

Planning Board
Village of Tarrytown
Regular Meeting 7 pm
May 22, 2023

PRESENT: Chair Raiselis, Members Friedlander, Aukland, Gaito, Mendez-Boyer,
Counsel Addona; Village Engineer Pennella; Planner Galvin, Secretary
Meszaros

ABSENT: Alt. Member Mezey

Ms. Raiselis called the meeting to order at 7:00 p.m. She announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to imeszaros@tarrytowngov.com or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed to the Board and the applicant in advance of the meeting

APPROVAL OF MINUTES - April 24, 2023

There is no quorum present to approve these minutes. They will be considered at the next meeting.

Ms. Raiselis announced the following adjournments:

Gracemere Partners, LLC - Lot 1 – 00 Browning Lane

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

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 – Eilotas, LLC – 24 Kaldenberg Place

Ms. Raiselis acknowledged the 4/14/23, 5/8/23 and 5/19/23 emails from Heather Haggerty, a resident of Kaldenberg Place, which were all read by the Board Members. Kasey Brenner, the project attorney, with the law firm of Zarin & Steinmetz, appeared representing the applicant. She introduced Mark Moeller, the restaurant consultant for the applicant, who is here to answer any questions regarding the operation of the proposed commissary kitchen. Ms. Brenner briefly described the purpose of the application which is to utilize the existing vacant building at 24 Kaldenberg Place as a commissary kitchen in connection with the existing Lefteris Gyro Restaurant located at the corner of Main Street and North Broadway in Tarrytown. They have secured the area variances at the May 8th Zoning Board

meeting for the 9 required off-street parking spaces that they cannot provide. She referred to their supplemental submission, which included a narrative further describing the operations and some of the benefits of the proposed commissary kitchen. They also provided supplemental drawings (which she showed on the monitor) including a food service equipment plan, the internal waste management area and a fire protection drawing. In addition, Ms. Brenner acknowledged the comments from Ms. Haggerty, a neighbor on Kaldenberg, and noted that they have responded to some of the original comments in their supplemental submission. She also provided Ms. Haggerty with a direct response on behalf of her client. In their view, the latest set of comments received from Ms. Haggerty do not necessarily raise any new issues. She also believes that some issues are not particularly relevant to this specific property and to this site plan application. She stated that this project would not worsen any existing traffic, parking or unsanitary conditions and customers will not pick up orders or be served at this location. They anticipate that the commissary kitchen might help to alleviate some of the existing traffic issues on Kaldenberg and noted that a lot of the bulk deliveries that are currently made to the restaurant can now be made to the commissary kitchen. They are also proposing to manage and store waste internally within the building which could reduce the amount of trash currently produced by the restaurant as a result of the bulk food preparation in the commissary kitchen. And, again, no external modifications are proposed to this vacant building, so there will be no impact on the character of the surrounding area. Ms. Brenner noted that she has reviewed the draft resolution in advance of the meeting and her client (the applicant) understands and agrees with all of the reasonable conditions that have been discussed, including the parking fund contribution, which they learned is required in addition to the area variances. They agree that all operations will be in accordance with the narrative that they provided to the Board. They will also comply with all applicable requirements regarding garbage and recycling. She advised that Mr. Moeller has had a preliminary meeting with the Westchester County Department of Health and they will be formally submitting for the food service permit once they receive site plan approval. She is happy to answer any questions and would respectfully request that the Board close the public hearing this evening and consider adopting the site plan approval resolution.

Ms. Raiselis asked if the Board Members had any questions.

Ms. Mendez-Boyer wanted confirmation that the van will deliver food to the restaurant 3 times per week. Mr. Moeller advised that the goal is just for three days but there will be an adjustment period in the beginning. It could take a month but probably only a couple of weeks to get into the rhythm since they are used to having all the product on hand at the moment.

Ms. Mendez-Boyer noted that this information is helpful so that the neighbors know there will be a period of time for the restaurant to adjust to the new operation.

Mr. Aukland confirmed that the restaurant is not changing the amount of food being prepared and that it just being done in a different location. He believes that this will relieve the congestion in the existing kitchen restaurant, it will not increase the traffic and should reduce the garbage, resulting in a net even as far as the impact to the village.

Mr. Moeller noted that the new commissary kitchen will probably have more of a positive impact on the garbage situation. Roughly 75% of all product will be delivered to the commissary kitchen. The product which is usually on a pallet comes off the truck and gets wheeled inside and the garbage generated will be kept self-contained inside and put out at the appropriate time. This will alleviate traffic deliveries on the street since there are few items that will have to go over to the restaurant. Ms. Brenner added that they are not proposing to increase the number of tables at the restaurant; the purpose is to simply alleviate the congestion and crowded conditions in the restaurant.

Mr. Aukland noted the public comment and confirmed with the applicant that the conditions on Kaldenberg are not caused by the applicant and will not be exacerbated by this application.

Ms. Raiselis also noted the public comment about the conditions and volume of traffic on Kaldenberg which prompted her to reach out to Police Chief Barbelet. He commented, “that bus parking occurs when young children are attending a show at the Music Hall. This is done in cooperation with the Tarrytown police department to ensure that the children are loaded and unloaded in a safe manner. Regarding traffic flow, if a vehicle properly loads at the proposed kitchen, circles the block and then unloads off the street in a private parking lot, there should not be negatively impacted traffic flow”. Ms. Raiselis understands that a lot of the issues on Kaldenberg will not be impacted as a result of this application; however, in an effort to improve the area, Police Chief Barbelet offered to do a volume and speed study on Kaldenberg Place. This study is scheduled to take place the first week in June. This study will not affect this application, but it will provide some data and observation to be provided to the Transportation Mobility Council for their review. If there are issues that need to be looked at, Chief Barbelet is now aware of them, and she hopes that some issues can be addressed.

Ms. Raiselis asked if anyone in the public wished to comment. No one appeared. There was no comment from the staff.

Mr. Aukland moved, seconded by Mr. Gaito, 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

Mr. Aukland 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 May 22, 2023)

Application of Eilotas LLC
Property: 24 Kaldenberg Place (Sheet 1.40, Block 18, Lot 8 and RR Zone)

Resolution of Site Plan Approval

Background

1. The owner of the property at 24 Kaldenberg Place (Eilotas LLC) requested site plan approval for a change of use of an existing building to be used as a Commissary Kitchen in connection with the Lefteris Gyro Tarrytown Restaurant located at 1 North Broadway, in the RR zone. The subject property is located at 24 Kaldenberg Place at the southwest corner of Central Avenue and Kaldenberg Place also in the RR zone. The property is occupied by a two-story, 2,550-sf vacant building. The Applicant seeks to renovate and utilize the existing building as a commissary kitchen in connection only with the Tarrytown Lefteris Gyro Restaurant location. The Applicant's existing building is a brick, ivy covered building with 1,301 sf on the first floor and 1,249 sf on the second floor. The application is for the interior renovations only with no change to the exterior façade. The alterations required to accommodate the proposed use are entirely internal and no new buildings or structures are proposed on the Property.

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 or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls."* Therefore, no further SEQRA review is required.

3. The Planning Board has conducted a duly noticed public hearing on April 24, 2023, and continued the public hearing on May 22, 2023, at which time all those wishing to be heard were given the opportunity to be heard.

The Planning Board has carefully examined the Application and the *Cover Letter* from the Applicant's Attorneys (Zarin & Steinmetz) dated April 6, 2023 describing the Project and the *Narrative* from the Attorneys dated May 8, 2023 describing the operational details for the proposed Commissary Kitchen including deliveries, transport of items between the commissary kitchen and the Lefteris Gyro restaurant, hours of operation, waste management, fire protection, food service equipment and issues raised by public comment. The Planning Board also reviewed *Narrative* from the Recipe for Success (restaurant consultants for Lefteris Gyro) discussing the internal operations of the commissary kitchen. The Planning Board also reviewed the site plan ("*existing conditions*") dated 1/6/23, engineering drawings dated 1/6/23 detailing fire protection

details including sprinkler system, and architectural drawings dated 1/9/23 detailing alterations for the first and second floors and the *Food Service Equipment Plan for the Commissary Kitchen* dated 5/3/23. The Planning Board reviewed the Application's *Zoning Compliance Form* and the *Environmental Clearance form*, Consulting Village Planner's review memorandum dated May 10, 2023, and a denial letter from the Village Engineer/Building Inspector dated February 21, 2023, written comment (email) dated April 14, 2023 from a neighbor of the property, Ms. Heather Haggerty, including a video and pictures relating to additional truck and vehicular traffic, trash dumpster conditions and increased rodent population for the site, and an *email from Chief John Barbelet, Tarrytown Police Chief dated 5/18/23* with comments on Traffic and Parking related to the application. *The Police Chief indicated that the bus parking occurs when young children are attending a show at the Music Hall. This is done in cooperation with the Tarrytown Police Department to ensure that the children are loaded and unloaded in a safe manner. Regarding traffic flow, if a vehicle properly loads at the proposed kitchen, circles the block and then unloads off the street in a private parking lot, it should not negatively impact traffic flow,* all of which has been made part of the Planning Board record and has been considered by the Planning Board.

4. Village Engineer/Building Inspector's Denial Letter dated February 21, 2023, indicated the parking variance required for the proposed use. A total of ten (10) parking spaces were required with one existing space provided. Therefore, Applicant will need to seek a variance for nine (9) parking spaces from the ZBA.

5. The Zoning Board of Appeals reviewed the Applicant's request for a parking variance for nine 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 one space for previous use. 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 nine parking spaces at their April 10, 2023, meeting with the condition that a contribution of \$13,000 shall be made into the Village Parking Fund in lieu of providing

nine 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 May 22, 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 2,550-sf two story brick building is located at 24 Kaldenberg Place at the southwest corner of Central Avenue and Kaldenberg Place also in the RR zone. The owners of Lefteris Gyro seek to create a commissary kitchen at 24 Kaldenberg Place to consolidate bulk cooking and prep operations. The proposed commissary kitchen use is a permitted use in the RR Zoning District. There will be no exterior changes to 24 Kaldenberg Place or the restaurant.

The Commissary Kitchen would improve current conditions by having larger commercial/bulk deliveries made directly to 24 Kaldenberg rather than to the restaurant on Main Street. Applicant's affiliated entity also owns the neighboring property located at 4 Central Avenue. These larger delivery trucks can utilize the existing parking lot on 4 Central. This would reduce the need for larger trucks to back into the alley off of Kaldenberg Place, and help to alleviate some of the traffic and congestion that the area currently experiences. Customers would not be coming to 24 Kaldenberg directly to pick up orders or for any other reason, nor would drivers associated with food delivery services (such as Uber Eats). Accordingly, the proposed use would not negatively impact traffic or parking on Kaldenberg Place.

Restaurant will place orders with the commissary kitchen, on average, approximately three times per week. The orders will be fulfilled internally and delivered via sprinter van from the commissary kitchen to the restaurant. The Commissary will operate between the hours of 8:00 am and 6:00 pm, Monday through Saturday. It is anticipated that up to 3 employees will work in the commissary kitchen at one time. Deliveries - The van will be backed into the loading dock of the commissary kitchen. It will be loaded with all products that the restaurant ordered, the van will turn right out of the loading dock (onto Kaldenberg), take the quick right onto Central Avenue, make a right onto Broadway, go past the

restaurant and turn onto Main Street. Then it will make another right onto Kaldenberg and deliver through the back entrance.

Waste management will be managed internally on the first floor of the commissary kitchen in the storage area. There will be a large walk-in space dedicated to all waste, food as well as cardboard and recyclables. This will be picked up by a private carter similar to the other restaurant and retail users in the area. The cardboard will be crushed and tied via a baler. All trash/cardboard will be placed outside on the curb at the appropriate time. No external sitework will be needed. Approval from the Westchester County Department of Health will be required to be obtained following the issuance of Site Plan Approval from the Village Planning Board. A sprinkler system is proposed, as set forth in the enclosed Fire Protection Drawings, which were previously submitted to the Building Department.

The Village Engineer's denial letter dated February 21, 2023, indicated that the parking analysis shows that 10 parking spaces are required for the proposed Commissary Kitchen. There is one existing off-street parking space on the property. Therefore, nine additional parking spaces are required for the proposed use. The proposed use required a parking variance for the additional nine parking spaces which was approved by the Zoning Board of Appeals on April 10, 2023. The Zoning Board of Appeals required a monetary contribution of \$13,000 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). This is noted as a condition to the site plan approval.

II. Approved Plan:

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

Site Plan entitled; *Existing Conditions* prepared by Alfonzetti Engineering, P.C. for Lefteris Tarrytown Town of Greenburgh, Westchester County, New York dated January 30, 2023, last revised April 5, 2023.

Architectural Drawings for 24 Kaldenberg Place, Tarrytown, NY, 10591 prepared by Emilia Ferri, architecture + design, dated 10/6/22, last revised 1/9/23 unless otherwise noted entitled:

- T-1.00 "Title Sheet"
- G-1.00 "General Notes, Symbols & Abbreviations"
- G-1.01 "Proposed Partial Plan & Interior Elevations, Topographic Survey"
- D-1.00 "Existing Roof & Basement Demolition Plans"
- D-1.01 "Existing First Floor Demolition & Reflected Ceiling Plans"
- D-1.02 "Existing Second Floor Demolition & Reflected Ceiling Plans"
- A-1.00 "Proposed Roof & Basement Plans"
- A-1.01 "Proposed First Floor & Reflected Ceiling Plans"
- A-1.02 "Proposed Second Floor & Reflected Ceiling Plans"
- A-1.10 "Proposed First Floor Equipment Plan & Equipment Schedule"

- A-1.11 *“Proposed Second Floor Equipment Plan & Equipment Schedule”*
- A-1.12 *“Proposed Second & First Floor Finish Plans, Finish Schedule”*
- D-2.00 *“Existing Exterior Elevations Demolitions”*
- A-2.00 *“Proposed Exterior Elevations”*
- A-5.00 *“Door Schedule & Details”*

Ryan Soames engineering prepared Fire Protection Plans for 24 Kaldenberg Place, Tarrytown, NY 10591 dated 1/6/23.

- FP-001 *“Fire Protection Symbols and Notes”*
 - FP-002 *“Fire Protection Specifications”*
 - FP-101 *“Fire Protection Plans”*
 - FP-501 *“Fire Protection Details”*
 - FP-601 *“Fire Protection Riser Diagram”*
- “FS-1 - Food Service Equipment Plan”* prepared by Recipe for Success for Commissary Kitchen dated May 3, 2023
(the **“Approved Plans”**).

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 nine (9) required parking spaces in the amount of \$13,000 prior to the issuance of a building permit.
2. The Applicant shall implement and adhere to the practices set forth in the *Narrative* dated May 8, 2023, provided to the Planning Board regarding rodents, trash and unclean conditions. Trash and recyclables including cardboard will be picked up by a private carter similar to the other restaurant and retail users in the area. To the extent that it may subsequently come to the Applicant's attention that additional measures are needed to ensure clean and sanitary conditions on the Property related to trash and pests, the Applicant will promptly take all reasonable measures to rectify the situation.
3. The Applicant will require approval from Westchester County Department of Health (WCDOH) for a Food Service Permit for a commissary kitchen.

Ms. Raiselis clarified that although it is understood by the applicant that they will only use this commissary kitchen in connection with their Tarrytown restaurant location, she referenced page 1, Item 1 of the resolution and would like to add the word **only** in as follows: "the Applicant seeks to renovate and utilize the existing building as a commissary kitchen in connection **only** with the Tarrytown Lefteris Gyro Restaurant location".

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve this Resolution with the added language above.

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

CONTINUATION OF PUBLIC HEARING – WBP Development - 50 White Street

Ms. Raiselis noted a public comment received via email, from Jim Sabo, on April 25, 2023, objecting to the 3 proposed parking spaces in front of the building, which are no longer proposed by the applicant.

Deborah Post, with WBP Development, LLC, appeared before the Board, representing this application. She advised the Board that there was a field visit conducted with the Suzanne

Nolan, the Village Landscape Architect, and Dan Pennella, the Village Engineer and they have submitted revised plans. She introduced Kathleen Gallagher, RLA, with Insite Engineering, to go over the changes to the site plan, including parking, landscaping and the lighting plan. Ms. Gallagher briefly showed the revised site plan which eliminated the three parking spaces in the front of the building and put them back to the dumpster area, which, according to the housing authority, is functioning without any problem. This will allow them to save one of the London plane trees in the parking lot. They had to remove one Dogwood tree in the front for the ADA ramp, but have added some fringe trees and two Dogwood in that area. The ADA ramp location was moved by the gathering space to protect the critical root zone for the European larch. They also inventoried all the trees on site that were near the limit of disturbance and have updated the plan. They paid special attention to the front gathering space, making sure to put concrete back on top of concrete to do as little disturbance to the critical root zones of the trees and landscaping. The benches have been screened with vegetation and are no longer prominent from the road. With regard to the lighting, Ms. Gallagher advised that, prior to this application, the Tarrytown Municipal Housing Authority had embarked on a lighting project. There are existing light poles on site that are the very old metal half dome structures which contribute to glow and light spillage. Instead of just replacing the bulbs (many of them are no longer functioning), the Housing Authority has decided to replace the entire heads, but use the existing poles and foundations. The directions of the arm and the heads will be replaced with what is called a "Slim Cobra", which is shielded on the top to ensure that light does not migrate above the horizontal plane and is downward facing. They are technically not dark sky compliant, since the International Dark Sky compliant association has their own seal of approval, but they do meet the intention of Dark Sky compliance. They are not proposing to add any more of the existing three turbine, solar powered lights, however, they were added into their modeling because they will provide a better picture of the intention of the parking lot lighting once everything is in place. They measured the existing light levels and the range is pretty significant from one area to the other only because there are some light poles that are not working. The idea of bringing this all up to compliance now allows for a safer area for the residents and for people walking in the surrounding area. There is some light spillage into the public right-of-way, however, there are existing light poles located on White and Franklin Streets that contribute more to the light levels in the public right- of- way then the small minor amount of spillage that comes from their property. She noted that there is a public sidewalk in that area. The neighbors across the street can see the light level dissipate once it gets to the road so it doesn't actually cross over onto the street. The new fixtures that are downward facing will also be an improvement to the neighbors, compared to the existing.

Ms. Raiselis commented that the new bulbs will also be energy efficient.

Mr. Gaito was pleased that the parking in the front was moved and that the lighting has been satisfied. Ms. Raiselis agreed.

Ms. Mendez appreciates that they met with the community to see what they wanted with regard to the 3 parking spaces. She did not see any lighting on the plan near the driveway. Ms. Gallagher said that there is an existing light on White Street that is located at the actual entrance. They did not model this light since they have no control over the lighting in the public right-of-way.

Mr. Pennella noted that the applicant has worked with the village to eliminate any variances and with the landscape architect to improve the plan. There is a condition in the resolution that provides for private sanitation and trash collection once the applicant takes ownership of the property.

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

Dr. Friedlander 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

Before Dr. Friedlander read the draft resolution, Ms. Gallagher referenced Item 1 on page 1 and asked if the Board would be amenable to changing the language to provide for another charging station on site. Currently it states that 2 stations will be installed. The latest plans provide for 3 stations since there is a need to add another station for the ADA space. They suggested adding language that a, “minimum”, of 2 stations will be installed to give them the opportunity to add another station. She advised that the stations will not be publicly accessible. The Board Members had no objection and the change will be made.

Also, at the top of page 4, it should read 64 parking spaces, “including” 4 ADA spaces, rather than “plus”. This will be corrected to reflect that there are 64 spaces in total proposed on site.

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 May 22, 2023)

Application of WBP Development, LLC
Property: 50 White Street (Sheet 1.70, Block 29, Lots 34 and 36 and Zone M-UR)

Resolution of Site Plan Approval

Background

1. The Applicant, WBP Development, LLC, (contract vendee) with consent of the owner of the property, the Tarrytown Municipal Housing Authority c/o Wilfredo Gonzalez, requested site plan approval for the construction of exterior improvements to improve accessibility to features surrounding an existing, ten story apartment building at 50 White Street which contains 81 apartment units. Improvements will include exterior sidewalks and handrails around the building will be removed and replaced to allow accessible entrance to all building entrances. An accessible concrete sidewalk and ramps will connect the building with an existing reconfigured seating area adjacent to White Street. A gathering area at the rear of the building be upgraded, replacing the existing benches and chess tables, the existing playground will be resurfaced with a rubber mulch safety surface. A minimum of two car charging stations will be installed in the parking lot. The existing parking lot will be sealed and restriped. New landscaping will surround the building. The proposed project is located in the M UR (Multi Family Dwelling – Urban Renewal) zoning district. The site is the location of Franklin Towers, a ten-story apartment building which contains 81 apartment units.

2. The Planning Board determined on May 22, 2023, that the proposed action was a Type II Action under NYS DEC 617.5 (c) (2) “*replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;*” – the proposed action also includes actions such as building ramps, sidewalks, playground equipment etc. as required by the Americans with Disabilities Act.

3. The Planning Board has conducted a duly noticed public hearing on April 24, 2023 and a continued public hearing on May 22, 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, the *Cover Letter dated May 5, 2023, from the Applicant’s Engineer, Insite Engineering, describing the status of the Project and results of site visit with Village Landscape Consultant and set of plans from Insite Engineering including topographic survey, existing conditions, layout plans, number of parking spaces, floor plans, grading, utilities and steep slope plans, erosion and sediment control plan, impervious surface on-site, landscape plan, dumpster enclosure plans, new lighting plans and Photometric Plan. Additionally, the Planning Board reviewed the Franklin Towers Façade Renderings by Beyer Blinder Belle, the Zoning Compliance Table and the Environmental Clearance Form included with the application. The Planning Board also received comments and recommendations from the Consulting Village Planner in a memorandum dated May 10, 2023, a Cover*

Letter from Insite Engineering dated May 5, 2023, with the results of the site visit with the Village Engineer and Village Landscape Consultant, which the Planning Board has considered.

5. The Planning Board at their request was provided with a *Narrative* from Insite Engineering dated May 18, 2023, explaining the new lighting plan. The lighting plan has two types of lights including the proposed *Energy Light Slim Cobra Head* and the recently installed *Aris Wind Smart Pole*. The Tarrytown Municipal Housing Authority (TMHA) intends to replace the existing light poles heads on eight (8) of their existing poles onsite. The intent is to replace the head/fixture only and to reuse the existing poles and foundations. The existing poles are approximately 22' high. In addition, TMHA previously installed three (3) Aris Wind Smart Poles in the parking lot. Both fixtures support LED lighting, distribute light downward, are fully shielded and emit no light above the horizontal plane in order to reduce impacts to neighboring properties and the environment. As shown on the photometric modeling, the lighting does spill over the property line into the right of way; however, the footcandle distribution is less than a maximum of 1.0 footcandles at the property line along White Street and West Franklin Street. The average fc distribution in the adjacent r-o-w ranges from 0.1 to 0.5. Moreover, there is one street light located along White Street and one street light located along Franklin Street that are not included in the modeling. These lights have a greater impact on off street lighting levels than the minimum offsite spillage from the onsite lighting.

6. Based on discussions with the Village Engineer/Building Inspector, the Applicant has revised his plans around the dumpster enclosure and decided to keep the parking spaces in front of the existing dumpster enclosure, move the previously proposed parking spaces out of the front yard and retain the London Plane Tree within the existing parking lot. This will mean that there will be no variances required.

7. The Planning Board closed the public hearing on May 22, 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.

III. 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.

Applicant's proposed project is located at 50 White Street in the M UR (Multi Family Dwelling – Urban Renewal) zoning district. The site is the location of Franklin Towers, a ten-story apartment building which contains 81 apartment units. Existing site features include a parking lot, pedestrian sidewalks, several gathering spaces and a small playground. Applicant is aa contract vendee and will take over the site from the Tarrytown Municipal Housing Authority (TMHA) once the contract is finalized with HUD.

Applicant met on-site with the Village Landscape Consultant and provided an update to the Planning Board on the results of the site visit. The Trees within the project area were identified and measured (shown on Drawing EX-1). The ramp at the front gathering space has been reconfigured & moved further away from the European Larch. Tree protection detail has been added to Drawing D-2. Chart has been added to Drawing EX-1 showing which trees are to be removed and which will remain. One dogwood tree in the front of the building is being removed. removed. Two dogwood trees are proposed to be planted as part the planting plan. The site has been reconfigured in order to keep all other trees on site. The landscaping plan has been updated to reflect comments made at the on-site meeting including adding two fringe trees at the planting bed near the parking lot. There is a small reduction of 400 sf of impervious surface on site; therefore, no stormwater management practices are proposed as part of the project.

Regarding the dumpster enclosure location, the applicant has decided to keep the parking spaces in front of the existing dumpster enclosure and move the previously proposed parking spaces out of the front yard and retain the London plane tree within the existing parking lot. This will mean that there will be no variances required. Once the site is turned over from the public Tarrytown Municipal Housing Authority to a private owner, the responsibility for collecting trash/recyclables will be a private carter.

New Lighting - Prior to the site plan application, the Tarrytown Housing Authority (TMHA) planned a lighting replacement project. The Tarrytown Municipal Housing Authority (TMHA) intends to replace the existing light poles heads on eight (8) of their existing poles onsite. The intent is to replace the head/fixture only and to reuse the existing poles and foundations. The existing poles are approximately 22' high. In addition, TMHA previously installed three (3) Aris Wind Smart Poles in the parking lot. Both fixtures support LED lighting, distribute light downward, are fully shielded and emit no light above the horizontal plane in order to reduce impacts to neighboring properties and the environment. The photometric modeling shows that there is some spillover into the r-o-w on White Street and West Franklin Street. However, the footcandle distribution is less than a maximum of 1.0 footcandles at the property line along White Street and West Franklin Street. The average foot candle distribution in the adjacent r-o-w ranges from 0.1 to 0.5. New downward facing fixtures which are shielded at the top to prevent upward glow lights and will replace 8 of the light pole heads on site.

The proposed number of parking spaces is equal to the existing spaces on site. The total number of spaces is 64 parking spaces including 4 ADA spaces. This will bring the site into ADA compliance by providing ADA compliant parking spaces and accessible pathways to the building, refuse enclosure, and seating areas. The Tarrytown Municipal Housing Authority has indicated that they will provide agreement with MTA for the proposed 2.9' encroachment of the existing refuse area on the MTA property.

IV. Approved Plan:

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

Plans prepared by Richard Williams, PE, Insite Engineering, Surveyor & Landscape Architecture for 50 White Street, dated April 6, 2023, last revised May 5, 2023 unless otherwise noted:

- Drawing CS-1 *"Cover Sheet"*
- Drawing EX-1 *"Existing Conditions Plan"*
- Drawing SP-1 *"Layout Plan"*
- Drawing SP-2 *"Grading, Utilities and Steep Slope Plans"*
- Drawing SP-4 *"Landscape Plan"*
- Drawing D-1 *"Details"*
- Drawing D-2 *"Details"*
- Drawing Lp-1 *"Lighting Plan", Dated May 18, 2023"*
(the "Approved Plans").

I. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
- (c) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (d) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve this Resolution with the two revisions.

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 – Rebecca and Nicholas Galgano – 45 Lincoln Avenue

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, May 22, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Rebecca and Nicholas Galgano
45 Lincoln Avenue
Tarrytown, New York 10591

For site plan approval for an addition with alterations and related site improvements to an existing single-family dwelling.

The property is located at 45 Lincoln Avenue is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 117, Lot 2 and is located in the R 7.5 zone.

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

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

Dated: May 12, 2023

The mailing receipts were received and the signs were posted.

Sam Vieira, RA, the project architect, appeared on behalf of the applicants, also present, and presented the site plan. He explained that there have been additions made over the years to this property and it is a bit of a mish-mash. The main focus of this application is to add a second story level to part of the structure to make it more traditional looking. They will eliminate the parking area on High Street and tear down the detached shed and move it closer to High Street. The driveway will be moved onto Lincoln Avenue. They will create a covered porch and entryway with a dining area since there is no recreation area in the back because the house is literally built on the property line. The narrow structure to the right will remain. They will add a side entrance with a mud area leading to a great room and gym area. He noted that the only increase in the footprint will be the covered

porch. The master suite with 2 bedrooms is proposed on the 2nd floor. It will not extend over the existing narrow structure. There are some windows in the back that required a variance from the state since the home sits on the property line. The windows are needed for natural light and ventilation and the variance was granted. Mr. Vieira showed the elevation plan and how the roof will step down and a streetscape showing how the house sits in the neighborhood.

He advised that Hudson Engineering has provided a stormwater management plan which Mr. Pennella has reviewed to his satisfaction. The landscape comments from Suzanne Nolan have also been addressed to her satisfaction. They have also received the required variances from the Zoning Board. They reduced the FAR considerably by reducing the pitch of the roof. They have also received ARB approval subject to approval from this Board.

A brief discussion took place about the history of the home. Mr. Vieira commented that the records are sketchy in this very unique area of the village. It is clear that there were a lot of additions just slapped on over the years. He hopes this plan ties everything into place. Mr. Galgano added that they purchased this home from his Aunt and Uncle, and the Greenhouse existed when they first bought the property.

Ms. Raiselis is pleased with the plan and is happy the home is not being demolished since it has so much history.

Mr. Aukland welcomes that the home is in keeping with the eclectic nature of that neighborhood.

Ms. Mendez Boyer appreciates the history of the building and the increase of softscape.

Mr. Gaito said the opening corner is a nice concept. He asked how the shed will be accessed. Mr. Vieira said there is no other room for storage and it is necessary for storage of bicycles, canoes, landscaping equipment that you would normally keep in a garage. It will be accessed from the property. They did lower the roof as well to reduce the FAR. They are not sure if the shed will be built or fabricated and will have to go back to the ARB for this approval.

Ms. Mendez-Boyer asked about energy efficiency proposals. Mr. Vieira said the home will meet or exceed the current code requirements. Foam insulation will be used which will increase the R values. All equipment installed will be high efficiency. They may decide to go with solar in the future, if feasible, and they are already reusing a good portion of the home. Ms. Raiselis agreed that their embodied carbon is well structured.

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

Counsel Addona noted that when this application was before the Zoning Board there was discussion to find ways to reduce the FAR and she wanted to make it clear that the shed was already proposed before the FAR was reduced in the attic. She wanted to confirm with Mr. Vieira that, in addition to reducing the height of the attic, the grade of the basement was also raised so that those areas were not included in the FAR calculation.

Mr. Vieira confirmed that the drawings that the Board received have those modifications requested by the Zoning Board. The roofline reflects the lower ridge and the front elevation reflects the modification in the grade which reduced the amount of visible foundation which would have to be calculated into the FAR. Counsel Addona noted that the applicant did substantially reduce the scope of the variance that they would have needed for FAR. Mr. Vieira agreed that the existence of the shed before this Board is not as a result of the attic reduction. It was always there and is proposed to be moved further away from the road.

Mr. Gaito 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

Mr. Gaito 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 May 22, 2023)

Application of Nicholas & Rebecca Galgano
Property: 45 Lincoln Avenue (Sheet 1.190, Block 117, Lot 2 and Zone R-7.5)

Resolution of Site Plan Approval**Background**

1. The Applicant and owner of the property, Nicholas & Rebecca Galgano, requested site plan approval for the construction of a second story addition of 1,356 sf to an existing 2,327 sf 1 ½ story, single-family residence at 45 Lincoln Avenue in the R-7.5 district. Applicant is also constructing a new covered front porch which will be used as the main entrance and outdoor dining and seating area. Project also includes the construction of a new detached tool shed to replace existing shed in the front corner of the property. The new shed will have similar dimensions (14' x 14') as the previous shed but will be closer to the house and further in from the property line. The addition will include three new bedrooms and two bathrooms. The first floor will be renovated to accommodate an open floor plan and recreation area. The existing asphalt parking area with a curb cut on High Street is proposed to be eliminated. A new paved parking area consisting of two spaces and driveway with a new curb created in the front of the House on Lincoln Avenue by removing the existing illegal driveway. The property consists of 7,555 sf and is a corner lot with frontage on Lincoln Avenue and High Street. The lot is approximately 100' along Lincoln Avenue on the north and 75' on High Street to the west.

2. The Planning Board determined on May 22, 2023, that the proposed action was a Type II Action under NYS DEC 617.5 (c) (12) *“construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”*

3. The Planning Board has conducted a duly noticed public hearing on May 22, 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 *Cover Letter from the Applicant's Architect, Samuel Vieira*, describing the project dated April 20, 2023, the *Zoning Compliance Table* dated 4/20/23, the *Environmental Clearance Form* and the set of plans dated 4/19/23, including proposed site plan, color photographs of the property, floor plans, elevations, demolition plans, Neighborhood Photo Study and Streetscape, and landscape plan. Planning Board also received and reviewed the *Stormwater Management Plan and Drainage Analysis* prepared by Hudson Engineering received 5/16/23. The project includes the installation of onsite stormwater systems designed to exfiltrate 358 SF of additional impervious area generated by the building additions and site improvements. The design of the proposed stormwater system is acceptable to the Village Engineer. The Planning Board also received comments and recommendations from the Consulting Village Planner in a memorandum dated May 10, 2023, from the Village Landscape Consultant in a staff review dated May 10, 2023 and final review dated 5/23/23, a series of denial letters from the Building Inspector/Village Engineer, dated March 1, 2023, and revised letters dated March 3, 2023, and March 22, 2023. The Denial Letters listed the area variances that were required from the ZBA. There were 12 area variances including light exposure plane variances for the south and west exposures. The other variances included building coverage, setbacks for the front and side yards, driveway encroachments, impervious coverage and FAR. The Applicant sought an initial FAR increase of 894 sf. which was reduced by 581 sf by reducing the height of the attic space and the amount of the exposed foundation area, resulting in a ZBA variance of 313 sf being granted, which the Planning Board has considered.

5. The Applicant appeared before the Zoning Board of Appeals on April 10, 2023, seeking the area variances listed in the Village Engineer/Building Inspector's Denial Letter dated March 22, 2023. There were 12 area variances required from the ZBA including light exposure plane variances for the south and west exposures, building coverage, setbacks for the front and side yards, driveway encroachments, impervious coverage and FAR. The Applicant sought an initial FAR increase of 894 sf. which was reduced by 581 sf at ZBA hearing held on April 10, 2023. The reduction was made by reducing the height of the attic space and the amount of the exposed foundation area, resulting in a ZBA variance of 313 sf being granted. The reduced FAR and other area variances were approved by the ZBA on April 10, 2023.

6. On February 3, 2023, Applicant also received an area variance from the NYSDOS to allow the construction of new frame walls with windows on lot lines.

7. The Planning Board closed the public hearing on May 22, 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 Applicant had received all of the required area variances from the Village Zoning Board of Appeals as well as the NYSDOS. In reviewing the application and proposed site plan, the Planning Board determined that there was no encroachment or disturbance of the steep slopes, and a steep slope waiver was not required.

Applicant's proposed project is located on a 7,555-sf developed property located in the R-7.5 district. The 1 ½ -story single-family residence has 75' of frontage on High Street and 100' along Lincoln Avenue. The Project proposes to construct a second story addition of 313 sf to an existing 2,327-sf, single-family residence. The lot is approximately 100' x 75' with 7,555 sf. The addition will include three new bedrooms and two bathrooms. The first floor will be renovated to accommodate an open floor plan and recreation area. The new residence with the second floor will be 2 ½ stories or 29.66 where 30' is allowed. The change in impervious surface is 45.5% whereas the existing non-conformity is 44.3%. The western and southern portion of the building is located directly on the property line. The detached tool shed will be moved closer to the house and further in from the property line. It will have same dimensions as the existing shed. The increase of the proposed FAR was reduced from 894 sf to 313 sf by proposed FAR by reducing the height of the attic space and the amount of the exposed foundation area. The application is appearing before the Planning Board for site plan review since the initial increase in footprint of the existing home resulted in a square footage or FAR increase of 50% or more.

Village Landscape Consultant provided a landscape review to the Planning Board and to the applicant. Applicant is replacing trees on the site in co-ordination with the Village and the Village Landscape Consultant. Applicant removed 12" cherry tree and 8' juniper bush with addition of 2 October Glory Red Maples, 2 River Birch and 2 Eastern Redbud trees. These (4) native canopy trees and (2) native flowering trees are a robust replacement for the (2) trees proposed for removal. The Village Landscape consultant conducted a final review dated 5/18/23 and indicated that the Applicant had revised the landscape plan to include exclusively native trees and shrubs reflecting her recommendation.

II. Approved Plan:

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

-Plans prepared by Samuel F. Vieira, Architect PC for *Addition/Renovation for Galgano Residence, 45 Lincoln Avenue, Tarrytown, New York* dated 2/23/23 and last revised 4/19/23, unless otherwise noted.

- Drawing SP1 *"Existing and Setback Requirements Site Plans"*
- Drawing SP-2 *"Site Demolition Plan, Proposed Site Plan, Zoning Data & Details"*
- Drawing A-1 *"Proposed Floor Plans"*
- Drawing A-2 *"Proposed Exterior Elevations"*
- Drawing A-3 *"Proposed Exterior Elevations"*
- Drawing NS-1 *"Neighborhood Study and Streetscape"*
- Drawing L-5 *"Tree Removal & Planting Plan"* prepared by Peter Gisolfi Associates, LLP, Landscape Architect dated 5/23, and revised 5/10/23.

Civil Plans prepared by Hudson Engineering & Consulting, P.C. for *Proposed Addition & Alterations at 45 Lincoln Avenue* dated 5/15/23.

- Drawing C-1 *"Stormwater Management Plan"*
- Drawing C-2 *"Details"*

(the "Approved Plans")

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) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

IV. Specific Conditions

- a. Prior to the issuance of a building permit plans for the installation of a fire sprinkler system shall be submitted for review and approval for compliance with Chapter 166 Fire Sprinklers.
- b. Prior to the issuance of a building permit approval for the proposed curb and restoration of the existing curb cut is to be obtained from Department of Public Works.

A correction was made on page 1, Item 1, of the resolution, to reflect the correct proposed square footage of 1,356 s.f., for the second story addition.

Mr. Pennella advised that the applicant can seek a curb cut approval from the Department of Public Works.

Ms. Raiselis moved, seconded by Mr. Aukland, to approve this Resolution with the square footage correction on page 1.

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 – Hudson Harbor Station, LLC- 29 S. Depot Plaza (Lots 37 & 38)

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, May 22, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Hudson Harbor Station, LLC
485 West Putnam Avenue
Greenwich, CT 06830

For site plan approval for the construction of a transit-oriented development consisting of 88 residential units with 295 s.f. of retail space, covered parking with additional exterior parking on applicant's property (Lot 37) and proposed village owned property, with related site improvements.

The property is located at 29 South Depot Plaza and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 29, Lots 37 and 38 and is located in the ID 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 Board of Trustees and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: May 12, 2023

The mailing receipts were received and the signs were posted.

George DiStefano appeared, representing the applicant, Hudson Harbor Station, LLC. He introduced Anthony Guccione, RLA, with JMC Site Development Consultants, the project design engineers, and John Canning, the project traffic consultant, with the firm of Kimley Horn. Mr. DiStefano presented the site plan for the redevelopment of 29 South Depot Plaza, a new transit-oriented development project consisting of 88 units in one four-story building adjacent to the metro north train station. He noted that this

project is a continuation of the efforts that the village has made over the past several years to reimagine the entire train station area, starting with the comprehensive plan, and continuing with the adoption of the zoning amendment to encourage TOD projects. The village has really made an effort to outline a new vision for their site and also the larger station area in general. Mr. DiStefano advised that they have worked with their design team to incorporate many of the values the village put forward in the various plans and studies done over the years which include some of the following:

Connectivity and Mobility: Given their proximity to the train station, they have begun discussions with both MTA as well as their neighbors at Franklin Towers to create new and fully accessible connections through their site and to the train platform. They are planning to incorporate a new mobility hub on the site that will provide options for bike and scooter share to help reduce car dependency. The hub will be for their residents as well as the community.

Sustainability and Resiliency: In addition to the mobility hub, which they see as a sustainable feature, the building will be entirely electric and they will incorporate other sustainable features such as low water use plumbing fixtures, energy efficient LED lighting, and low E insulated glazing windows. They are also proposing to raise the majority of the ground floor spaces to be above the 100-year floodplain. They are keen on creating new and diverse housing stock. This will not be a luxury housing project, but rather what they call mid-housing, created for the working class. They will also designate 10% of the units as affordable units. Lastly, they are focused on the design and character of the project. They are looking to create a building that feels like it has been on site for decades and identifies with the industrial history of the site adjacent to the train. He showed the view from Depot Plaza looking from the train platform, which is the north façade of the project. They are proposing a red brick, which relates to a lot of the existing architecture in the vicinity such as the Village Hall, Franklin Towers. They are looking at a relief textured metal panel, located on the western side of the project, to help break down the scale of the project.

He showed the ground floor plan. The north side of the project is where they have concentrated the entry lobby facing the train station as well as a small retail or artist studio space to help activate the ground floor. The southern portion of the building will be used for the majority of parking. They will be allocating 57 parking spaces below the residential levels, and then a series of utility spaces such as trash rooms and point of entry rooms. The next two floors would be identical to one another. A double loaded corridor with units on either side, and a top floor would be similar with the exception of the northern end, where they have concentrated their amenity programs which includes a terrace. The terrace has been placed strategically to help break down the massing from the main point of view of the project and to reduce the bulk of the building on the western side.

The elevations show the overall height of the building and deployment of the facade. They are complying to the zoning height of 48 feet maximum. The only exceptions that were taken to that, as laid out in the zoning code, is for the stair bulkhead elevator bulkhead, and a parapet, all of which are under the allowed 10% area of the roof. At the entry point on the northeast corner, they have located a metal canopy to act as a focal point for the project. He showed the proposed accessible ramp that would connect their project, and also Franklin Towers up to the existing train platform. They intend to replace the existing stairs on site. They have split the massing into different segments with vertical reveals and incorporated metal panels, shielding the parking at the lower levels. Mr. DiStefano introduced Anthony Guccione, with JMC, to go through some of the site plan details.

Ms. Raiselis asked how deep the reveals are as shown on the plan. Mr. DiStefano said they are at 18 inches.

Anthony Guccione, with JMC Site Development Consultants, presented the site plan. The site consists of two parcels: the larger parcel is 1.18 acres in size (Lot 38) and the smaller rectangular parcel is .21 acres on the east side of the site. They propose to demolish the one-story warehouse and construct 88 residential units over a level of parking. Some of the existing foundation from that warehouse will be used as the base for this building. He showed the small retail artist studio space in the front area of the building. In terms of zoning, the property lies in the ID Zone and the site plan complies with the requirements of the district. In terms of parking, there are a total of 95 parking spaces proposed which complies with the requirement of 1.05 spaces per unit plus one space for 300 square feet of retail. 57 covered spaces are proposed under the units on the first floor. 16 spaces are proposed along the driveway on the west side of the driveway as you enter right here. 18 of the spaces are proposing a new standalone parking lot in the smaller parcel which is occupied by a smaller existing building to be demolished and turned into a landscaped parking area. The final four spaces are at the southeast corner of a building adjacent to the road. He showed the ramp from the site that slopes up about 6 feet to get to the train platform and the mobility hub in the plaza area with racks for scooters and bikes that can be rented for use by people in the community.

Mr. Guccione noted that the Planning Board raised some concern at the work session about cars backing out of these spaces into the driveway area and onto the metro north parking lot property, and the lack of a comprehensive pedestrian circulation scheme for the project. They listened to these comments and have revised the site plan with some modifications. The new plan takes the parking that was along the driveway and moves it onto the Metro North property. These 16 spaces would be part of the negotiations with Metro North in order to use a piece of that parking lot. The plan provides a very

extensive sidewalk network. There is a sidewalk on the east side of the driveway and a ramp going up to the Metro North platform, a sidewalk along the face of the building that provides a sidewalk from the municipal housing property along the edge of this parking lot up to a crosswalk that comes across and maintains the circulation out along Depot Plaza. This plan enhances pedestrian safety and addresses some of the comments that came up at the work session. If the Board thinks this is an improvement, they will be happy to formally submit the revised plans for the next Public Hearing.

Mr. Aukland commented that the existing intersection with Depot Plaza is awkward with the buses turning, etc. , and perhaps this could be an opportunity to reconfigure the pedestrian, cycling and vehicular flow to make it less confusing. He asked if the applicant has thought about talking to the MTA about this. Mr. Guccione said they haven't thought about that but Mr. Canning can address that issue when he does his traffic presentation.

Dr. Friedlander asked the width of the sidewalk in front of the building. Mr. Guccione said it varies, the minimum is five feet, but it widens out in some areas to 6 or 7 feet. The sidewalk along the driveway is five feet, the walkway from Franklin Towers is four feet, and the ramp is 12 feet wide. Dr. Friedlander asked if it was possible move the road further east to make a better sidewalk. Mr. Guccione said they are trying to stick within the MTA parameters to make it easier to negotiate with the MTA and still get the parallel spaces in. He also noted the need to maintain a 26-foot width for required fire truck access. Dr. Friedlander is concerned about the impact of heavy trucks so close to a pedestrian sidewalk. Mr. Guccione said they will look at it but noted that there will not be many people coming from the industrial area. Mr. Guccione showed the area that could be affected by the truck traffic which has a 6-inch curb installed.

Ms. Raiselis would like to see all the details on the plan, including improved landscaping around the proposed MTA spaces. She would also like to see this project interface with the Franklin Towers and Courts so they become a seamless neighborhood. Mr. Guccione said they are speaking with Franklin Towers and there was a request that we had a sidewalk connecting so they could easily get to the train station and they are continuing discussions. Ms. Raiselis would like to see both parties push to make the area more integrated and safer for everyone. All the activity is clustered at the north end and there is only one tiny artist space. She does not want to design this but there may be an opportunity to make it a slightly more public private space in terms of placemaking. Lastly, the elevation is also pretty plain. An 18-inch reveal is a good start but she would like to see it broken up a bit more.

Dr. Friedlander asked if any thought was given to developing Lot 37. Mr. Guccione said the original submission included another building with units but the zone would not

allow that, so they came back with this plan. The code does allow to have supportive parking on an adjacent site within 300 feet of the property so this seemed to be a better solution for the efficiency of the project.

Ms. Raiselis asked if parking was going to be free for the residents. Mr. DiStefano said that has not been fully discussed but they will get an answer. Ms. Raiselis said there are a lot of spaces on the other side of the tracks that are not being used. If this is mid-income and the parking were cheaper over there, the residents may pay for a spot over there. Mr. Aukland added that this is a transit-oriented development and there will be some residents who prefer not to have cars. It is questionable to bundle a parking space price into their price for the unit. Mr. Guccione said the parking requirement is baked into the zone for this use at 1.05 spaces per unit.

Ms. Mendez-Boyer commented that what helps a TOD is having a bit more mixed use. She is wondering if there is an opportunity to bring in some retail that the Franklin Towers and Court residents can benefit from. Perhaps a small market, a vegetable stand, or a small cleaner, so when they get off the train, they can pick up their clothes. She asked the applicant how they can integrate a 12 to 18-hour activity on the site and expand on the bakery so that everyone in the area can benefit, including the commuters.

Mr. Aukland referred to the designated storage space area in front of the building and suggested that be changed to activate the sidewalk area. Mr. DiStefano said they are in the 100-year floodplain and they have tried to keep the ground floor to a minimum in case of flooding which is why the storage was proposed there. They came up with the artist studio to create some kind of program that could bring in small artists to activate that space. Mr. Guccione noted that this area is not in the flood zone now but will be based on future preliminary flood maps. Currently, the parking and uses are above that flood elevation.

Ms. Mendez-Boyer said if she was a resident and knew that the storage space was in the possible flood possible area, she would not store anything there.

Mr. Guccione noted that they are balancing the parking demand and if they add retail they will be increasing the parking demand also. Ms. Raiselis suggested a Farmer's market.

Dr. Friedlander asked if they have established the rent structures yet. Mr. Guccione said not yet, but they are usually set by the market.

Dr. Friedlander is concerned about the separation between their building and the Industrial property. Mr. DiStefano said there is a 10 to 13-foot separation and they will definitely look at planting some vegetation for screening.

Dr. Friedlander confirmed that they will be proposing 9 affordable units, which is 10% of the 88 units proposed per the village code. He asked the applicant if any thought was given to increasing the number of affordable units if the Board allowed more units. Mr. DiStefano said they are maxed out with regard to the bulk, so the only possibility would be to increase the height of the building.

Dr. Friedlander confirmed that the building is 80 feet wide and 360 feet long with the 2 breaks at the center of the east façade. The hallway width is at 6 feet and there is a stairway at the north and south. Dr. Friedlander asked Mr. Pennella if the code allows for 360 feet in length without having a stairway exit or entrance. Mr. Pennella said it is a sprinkled building and a code analysis is required. He has not done a thorough review of this new plan. The denial letter that was issued was based on the original plan. This plan has not been fully reviewed and variances may be required. The height of the building also needs to be looked at to determine whether or not the bulkheads, stair towers and parapets are allowed to be placed above the maximum height. This plan has stair towers. His recollection of the overlay code was that there was a maximum building height and nothing was to exceed that height. He advised that what is being presented here is very conceptual in nature. There is a lot more work to be done to get to a final building layout to determine whether they need all the bulkheads.

Dr. Friedlander asked if there are any amenities for the residents. Mr. DiStefano showed the fourth-floor area at the north end of the building which includes a wrapping terrace with a common lounge and kitchen and a small coworking space. There is nothing else proposed on the roof since they are limited in height.

Mr. Gaito sees a lot of opportunities and he would like to see more details on the plans, particularly with regard to connectivity. There is no relationship to the ground level and the JMC plans. It hard to understand both the flat plane and vertical site connections. He is not sure about the proposed artist space and really can't imagine it being used for this purpose. This area will be used by many people and it will be a critical junction. At this point, it appears to be more of alley rather that a celebrated public space. He likes the shared biking idea. With regard to the historic area, old brick factories along the river have been converted to apartments, but he is not sure if a brand-new brick building is the right response to the Hudson River and to the surrounding area. He believes Dr. Friedlander was asking if anything on the roof was proposed because everyone walking down the hill will see what the top looks like, so that should also be considered. The four parking spaces maybe better served with landscaping. He is also interested in

learning the market possibilities for the industrial site should that property be sold in the future.

Mr. Aukland is interested in the health and safety of the residents and the area. He would like a detailed narrative to assure the Board that there is no hazard to the residents from potential industrial activity on the parcels to the south, such as chemical exposure, or noise pollution. A bigger issue is the ability for the public to access the tracks. There is nothing to stop a new resident or child from entering this area where there is a third rail hazard. He would like to know what precautions the applicant and the MTA would put in place to be sure that no one (especially a child) can gain access to the third rail. Mr. DiStefano said that they can wrap a fence and screening on their south side of the property but have no control over access from the other property. Mr. Aukland said then it becomes a traffic problem to keep it safe and prevent people from accessing the tracks. Ms. Raiselis said the MTA will have to work to make the area safer.

Dr. Friedlander asked the applicant what their agreement is with regard to obtaining the parking spaces from the MTA. Mr. DiStefano said they are asking the MTA for 12 parking spaces and 4 ADA spaces on the east side of the site. The original plan was to ask the village for the 16 spaces, but based upon the comments at the work session, it makes more sense to use the MTA property to improve the pedestrian and traffic circulation. With this new plan, they will not require the 16 spaces from the village lot. That lot will be left untouched except for landscape and pedestrian improvements.

Ms. Raiselis believes there are complications with this MTA parking area because they have to provide parking for their employees. This needs to be negotiated with the MTA as soon as possible. Mr. DiStefano showed the MTA parking area on the plan and noted that the 16 spaces they are asking for is significantly less than what the previous applicant asked for, which was about 50 spaces. He advised that they have had a good initial conversation with the MTA and are hopeful about it.

John Canning, the project traffic engineer, with Kimley Horn, prepared a detailed traffic study submitted with the application which included requisite intersection vehicle turning movements and pedestrian counts. They counted trucks, buses and other vehicles. The counts were conducted on February 7 of this year from 6:45 to 9 a.m. in the morning and from 4:30 until 7 p.m. in the evening, which is almost five hours. They observed 4 large trucks entering South Depot Plaza during this period driving down through the site. He showed photographs of those four trucks. One of them is the same truck which entered, and then existed. In addition to the 4 large trucks, there were about 10 smaller pickup size trucks. He provided pictures of these trucks to the Board. Overall, on South Depot Plaza, the level of activity was about 10 vehicles per hour. He concluded that

there is activity on it, but it is really not that busy. They established their existing traffic volumes and grew them to the design. They added traffic from other prospective developments that have been starting and stopping over the past couple of years, such as the Waterfront hotel, Hudson Harbor, 62 Main Street, 39-51 North Broadway, and the big gorilla in the room, Edge on Hudson, in Sleepy Hollow. He advised that there are 110 trains and 210 buses per day that stop at this train station, so this project is definitely a TOD. The most important aspect of the traffic impact of this project is the existing warehouse. It may have been busier in its former life. Based on industry standards, it generates 24 trips in the peak hour. This project, with the 88 units and 300 s.f. retail space would generate 32 trips in the peak hour. Therefore, from a traffic perspective, the traffic increase will be no more than 10 trips, which is not a traffic impact. There are other issues to talk about, but from a regional traffic perspective, this is not a traffic impact. They also did an analysis of the driveway since cars are required to yield to traffic coming in or going out. The analysis indicated that there would be reasonably good levels of service and delays which would only increase by less than half a second, so there is no traffic impact. To Mr. Aukland's point earlier, there is a lot of traffic at this location. It is a train station. There are 210 buses a day and there are a lot of people that come and go from the train station, but this project is really not changing any of that. The requirement is that this project fix any impacts that it will create. The station has been that way since it was redone almost 20 years ago. It is quite busy, but it seems to be functioning reasonably well and this project will not be changing that. He does not think it is an MTA issue because the land belongs to the village.

Mr. Aukland commented to Mr. Canning that he has read the report and he does not believe there will be too much new traffic. He asked earlier if there is an opportunity to reconfigure that area around the entrance to South Depot Plaza to make it less confusing, since it is not a regular intersection. Mr. Canning agreed that it is not a regular intersection. There is a pass by lane and a drop off lane. They could potentially make some minor modifications to the curb returns on South Depot Plaza, but he does not see anything down there that rises to the level of a multi-million-dollar project to change the intersection, which seems to be working reasonably well. Every day, people manage to go in and out of the train station without any problem.

Dr. Friedlander asked Mr. Canning to talk about the Edge on Hudson traffic impacts. He asked what percentage of the Edge has been developed and what the traffic impacts have been as a result. Mr. Canning advised that about a third of the Edge Development is occupied. Their traffic study included the remaining two thirds built out. For the most part, the Edge traffic that passes through this location in the southbound direction is in the bypass lane, turning left to go toward Franklin Avenue. In the opposite direction, it comes from Franklin Avenue and passes the building and heads north on Depot Plaza.

It has all been factored in. He could do a trip analysis to see what it would be at the intersection, but the overall operating conditions, even with Edge traffic at this location, are acceptable.

Mr. Gaito is concerned that it could be a problem during peak hour when residents are all coming at the same time. Mr. Canning said that to the extent that they are coming out in the peak hour, the maximum number of exiting vehicles is projected to be 19 or 20, which is one vehicle every three minutes. It is really not going to be impactful from that perspective. This is a TOD project, under 100 units, with a reduction of parking spaces because people are expected to have fewer cars, drive less, and use public transportation more.

Mr. Galvin asked Mr. Canning if it is fair to say that the project is not bringing traffic down to the station. The only traffic will be predominantly residents leaving and coming back. Mr. Canning agreed and said the traffic will be from the residents. If the Board wants to entertain more commercial activity which they have discussed, that would mean more parking and more traffic. The traffic generated by this site will be for the 88 units. About 65% of them are going to make a right and go towards 287 or up Main Street. And maybe 35% of them will go to Sleepy Hollow.

Ms. Mendez-Boyer added that if there is a larger retail component, there will be more parking needed and more traffic. There are 210 buses and 110 train trips which is already a lot of traffic and people are also walking and parking to the train. A larger retail component could benefit these people.

Mr. Gaito said if some sort of store is nearby it could alleviate the traffic verses getting into the car to go to the supermarket or cleaner. Mr. Canning said that whatever goes in this space, it won't be a fix all. If it's a drugstore, people still need to go to the grocery store. If it is grocery store, people still have to go to the liquor store. Ms. Mendez-Boyer commented that the 32 trips include these trips to the stores. So, if the numbers provided in the study are correct, based on 88 units, she can only assume that a store of some sort will be a benefit. Mr. Canning explained that the 32 trips is basically for the individuals that live there. Sometimes they go to work, or take kids to school, or go to the wine store or to the airport; there are lots of things that we do on a daily basis. Predominantly, they are work trips, and then the second level is shopping needs for personal upkeep, whether it's food or clothes, etc. If they put in a store that serves some of that, for every resident that shops there and doesn't go somewhere else, it would be a reduction in traffic, but, for every resident in the community that decides they want to drive down and see what is going on and get something there, it will be an added trip.

Ms. Mendez-Boyer commented that the people that use the train will use the retail and it will reduce traffic. Mr. Canning said that he can provide information on how much additional parking and traffic would be associated with the commercial space, it may be possible to find a happy medium with enough parking.

Mr. Galvin asked Mr. Canning if he had any statistics on how many people actually shop after coming home on the train. He is not sure if people want to shop they may just want to get home. Mr. Canning said he does not have any hard data from this train station. They can look at industry data to indicate what sort of internal capture there might be. There are a lot of factors involved such as state of mind, need, and planning ability. Mr. Gaito and Mr. Canning both agreed that a commercial space could benefit the residents at 50 White Street as well.

Mr. Aukland wanted to clarify his comment earlier about the South Depot Plaza reconfiguration. He is not looking for a multi-million-dollar project; but he would like to see a curb-cut kind of redesign. If there is anything proposed by the applicant, he would support that, rather than fight it. He is also concerned about the number of trucks going through the property to the paper recycling site since trucks and kids don't mix well. He would like Mr. Canning to think about and identify any protocols to discuss with the recycling people about how the truck drivers behave going through what will be a residential area.

Mr. Canning took this under advisement for future discussion.

Mr. Aukland moved, moved, seconded by Mr. Gaito, to designate this an "Unlisted Action" for SEQRA purposes, and declare the Planning Board's intent to act as Lead Agency with proper notification to all involved and interested agencies along with a referral to the Westchester County Planning Department for review under General Municipal Law.

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

Mr. Aukland moved, seconded by Mr. Gaito, to set an escrow of \$10,000. All in favor. Motion carried.

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

Mr. Galvin requested a Long Form EAF be completed by the applicant which is required for the NOI circulation. The applicant should address Chapter 166 and the flooding question.

There were no further comments from the staff.

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

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

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

MS4 Annual Report Stormwater Management Meeting

Report by: Donato R. Pennella, Village Engineer

Mr. Pennella reported that the MS4 annual stormwater report was made available on the Village website for the period ending March 9, 2023. This meeting is open to the public for comment on this report.

- In addition to the weekly and after every rain storm event performed by the applicant's representatives, this department performed 12 SWPP stormwater inspections for MS4 or SWPP.

- The Village has 40 Outfalls – they continue to perform annual inspections and repairs as necessary.
- The Department issued 15 site violations and 0 stop work orders for MS4 related discharges from dumpsters or oil leaking into the stormwater system.
- Reminders are sent to private HOA's to maintain their facilities.
- The Department intends to submit this report to DEC by **June 1, 2023.**
- There were 4 Active sites during reporting year:
 - 612 South Broadway - Greystone on Hudson
 - Carriage Trail (Greystone)
 - 62 Main Street
 - Hackley School

The Department will send out reminder letters regarding annual inspection of post construction stormwater practices. In addition, the department will also send fertilizer flyers to properties around the lakes and in the Wilson Park/Crest Areas. Clean up efforts are underway around the lakes and along the Hudson River. He acknowledged TEAC for their ongoing effort to sponsor clean up days in the village. In addition, the Friends of the Riverwalk also did several cleanups and the EF School also held a clean-up day.

Mr. Gaito asked about the DEC reporting process after the report is submitted. Mr. Pennella noted that the program is ongoing and the village is required to file an annual report. They have been audited by the DEC for compliance which coincides with the building department operations. There is a checklist prior to certificate of occupancy for compliance and properties must conform to the stormwater agreements.

There was no one to comment in the audience. Ms. Raiselis thanked Mr. Pennella for his report.

ADJOURNMENT

Mr. Aukland moved, seconded by Dr. Friedlander, to adjourn the meeting at 9:05 p.m. All in favor. Motion carried. 5-0

Liz Meszaros
Secretary