

Planning Board  
Village of Tarrytown  
Regular Meeting 7 pm  
April 24, 2023

PRESENT: Acting Chair Gaito, Members Aukland, Mendez-Boyer, Alt. Member Mezey; Counsel Zaltantis; Village Engineer Pennella; Planner Galvin, Secretary Meszaros

ABSENT: Chair Raiselis, Member Friedlander

Mr. Gaito chaired the meeting in Ms. Raiselis' absence and called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES - December 27, 2022

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, with Mr. Aukland abstaining, to approve the minutes of the December 27, 2022 meeting, as submitted.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Abstain
Member Gaito:	Yes
Alt. Member Mezey:	Yes

All in favor. Motion carried. 3-1 (abstention)

APPROVAL OF MINUTES - March 27, 2023

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Alt. Member Mezey:	Abstain

All in favor. Motion carried. 3-1 (abstention)

Mr. Gaito 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 – Gracemere Partners, LLC – Lot 1- 00 Browning Ln.

Mr. Aukland recused himself from this application to avoid any possible appearance of a conflict of interest and left the meeting room.

Brandon Zappi, P.E., with Zappico Real Estate Development, appeared before the Board, representing Gracemere Partners, LLC. Jim Zappi and Brian Zappi, P.E, were also present. Brandon Zappi showed the site plan for Lot 1 – 00 Browning Lane. The property is located at the intersection of Browning Lane and Gracemere. He noted that this lot was part of the Jardim East Estates conditional subdivision, approved by this Board in 2014. There were some open Resolution conditions that were discussed at the last work session that Counsel Zalantis had provided to them to review. He commented that Ms. Zalantis was very thorough in outlining the status of conditions; however, they believe that she is not aware that some of these items have been satisfied. They reached out to Richard Slingerland to set up a meeting with staff to go over the open conditions before the meeting tonight and hope to set one soon. Counsel Zalantis advised that this matter is before the Planning Board. She does not understand why there should be a separate meeting with staff when these items can be discussed with this Board. Mr. Gaito agreed that the conditions should be discussed with the Board.

Brandon Zappi noted that, back in 2014, the Planning Board had the foresight to put in timing triggers for each condition. Some of these conditions have to be resolved before building permit issuance, or before tree removal, or before commencing construction, but none have to be resolved before going to the ARB. He advised that they have a meeting with the Fire Chief this Thursday. He was hoping to proceed with this application while they working on the other items. Mr. Gaito advised that before any ARB approval can be made, site approval is needed.

Brandon Zappi referred to the Village Landscape Architect memo received on April 13, 2023. Mr. Gaito advised that the Village Landscape Architect comments and the status of subdivision conditions both need to be addressed before going to ARB. ARB is the last step in the approval process. Mr. Zappi said he will satisfy the comments of the Village Landscape Architect and they are working toward completing the outstanding items. He noted that there are time frames for each condition to be satisfied. Mr. Galvin suggested that the applicant go through the outstanding conditions for the benefit of the public and the Board. Mr. Gaito referred to the 7 open items and asked Mr. Zappi to respond to the Board.

Brandon Zappi briefly went over the status of all 37 conditions:

1. HOA filing – The HOA will own and maintain the new cul-de-sac road. They have submitted a filing to the Attorney General. As soon as this is received from the Attorney General, it will be forwarded to the village. This should not preclude moving on with this site plan application since the approved subdivision resolution allows them to provide this to the village before filing the Building Permit.

### 1a. Maintenance Bond

It is their belief that this bond was submitted to the village. The village code requires that a bond be filed before the Planning Board Chair endorses a plat. Their attorney has advised them that it is on the village to install this road. He viewed the meetings on this application and he doesn't think the Chair would have signed the plat without receiving the bond, since it is a code requirement. Counsel Zalantis advised that the filing of the bond was listed as a condition on the conditional subdivision plat, therefore, if it was satisfied, then it would not have been listed as a condition on the conditional subdivision plat. She advised that this is the maintenance bond and assumed that the applicant will be taking the same position for the \$1.3M bond. Brandon Zappi advised that they are taking the same position for this \$1.3M bond as well. Counsel Zalantis advised the applicant that the village will not be constructing any roads and this will be a stumbling block to site plan approval. Counsel Zalantis said they are waiting for receipt of the HOA approval from the Attorney General for review by the village. Brandon Zappi said that this property before them (Lot 1- 00 Browning Lane) is not located on the road that the maintenance bond refers to, and most of the conditions of the 2014 approval are related to the other lots. He was hoping to work on this application first and then move onto the new homes, which will be accessed off of the road to be built. These homes will be serviced by new water and sewer utilities, currently under review by the County Health Department. Mr. Gaito asked if this is all one subdivision. Mr. Zappi said it is one subdivision, but they are all separate lots. Mr. Gaito asked if the conditions apply to all of the lots. Mr. Zappi said the property before them, Lot 1, has existing utilities and they have submitted a separate landscape plan for this lot. They will update the landscaping plans for all of the other lots. He was hoping the Board could work through this approval congruently while they work on the remaining items.

Mr. Gaito asked Mr. Zappi to continue going through the open conditions since it seems that this application is connected to them.

2. Satisfied.

### 3. Westchester County Water and Sewer Extension Plans

Mr. Zappi advised that they submitted an application with signed and sealed plans to Dan Pennella for his review on March 25, 2023 and followed up on April 4, 2023 with an email. They have not received a response from Mr. Pennella. Mr. Pennella advised that the plans that were submitted from Cronin Engineering were not original signed and sealed plans. Mr. Zappi said that the Cronin plans were submitted only as a reference since this is what was originally approved. New plans were also submitted that were updated and signed and sealed by Gregory Caccioppoli, PE. Mr. Pennella advised that this was the same set that was submitted to the Health Department and they were kicked back. The original plans that were approved have expired and will need to be re-approved. These plans will need to be signed and sealed by Cronin, unless Mr. Caccioppoli updates the plans to include all the details on the original Cronin plans. He noted that Mr. Caccioppoli's plan only included

some sheets, not the entire set that was originally approved. Jim Zappi came up and asked why Mr. Pennella did not respond back to them with regard to this matter. Mr. Pennella said that the applicants are professionals and know what needs to be done. Brian Zappi, PE came up, and said, at Mr. Pennella's direction, they had an outside consultant update the plans to bring them up to code. These plans have been submitted to the Health Department. The Health Department did not realize that the Cronin Plans were only attached as a reference to the Caccioppoli plans. The Caccioppoli plans were signed and sealed, the comments were addressed, and they were submitted to Mr. Pennella for his review and signature. Jim Zappi addressed the Board and said that he is also a professional engineer. He advised the Board that before the Health Department approves the design, the village engineer has to sign off on the original plan. Mr. Pennella signed off on the original plan, and the Health Department approved them, but they have since expired. It sounds like the Cronin plans were attached for a reference to the updated revised plans prepared by Gregory Caccioppoli, PE, which go to Mr. Pennella to review and approve and forward to the County for final approval.

Mr. Pennella advised that he did not sign off on the original water and sewer plans. The same set that was submitted to the Health Department needs original seals and signatures. Brian Zappi asked Mr. Pennella whether or not he received the submission a month ago and if he got his follow up email. Mr. Pennella said he did get his email and again, advised that the same set they submitted to the Health Department requires original seals and signatures. If the Health Department did not accept it, why would they expect him to sign off on these plans. Brian Zappi said he spoke with Tony Kunny from the County Health Department and he did not realize the Cronin plans were only for a reference to the submitted updated plans. Mr. Pennella said if that were the case, then Mr. Kunny would have reached out to him and explained the situation, and that has not happened. Jim Zappi asked Mr. Pennella if he even looked at the plans. He suggested taking a field trip up to his office to find them. Mr. Gaito would like Dan Pennella to communicate with the Health Department toward a resolution and asked the applicant to continue with the status of the conditions.

### 3 a. SWPPP update

Brian Zappi advised that a letter was submitted from Robert Wasp, of Wasp Engineering Group, dated April 3, 2023, updating the village on the compliance of the SWPPP. He has not had a response back from the village yet. He advised that there has been a reduction in impervious surface from the approved plan, and an increase in rainfall, so the difference balances out, which is supported in the submission.

Counsel Zalantis said this memo was discussed at the Planning Board work session. If the applicant was listening, they would have heard the discussion. Mr. Pennella advised that he received an email this afternoon, at 5:30 p.m., from Hahn Engineering, who is reviewing the stormwater plan. He advised that there are some comments and the SWPPP needs to be

updated. The memo has not been distributed yet since it was just received, but it will be shared with the applicant. Brandon Zappi advised that he will review the comments when they are provided and update the SWPPP.

4. Satisfied

5. The applicant must conduct an environmental assessment of the pond to evaluate the need for the dredging of the pond and the trees on the site - There is an independent assessment underway and will be submitted upon completion.

A Structural assessment of the retaining wall on the north bank of the pond - This review will be done by an independent engineering consultant 3<sup>rd</sup> party. Caccio Engineering will do this review. The applicant advised that they are an independent engineering consultant.

Applicant will be responsible for the maintenance of all open space areas including the pond - The applicant agrees and will provide proof of filing before building permit issuance.

6. No tree will be removed prior to individual site plan approval – Applicant agrees with this and will get permits from DPW after individual site plan approval.

A brief discussion took place about doing a tree removal plan for all of the lots and it was determined that each lot should be treated separately for tree removals and approvals.

Trees may be removed for roadway or utility construction in accordance with the Village Landscape Consultant approval - Counsel Zalantis advised that sheet 16 of 17 is not site specific and will need to be approved by the Village Landscape Architect and the Planning Board. A new plan can be certainly be updated by another professional. Brandon Zappi stated that he believes this plan was approved. Counsel Zalantis said the only approved sheets for the set of Cronin plans were the specific sheets for the Westchester County Health Department, for the Water and Sewer. The Planning Board Resolution does not reference the November plan. She would like to move forward with this application, not backward. The Planning Board is willing to work toward a resolution of approving the outstanding items, but the applicant can't keep saying that plans have been approved when they have not been approved. Brandon Zappi said they will submit this plan for approval.

7. The applicant agrees to provide the landscape plan for the roadway prior to the issuance of the first building permit, and the installation of the landscaping shall be done consecutively with the installation of road top course. Wayfinding signs acceptable to the Village Engineer will be provided to direct hikers to Taxter Ridge Park. They will submit plan 17 of 17 as part of the overall approval and are fine with this condition. As noted in the resolution, this can be done prior to building permit issuance. They will also comply with the Nolan Landscape comments for this application (Lot 1). The landscaping and signage plans will be presented to the Planning Board before building permit issuance. They will work on this and get it submitted.

8. The design of the intersection of Gracemere and Gracemere Lake Drive must be submitted to the Village Engineer and Fire Chief for approval. – Brandon Zappi advised that they will be meeting with the Fire Chief this coming Thursday, April 27, 2023. Mr. Galvin asked that a memo from the Fire Chief be submitted for the record.

Counsel Zalantis asked Brandon Zappi if they submit the plans and the Planning Board requests changes, will they be able to work with Cronin Engineering. Brandon Zappi said he spoke with Tim Cronin over the weekend and Mr. Cronin forwarded him all of his AutoCAD files and he is okay with them using his plans. Mr. Cronin sent his guy out to make sure everything is in order.

9. Wooden guardrail to be provide along Gracemere – Brandon Zappi said they will submit a plan as part of the global site plan.

Guiderail and mailbox placement plan - This will also be submitted as part of the global site plan. This is shown on the Cronin plans, and should be completed by next month.

10 a. Satisfied – The dwellings have been removed in wetland.

10 b. Brandon Zappi advised that a wetland consultant has been hired and they will submit an updated plan.

11. Brandon Zappi believes this has been satisfied.

12. The applicant has no objection to submitting individual site plan applications for each of the remaining lots.

13. Construction shall commence within six (6) months from receipt of permit and completed within 30 months – The applicant has no issue with this condition. The resolution does provide time triggers and current sealed plans have been submitted.

14. No comment necessary

15. No comment necessary

15 b. – The parking of construction equipment and storage containers shall not occur within the drip line of any tree – They will include construction staging areas on the next set of plans for the overall site which will include tree protection.

16. Applicant will submit proof of filing for easements relating to infrastructure.

17. A final HOA will be submitted and approved prior to building permit issuance. Counsel Zalantis asked when it was filed with the Attorney General which she thought was back in July. Brandon Zappi did not have the date in front of him.

18. The applicant advised that the Erosion and Sediment control plan will be resubmitted. Details will be added onto the next plan submission.

19. The applicant advised that the SWPPP is being updated and will be submitted upon completion.

20b. – It is the applicant's position that the bond had to be filed before the plat was signed. A copy of the bond was provided to the village and they do not think that the applicant would have taken out a bond without filing it with the village. He stated that there is a track record of misplaced documents in the village and they will have to figure this out.

20d. The applicant agrees that the Planning Board cannot waive site plan approval on the individual lots.

21. The applicant agrees to provide a graphical schedule of earthwork and land disturbance to the Village Engineer prior to commencing any site work.

22. The applicant agrees to provide a staging and construction plan prior to site disturbance.

23. No comment necessary

24. SWPPP is being prepared and they will re-submit to Dan Pennella for his review and signature.

25. The applicant has started an escrow account with the village and has no objection.

26. The applicant will prepare a NOI to the DEC for Dan Pennella's review and signature.

27. The applicant has agreed to these conditions – all code required.

28. The applicant has agreed to these conditions – all code required.

29. The applicant agrees -no action needed at this time.

30. No comment necessary

31. No comment necessary

32. Prior to site developments, the applicant shall provide recreation fees per lot as established by the Village Board. – Brandon Zappi advised that they believe these fees have been paid. They submitted a FOIL request to the village but have not heard back. The village code states that the fees have to be paid before the Planning Board chair signs the plat. Mr. Gaito asked if they have documentation that the fees have been paid. Brian Zappi added that he has some sort of documentation from Cronin who believes they were also paid. Counsel Zalantis said if a document doesn't exist, then there wouldn't be a record. Brandon Zappi said they foiled the bank roll, not just the specific payment. Mr. Gaito said if there is a document of proof of payment, then the applicant should just provide it.

32b. The applicant noted that this will be done at the time of binder course installation as mentioned in the resolution.

33. The filed HOA will be submitted before a building permit is issued.

34. Brandon Zappi advised that this was a typo which will be corrected on the plan to “organic non-phosphate”.

35. The Deed Restriction will appear on the final subdivision plat.

36. Brian Zappi read that “ No performance bond shall be released until all conditions and improvements are met to the satisfaction of the Village Engineer and Village Attorney” Applicant’s position has been stated earlier. Brian Zappi said they have been discussing this matter for over a year now.

37. No comment necessary

Mr. Gaito said that the items outstanding are the bonds, the recreation fees, and the updated plans. Brandon Zappi disagrees. It is their position that the bonds have been filed and recreation fees have been paid.

Counsel Zalantis said the applicant can’t have it both ways. In this case, it was a conditional final resolution approval and Page 4 of the filed conditional plat clearly states that all the conditions listed need to be satisfied. Ms. Mezey confirmed with Counsel Zalantis that the very conditions that the applicant has said have been satisfied are listed as conditions on the plat and still need to be satisfied. Brian Zappi commented that he is not an attorney but the village did not follow their own law then if they signed the plat before receiving these items. Brandon Zappi added that it is clearly written in the village law.

Counsel Zalantis disagreed and advised the applicant that they bought a conditional final subdivision approval with open conditions that have not been met. If the applicant wants to take the position that the bond has not been filed and the village has to construct the roads, then this subdivision will never be built. It is not supported by the law and the village is absolutely, positively, not in the business of building roads. Brian Zappi said this is not the position they took. Mr. Gaito interrupted and said they will keep the hearing open pending the submission of the documents. He appreciates the applicant going through the conditions. Brandon Zappi said they will work with the Board to resolve these conditions but he does not believe any of them should hold up site plan approval for this particular lot.

Counsel Zalantis said there are open conditions on the subdivision that have to be resolved before site plan approval. She asked the applicant if they are aware that they still need to meet all the conditions discussed this evening before getting a building permit. Brandon Zappi thinks they can get most of this done within the next meeting or so.

Mr. Galvin said it seems that a lot of this work has been done. Jim Zappi said they are here for site plan approval. Mr. Gaito said the conditions are all tied into site plan approval. Jim Zappi disagreed and said that it is not time sensitive to get the outstanding items done, in order to get site plan approval for this lot. Brian Zappi asked the Board to consider this lot



for site plan approval. They are trying to move forward and have a long road ahead of them and want to work with the village. They went through all the conditions and they are working to satisfy them. Brandon Zappi noted items 5,7,8,9,12, 17, 19, 20 are all required before building permit, not before site plan approval. Items 6, 15, 18, 21, 22, 30 and 32 were specifically noted to be done before tree removal, not before site plan approval. Items 18 a-f, are noted to be done before commencing construction, not before site plan approval. Items 27, 29 and 32 are to be done during construction, not before site plan approval. Mr. Galvin said the items needed for site plan approval need to be segregated and completed. Mr. Gaito said they want to help the applicant move along, but there are items that need to be addressed as Counsel outlined in her detailed document. Counsel Zalantis added that the landscape comments for Lot 1 also need to be addressed and revised plans need to be updated for the Village Landscape Architects' review.

Mr. Gaito asked if anyone in the public wished to comment on this application.

#### PUBLIC COMMENT PERIOD

Linda Viertel, who resides in Gracemere, noted that she was not privy to the 37 items that were just discussed. She moved to Gracemere 35 years ago. The area was cut into land which is on high ground and the water flows to the pond. Since the Greystone lots were developed, hundreds of trees were cut to build the mega mansions above them, and water events are more severe. She is glad to hear that the applicant will be addressing the stormwater management issues since the plan from 10 years ago bears no resemblance to the existing conditions and noted how climate change has affected this delicate area. The tree that she spoke of at the March meeting is lying in a pool of water at the root base and water is pouring onto the street. The potholes are getting worse and worse and there is rubble in her yard. It is quite serious. She had company the other day and they said they would never take the road again to visit her. She asked the village and the applicant to consider planting more trees than normal since additional root systems will help with water issues. She would also like the applicant to address the road issues, which she spoke about at the March meeting which the Board has not addressed yet. There is no way that their large trucks or cars can get into this development as it exists. She does not know if this can be a condition of approval for this one lot. The applicant is desperate to build this property. She appreciates the Board's vigilance in seeing this 10-year old application as one application, which is out-of-date, in terms of today's existing conditions in Gracemere.

She asked if the village has a policy on abandoned properties or buildings and noted that there are two mansions in terrible shape. Water pipes broke in one of the homes that recently flooded the Cohen property. She would like to know if the applicant is responsible by code to keep up the building and the property. Trees have fallen and one neighbor cleared a tree at their own cost. She asked if there is a bond or some way to ensure that the properties be better kept. She would also like the trees to be evaluated by the tree warden for the subdivision. She is losing trees on her property. This is a natural process

and it is not the applicant's fault, but she is concerned about the safety of the trees on the lots and along the road. She is grateful that the massive tree did not fall on the elderly neighbor's house.

Lastly, the road is almost impassable at this point and the road that goes to Browning Lane is all part of the application. She wants to know who will get the road in a passable condition since their trucks cannot even pass on it at this point. Once the development is done, she would like a proper approach to the road by perhaps widening and leveling it out properly, and putting back the berm to protect her property that has been crushed by gravel and trucks over the years. It is the applicant's responsibility to do something. She would like the Board visit the area and to consider that the applicant be required to get the road into shape as a condition of this approval.

Elizabeth DeDonato, a Gracemere resident, came up to support Ms. Viertel's comments. She emphasized that the roads are their biggest concern. The applicant mentions wanting to do what is best for the neighbors and community within Gracemere. She is asking them to please start with the roads. It is very important. People are getting hurt left and right. She saw a bicyclist wipe out the other day on a pothole in front of her house. This situation needs to be handled; it is a safety issue. She hopes the Board will take her comments into consideration.

#### END OF PUBLIC COMMENT

Mr. Gaito asked if the Board or staff had any more comments or questions. Ms. Boyer is happy that the Board and applicant have come to agreement on some issues. Ms. Mezey had no further comment at this time.

Brian Zappi advised the Board that he is not going to get into the roads now. They would like to move forward with this application by demolishing the existing home on Lot 1. He asked if they could at least get a demolition permit at this time. Mr. Gaito said that the demolition is tied into site plan approval and the Board will see them next month.

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Gaito:	Yes
Alt. Member Mezey:	Yes
All in favor. Motion carried.	3-0

Mr. Aukland returned to the meeting room.

NEW PUBLIC HEARING – David A. Barbuti, Architect, PC – 37 Main Street

Mr. Gaito 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, April 24, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

David A. Barbuti, Architect PC  
150 White Plains Road- Ste 103  
Tarrytown, NY 10591

For site plan approval for a change of use from existing vacant retail space to a take-out food establishment.

The property is located at 37 Main Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 17, Lot 15 and is located in the RR Zone.

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

Additional approval will be required from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board  
Lizabeth Meszaros  
Secretary to the Planning Board

Dated: March 31, 2023

Mr. Aukland moved, seconded by Ms. Mezey, to open the public hearing. All in favor. Motion carried. 4-0

David A. Barbuti, R.A, the applicant, appeared before the Board, on behalf of the proposed tenant – Herb-a-Life. They are here for site approval for a change of use from vacant retail space to a take-out restaurant establishment. The former space was occupied by an electric “e-bike” store. With regard to available parking, the storefront is approximately 50 feet east of the South Washington Avenue municipal parking lot and there is also a municipal parking lot across the street on Main. Mr. Barbuti advised that they were granted parking and loading variances at Zoning on April 10, 2023 with a condition that they pay into the parking fund for 7 spaces. Mr. Barbuti explained that only minor interior alternations are proposed. Counters will be installed. There will be no

seating. It is essentially a “grab and go” business, promoting healthy shakes that are prepackaged and blended with ice. There is no cooking proposed on site. Deliveries will be made before 9 a.m. in a small sprinter type van. Trash and recyclables will be removed in the early morning by a private carting company.

Mr. Gaito asked if anyone in the public would like to comment on this application. No one appeared.

There were no questions from the Board or staff.

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Alt. Member Mezey:	Yes

All in favor. Motion carried. 4-0

Ms. Mendez-Boyer 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 April 24, 2023)**

**Application of David A. Barbuti, Architect PC  
Property: 37 Main Street (Sheet 1.40, Block 17, Lot 15 and RR Zone)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant, (David A. Barbuti, Architect PC) requested site plan approval for a change of use from a former retail Sleek-E-Bikes store at 37 Main Street (currently vacant 767-sf space) to a proposed take-out food establishment (Herb a Life) in the RR Zoning District. The 2,500-sf location is on the north side of Main Street approximately 50' east of South Washington Avenue. The two-story building is a multi-tenant space with vacant ground floor space and business offices on the second floor. The application is for the interior renovations only with no change to the exterior façade.

2. The Planning Board on April 24, 2023 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *“construction or expansion of a primary or accessory/appurtenant, non-residential structure of facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls.”* Therefore, no further SEQRA review is required.
3. The Planning Board has conducted a duly noticed public hearing on April 24, 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 and the Architect’s *Drawing and Code Analysis of the Basement and First Floor, and parking requirements* dated January 25, 2023, revised March 21, 2023 and a *Cover Letter* from the Architect dated March 22, 2023 describing the project, Herb-A-Life operations, Applicant’s *Waste Management Plan* and the area to be used for loading and unloading, and the Consulting Village Planner’s review memorandum dated April 10, 2023, and a denial letter from the Village Engineer/Building Inspector dated March 13, 2023, which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant’s request for a parking variance for seven parking spaces at a public hearing held on April 10, 2023. The proposed use is located in the RR district and has a parking credit of four spaces for previous retail use but requires an additional seven parking spaces per the Zoning Code. The ZBA reviewed the application for the proposed use and the denial letter from the Village Engineer/Building Inspector and closed the public hearing. The ZBA approved the requested variance for seven parking spaces at their April 10, 2023 meeting with the condition that a contribution of \$9,000 shall be made into the Village Parking Fund in lieu of providing seven on-site parking spaces pursuant to §305-63C(7)(d)(1,2) which is applicable since the property is located within the RR zoning district.
6. The Planning Board closed their public hearing on April 24, 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 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 vacant 767-sf storefront is situated on the ground floor of a two-story building located on the north side of Main Street approximately 50’ east of South Washington Avenue. The building is located in the RR zone. Previously, the storefront was a bike store (Sleek-E-Bikes). The project consists only of interior renovations, creating

a sales counter area for shakes. The proposed Herb a Life store will prepare shakes in a blender prepackaged mixes with water, ice, and occasionally fresh fruit. There will be only a service counter with several display racks, there will be no seating in this establishment, it is a grab and go business.

This location will have one (1) employee on a daily basis assisting customers with their purchases and offering assistance as required. The store will be open to the public from 10 am to 7 pm daily. The Tenant will apply for a Sign Permit and receive approvals prior to its installation. As with all storefronts along Main Street, deliveries will be accepted on Main Street between the hours of 7 am to 9 am and are generally from a Sprinter type van. Trash and recyclables will be removed from the premises by a private carting company at least once a week; pick up will be along Main Street and will be in the early morning hours.

The Village Engineer's denial letter dated March 13, 2023 indicated that the parking for the previous retail use (Sleek-E-Bikes) required 4 spaces. The parking analysis shows that 11 spaces are required for the proposed Her-A-Life food establishment. restaurant. Therefore, seven additional parking spaces are required for the proposed use. The storefront is landlocked with no on-site parking feasible. Therefore, the proposed use required a parking variance for the additional seven parking spaces which was approved by the Zoning Board of Appeals on April 10, 2023 plus the one required loading space. The Zoning Board of Appeals required a monetary contribution of \$9,000 to be paid into the Village Parking Fund for the required seven parking spaces, as is permitted by Zoning Code § 305-63(C)(7)(d).

## 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:

*Proposed New Retail Store for : Herb-A-Life, 37 Main Street, Tarrytown, New York prepared by David A. Barbuti Architect, RA PC dated 1/25/23 and revised 3/21/23 unless otherwise noted entitled:*

- A-1 *"Basement and First Floor Plans & Code Analysis"*  
(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.

IV. Specific Conditions:

- 1. Based on §305.63C(7)(d)(1,2), the Applicant is required to provide a payment fee in lieu of the seven (7) required parking spaces in the amount of \$9,000 prior to the issuance of a building permit.

Mr. Aukland moved, seconded by Ms. Mezey, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Alt. Member Mezey:	Yes

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING – Eilotas LLC – 24 Kaldenberg Place

Mr. Gaito 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, April 24, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Eilotas LLC  
13-15 Neperan Road  
Tarrytown, NY 10591

For site plan approval for the change of use of an existing building to be used as a commissary kitchen in connection with the Lefteris Gyro restaurant located at 1 North Broadway in Tarrytown.

The property is located at 24 Kaldenberg Place and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 18 Lot 8 and is located in the RR Zone.

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

Additional approval will be required from the Zoning Board and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

Dated: April 14, 2023

Kasey Brenner, the project Attorney, with the law firm of Zarin & Steinmetz, appeared before the Board on behalf of the applicant, also present. She introduced Mark Moeller, the applicant's restaurant consultant, who is present to answer any questions. Ms. Brenner presented an aerial map of the property at 24 Kaldenberg Place pointing out the shared back driveway which connects to the back of the Lefteris Gyro restaurant, located just around the corner at Main Street and Broadway. They are seeking to renovate the vacant building for use as a commissary kitchen for their Main Street restaurant. They are only proposing interior renovations to the space which is intended to be used for food preparation only, with no take out, sit-in, or pick-up service by the public. Based upon the technical off-street parking requirements in the village code, 10 parking spaces are required for this use and there can only provide one space on-site. Ms. Brenner noted that there is no practical need for these 9 spaces since the public will not be coming to this location for any type of service, but to be compliant with the code, a variance will be required. They have submitted a ZBA application for the May 8, 2023 meeting. They are before this Board to request site plan approval for this proposed change of use with interior alterations, and are happy to provide details on the operation and answer any questions.

Mr. Aukland asked for details on the operation of the commissary. Ms. Mezey would like to know how many employees will be on site.

Chris Grammatas, President of the Corporation, appeared and advised that only food preparation will take place at this location which will be taken to the restaurant.

Mr. Aukland asked how many times per day will food be taken to the restaurant. Mr. Grammatas said he didn't know, maybe two, three times per day. Mr. Aukland asked if it was going to be for every order? Mr. Grammatas said no, the van will be filled and taken to the restaurant, and when it is finished, they will replenish. It could be once or twice per day. Mr. Aukland asked what the route would be to get from the commissary to the restaurant. Mr. Grammatas said the van will drive around the block and enter the shared driveway leading to the back of the restaurant, they will not go on the public sidewalk.



Ms. Mezey asked how many employees will be needed. Mr. Grammatas said about 5 or 6 maximum, it depends. Mr. Moeller came up and said they intend to have 3 or 4 employees at any given time. With regard to the delivery, they will be going around the block and will drive into the back-alley way to the back of the restaurant and then return back to the property. Mr. Pennella clarified that this property fronts Kaldenberg Place and in order to get from Kaldenberg Place to the back of the restaurant they would have to walk out on the sidewalk and walk up about 100 ft to the driveway behind the Music Hall and then go down to the back to the restaurant, so the applicant will go onto the sidewalk. Mr. Grammatas said they will be using the van and go around the block.

Mr. Moeller clarified that they will not be taking any product on the outside of the building. It will be loaded into the van that will be located inside the building on the loading dock. They will drive the van around the block and go back in through the driveway. They plan on doing this 1 or 2 times per day and it will make their operation easier. Mr. Grammatas said only in an extreme emergency would he carry anything over.

Mr. Pennella asked if the applicant will be making any improvements to the property next door. Ms. Brenner advised that the property next door is no longer part of this application.

Ms. Mendez Boyer was more comfortable that they will be using a van to transport the food on the public road and then drive the van back of the restaurant which seems more reasonable to her. Ms. Brenner said they intend to use a small sprinter van.

Santos Grammatas, the son of Chris Grammatas, came up and explained that the food will be prepared on the property and loaded into the van which is parked inside on the loading dock. They will drive the van around the block and deliver it to the back of the restaurant at least once a day. Nothing will be walked over to the restaurant. The cooking will take place inside and the operation will be up to code.

Mr. Aukland thanked Mr. Grammatas for clarifying the operation.

Mr. Gaito asked about food deliveries. Santos Grammatas said it could be every two or three days depending upon what they need. The driver will pull up and unload the pallet and it will only take up to 5 minutes. This will cut down on the delivery time since, presently, the delivery trucks park on Kaldenberg and have to drag the pallet up the hill to the back of the restaurant which takes longer. Ms. Brenner noted that this will improve the traffic on Kaldenberg Place with regard to the existing conditions for deliveries.

Mr. Gaito asked if the Music Hall tour busses will affect their operation. Santos Grammatas said no since the food deliveries will be early in the morning and the busses come in the afternoon. The food preparation operation itself will be from 8 a.m. to 6 p.m. Chris Grammatas added that deliveries will be between 8 a.m. and 10 a.m. in the morning.

Mr. Pennella asked about the waste management plan. Santos Grammatas said the dumpster will be placed either inside or outside. It may be by the loading dock and they

will work with the health department. Mr. Pennella said this is site plan approval and the location of the dumpster will have to be determined as part of site plan approval. If you decide to place it outside, it needs to be updated on the site plan.

Counsel Zalantis suggested that the applicant provide a complete narrative describing the operation of what was discussed this evening. Mr. Gaito agreed. Counsel Zalantis added that a narrative should be submitted to the Board, explaining the operation, to include how the food will be transported, the route, how many times per day, how food deliveries will work, and when they will take place, along with details on the waste management plan, to include collection times and the dumpster location on the plan.

Ms. Mendez-Boyer confirmed that they will also be using the same van which will be parked on site. She asked if the extra space in the restaurant will become more seating. Santos Grammatas said nothing will change in the restaurant. They currently prepare food in the basement and have limited space. They are proposing the commissary kitchen to have more room to improve their operation.

Santos Grammatas said the commissary hours will be 8 a.m. to 6 p.m. Chris Grammatas said the commissary will save time and money and the ability to prepare food at this location will improve working conditions for their employees due to the limited space.

Mr. Pennella referred to the February 21, 2023 Building Department denial letter which stated that a sprinkler system be installed and a waste management plan be provided for site plan review. He noted that prior applications were made by this applicant and this latest application is confined to the firehouse building only. He advised the applicant to go to Zoning for parking variances and return to this Board with the requested information.

Mr. Gaito asked if anyone in the public would like to comment. No one appeared.

Mr. Gaito noted that this is a Type II action for SEQRA purposes. He advised the applicant to submit the requested information and return to the Board pending ZBA approval.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Alt. Member Mezey:	Yes

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING – WBP Development, LLC– 50 White Street (Franklin Towers)

Mr. Gaito 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, April 24, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

WBP Development, LLC  
480 Bedford Road  
Chappaqua, NY 10514

For site plan approval for parking lot modifications with sidewalk, gathering space and landscape improvements to provide ADA accessibility on site.

The property is located at 50 White Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 29, Lots 34 and 36, located in the M (UR) Zone.

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

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board.  
Lizabeth Meszaros  
Secretary to the Planning Board  
Dated: April 14, 2023

The mailing receipts were received and the signs were posted.

Mr. Gaito noted that this is a Type II action for SEQRA purposes.

Deborah Post, with WBP Development, LLC, appeared before the Board, representing this application. They are developers of affordable and market rate housing primarily in Westchester. She introduced Will Gonzalez, the Executive Director of the Tarrytown Municipal Housing Authority and Benita Maceyak, the Assistant Executive Director of the Authority, who manage the building. In addition, Kathleen Gallagher, RLA, with Insite Engineering, is present to go over the site plan and answer questions. Ms. Post advised that the Housing Authority determined that it wanted to undergo a RAD conversion for their site since HUD has lost funding over the years and has been somewhat erratic. “RAD” stands for Rental Assistance Demonstration program. This new HUD program allows for the conversion of the units to Section 8, which provides a steady stream of revenue. This stream of revenue is used to entice investors to provide

capital dollars to make improvements to housing authority buildings. The Housing Authority Board requested RFQ's from developers and they selected WBP to work with them to modernize the Tower building (built in 1964) and the site. WBP will also be presenting a site plan for Franklin Courts at a future date. The RAD program requires that the Tarrytown Municipal Housing Authority and any partners or developers work with the residents to ensure that the improvements proposed are in the best interest of the residents. They have had several meetings with the Housing Authority Board and the residents and have come up with two major improvements proposed for the site. First, they will upgrade the site to be in compliance with current ADA standards. They will be installing various handicap ramps and sidewalks to connect to all of the areas and gathering spaces on site so that people with disabilities can get around the property. They are before this Board for these improvements. In addition, they will be making the building more comfortable and energy efficient, which is an important component for funding purposes and for New York State Housing Tax Credits. They will be working with investors who buy these credits and will be getting some subsidies from the state. In an effort to make the building as energy efficient as possible, they will be removing the brick façade. The Housing Authority has been very forward thinking with regard to alternate solar energy. They also have installed geothermal in 2018, which provides for 50% of the hot water. They will be expanding the system to meet 100% of the domestic hot water needs for the building. Ms. Post noted that both WBP and the residents are very excited about this project. She introduced Kathleen Gallagher, RLA, to present the site plan. Mr. Gaito asked if they had any plans for solar on the roof. Mr. Gonzalez said there is not enough sun or space for the solar panels. They studied this 8 years ago and there is just not enough area to make it efficient. Ms. Post also looked into it since they also wanted to add solar but the roof is just too small.

Mr. Aukland thanked the applicant for the energy efficiency update but noted for the public that this application is for the site improvements only, and is not related to the building itself.

Kathleen Gallagher, RLA, with Insite Engineering, briefly went through the site plan and described the proposed site improvements. She showed the 10-story tower building that has 81 units. The site has an existing parking lot to the west, pedestrian sidewalks, gathering spaces to the north and south and a small playground to the south. The proposed project to the exterior is minimal and focuses on rehabilitating the existing features. The site improvements will include replacement of sidewalk, restriping the parking lot, adding signage and ADA parking spaces, and adding curb ramps to maneuver throughout the site from element to element, improving handicapped accessibility throughout the site.

The refuse enclosure will remain in its existing location. They have removed 4 spaces to make it more accessible for collection. They will add the 4 spaces in two other areas. One

space will be added to a row in the lot and the other three spaces will be in the front of the property further defining the driveway as one-way. They will not be increasing the amount of impervious surface on site. They are in receipt of the Village Landscape Report and they will replace the 2 trees proposed for removal with 4-inch calipers. They will add 2 flowering Dogwood at the entrance. There are concerns about existing trees on site that they want to keep. The 2 trees that need to be removed are necessary to make the site more ADA accessible. Ms. Nolan was also concerned about the protection of the European larch in the front and they will flip the ADA ramp to the other side to stay away from that tree.

Mr. Aukland noted that there are no lighting upgrades proposed. He asked Ms. Gallagher if the existing lighting is adequate for ADA, and if there is any current spillage on the adjacent properties. Ms. Gallagher noted that there are industry standards for the lighting. She does not know the exact levels since this is not a new system. The Housing Authority has added additional lighting to make the parking lot safer. Mr. Gonzalez commented that the existing lighting is more than sufficient on the site. Mr. Aukland noted that the new ramps may need some additional lighting and asked the applicant to provide a brief narrative on the lighting conditions for the Board's review.

Mr. Gaito added that the lights should be dark sky compliant in addition to the cut off factor. He advised that they could walk around the site with a light meter in order to get the foot candles. Ms. Gallagher said they are not proposing lighting at the moment, but if they do, they will be dark sky compliant.

Ms. Mendez-Boyer appreciates the energy savings improvements and the welcoming environment that they are creating for the residents. In terms of landscaping, she asked if there can be gardens for planting vegetables. Mr. Gonzalez showed the existing area in the Franklin Courts where they have had vegetable gardens for the residents for over 15 years. In addition, the court units have their own backyards which have vegetable gardens. Ms. Mendez-Boyer was hoping that they can incorporate the vegetable gardens as a design concept, not just an element on the site. In terms of food insecurity, she would like the design incorporated, if possible. Ms. Post does not think it is possible to incorporate the garden in a meaningful way for the Tower area. The Tower property is very congested. The only open space would be in the middle area and she does not know if there would be any room for a formalized garden, but they will look at that for the courts. Many of the residents want to maintain these gardens. Mr. Galvin said maybe you can make the existing garden more accessible to the Tower. Ms. Gallagher said they are concentrating on the Tower site first and when they do get to the courts, they will concentrate on that connection.

Mr. Gaito likes the plan. He asked about the 3 parking spaces in the front. Ms. Gallagher said the refuse enclosure needs better access so they moved the spaces and relocated them to the front. The three spaces will function as part of the collective parking for the site. They wanted to provide more accessibility to the village for garbage collection eliminating

the burden of dealing with cars around the dumpster, and also making it safer and ADA accessible. They are not reducing the parking spaces for the site so they had to be relocated. The existing driveway is about 15 feet from one side to the other, which is not enough for two way circulate circulation. They will clearly define this with signage and painted arrows on the ground. She showed the two-way traffic coming in and out into the parking lot and the one-way traffic coming into and out of the driveway which allows for an easier drop off. The extra space allows for the angled parking with enough space to back out safely and work with the circulation.

Ms. Mendez- Boyer asked if the 3 parking spaces that they are adding in this area will require any tree removal. Ms. Gallagher said it is currently an open lawn area.

Mr. Gaito asked how the impervious surface is balanced. Ms. Gallagher said there is a gathering space in the front and rear that are not being properly utilized. They have reconfigured the area to make it more efficient and have reduced the impervious surface.

Ms. Mendez-Boyer has concerns that the residents will not be happy with looking at the three spaces in the front where there used to be grass. Ms. Gallagher noted that there is a significant tree canopy which blocks the view of the spaces. They will provide a summer picture. Mr. Gaito asked if there is any other location for the 3 spaces. Ms. Gallagher said there really is no other area to provide the spaces. They looked thoroughly and thought this was the best solution in order to balance the two priorities.

Mr. Galvin said that 64 spaces is a lot for this site; parking is usually reduced. Mr. Gonzalez came up and said the residents want to keep the 64 spaces. Years ago, people could only afford one car, but today, everyone in the family has a car. Ms. Post agreed and said they did discuss the possibility about reducing the parking and the residents want to keep the parking since it is needed. Ms. Mendez-Boyer asked if they can figure out another alternative location for the three spaces and bring it back to the community. Ms. Post said they wanted us to keep them and this is the plan that they came up with minimal disruption to the site. Mr. Gaito said that the garden buffer was designed in front for a number of reasons and he doesn't like that it is being chopped. Ms. Post honestly does not feel that the spaces will be noticed as much as the Board thinks. They will be sprucing up the sitting and garden area in the front. The parking area is almost like an appendage off of the driveway. Making it one way will improve the circulation and traffic flow. The building façade will also improve the look and she believes everyone will be pleased with the final project.

Mr. Pennella advised that a denial letter was issued on March 27, 2023. This property is in the M (UR) zone which allows for reduced parking requirements and setbacks, but not accessory structures. He met with the applicant and the plan was revised so that variances were not required and to improve the garbage collection area and make it more accessible. He thinks that additional landscaping may help to screen the 3 spaces. Ms. Post said there is not very much room for additional trees. If you go online and do an aerial view of the site,

the entire site is covered with tree canopy. Ms. Gallagher said they could look into planting some understory trees.

Ms. Aukland asked Mr. Pennella about the code requirements to provide landscape islands for the parking spaces. Mr. Pennella said the code requires that islands be provided for every 10 spaces but they do not have this scenario in their layout. The Board would like screening between the street and the cars.

There were no more questions from the Board.

There was no one in the public to comment on this application.

Ms. Gallagher referred to Ms. Nolan's Landscape report, requesting that a tree inventory for all of the trees on site be submitted, which is normally a requirement for new development. Ms. Gallagher said they are only proposing to remove two trees and she asked if this requirement could be waived. Mr. Pennella said this is usually a requirement for site plan but he will speak with Ms. Nolan for clarification.

Mr. Pennella asked Ms. Gallagher to comment on the stormwater management plan. Ms. Gallagher said they are decreasing in the gathering spaces but increasing in the sidewalk areas, resulting in a net zero increase. Mr. Pennella and Mr. Gaito asked that the impervious calculation be put on the plans.

Ms. Gallagher asked if they can go to the ARB. Mr. Pennella said they can go to the ARB but the ARB cannot approve the application until they receive site plan approval. A brief conversation took place about procedure for ARB approval of the building itself. Mr. Pennella said the building Department has no jurisdiction over the building until the applicant takes ownership. Ms. Post said they are essentially a contract vendee and getting the funding in place requires land use approvals, so this is very important. Mr. Pennella suggested submitting separate applications for the façade and the site. Mr. Pennella and Mr. Post agreed to work this out procedurally in the next few days.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Alt. Member Mezey:	Yes
All in favor. Motion carried.	4-0

#### ADJOURNMENT

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to adjourn the meeting at 9:10 p.m.  
All in favor. Motion carried. 4-0

Liz Meszaros, Secretary