes with gravel which only wash into neighboring yards after it rains creating an even larger mess.

It's important to know that if Mr. Zappi, someone who doesn't actually live in the neighborhood, is going to continue to profit from the development of new homes in Gracemere, that he will only do so once he's done his diligence to better maintain the properties that he currently owns.

I have worked in third world countries with better road maintenance than Gracemere which is a hard pill to swallow considering the taxes we pay in the neighborhood. Time and again we have been written off by the city because we are on a private road, but I believe this is an opportunity for the city to do what's right and to literally, physically protect its citizens and their property by holding Mr. Zappi accountable to care for our neighborhood in the same way he would care for his own.

This is not something that can continue to be pushed off until after his construction projects. It needs to be, and should be, remedied as soon as possible, otherwise, we as the residents of Gracemere, cannot support his request for this permit. Thank you.

Lizabeth Meszaros
Secretary to Planning and Zoning
One Depot Plaza
Tarrytown, NY 10591
914-631-1487 (phone)
914-631-1571 (fax)

Visit us on the web at <https://www.tarrytownny.gov>