

Planning Board
Village of Tarrytown
Regular Meeting
August 24, 2020 7:00 pm

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

ABSENT: Member Raiselis

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

Chairman Friedlander called the meeting to order at 7:05 p.m.

Approval of Minutes – July 27, 2020 Regular Meeting Minutes

Mr. Tedesco moved, seconded by Mr. Birgy, with Mr. Aukland abstaining, to approve the minutes of the July 27, 2020 Regular Planning Board meeting.

Dr. Friedlander asked for a roll call vote:

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

The minutes were approved 3-0 with one abstention.

Approval of Minutes - July 21, 2020 - Special Work Session

Mr. Aukland moved, seconded by Mr. Birgy, with Mr. Tedesco abstaining, to approve the minutes of the July 21, 2020 special work session.

Dr. Friedlander asked for a roll call vote:

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

The minutes were approved 3-0 with one abstention.

Dr. Friedlander announced the following adjournments:

Continuation of Public Hearing – Adjourned

Artis Senior Living, LLC
153 White Plains Road
Construction of a 64 Bed Alzheimer/Dementia Care Facility.

Continuation of Public Hearing – Adjourned

Wilder Balter Partners, Inc. (contract vendee)

62 Main Street – YMCA

Referral by Board of Trustees for review and recommendation of a Zoning Petition for the proposed Family YMCA of Tarrytown redevelopment project to create a “Senior-Community Floating/Overlay District” to allow for the development of an affordable, mixed income, senior/multi-family building and for site plan approval pending the adoption of the proposed district.

CONTINUATION OF PUBLIC HEARING - Peter Bartolacci – 67 Miller Avenue

Removal of a railroad tie wall, construction of retaining walls, and landscaping of rear yard.

Mr. Birgy recused himself from this application. Mr. Ringel removed him as a panelist during the discussion.

For the record, Dr. Friedlander noted 2 letters received by the Planning Board: one from Kristen Wilson, Attorney with the law firm of Blanchard & Wilson, dated August 20, 2020, representing Geraldine Baldwin and the other from Geraldine Baldwin, who lives at 66 Riverview Avenue, dated August 21, 2020.

Mr. Pennella said that he received an updated report from Hahn Engineering, dated August 20, 2020, and they are satisfied with the analysis and information the applicant has provided. There are a few administrative items that can be addressed prior to the issuance of a building permit.

Mr. Tedesco advised that he read the report very carefully and Hahn Engineering has no objection to the approval if the conditions are completed before the issuance of a building permit. He would like to have Mr. Galvin prepare a draft Resolution to include the completion of the requirements listed in the Hahn Report prior to the issuance of the building permit.

Mr. Aukland would like to know how to respond to the letters from Ms. Wilson and Ms. Baldwin. Mrs. Baldwin’s letter relates to engineering issues so he would defer that to Mr. Pennella. He asked Counsel Zalantis about the letter from Ms. Wilson regarding the ZBA approval.

Mr. Pennella advised that a design was submitted by a professional licensed in the State of New York. This design was approved by Hahn Engineering, another qualified firm who has reviewed the plans. If the issues raised were not satisfactory, then Hahn Engineering would not have signed off with a memorandum. So, there are two independent qualified design professionals. He does not see any need to go any further explaining in detail the comments that have been raised.

Counsel Zalantis advised that she did not see anything new raised in the letter from Ms. Wilson. These issues are not within this Board’s purview to determine the applicability or the expiration of the variance. The variance is clear and they should be asking the

applicant to respond. She has already addressed this issue at a prior meeting. This is not the village's application so if the applicant would like to respond to these issues, they can.

Mr. Aukland said that, based on the comments from Mr. Pennella and Counsel Zalantis, he agrees to have a draft Resolution prepared for the next meeting.

Mr. Galvin will draft a Resolution for next meeting. Counsel Zalantis advised that the hearing remain open. The applicant is present and should be given the opportunity to speak, and then you can open it up to the public.

Peter Bartolacci, the applicant, of 67 Miller Avenue, asked for clarification as to why they should respond to the legal issues brought up by Kristen Wilson in her letter since the village issued the ZBA Resolution, not him. The village will also will not be issuing the Planning Board Resolution, which would be written, or approved by Counsel Zalantis or someone from her firm. These are village issues that have nothing to do with them. These issues are communications that were not addressed to them so how on earth would they be expected to respond.

Counsel Zalantis advised that generally it would be up to the applicant to respond to any matters that an opponent puts forth, no matter what issues are being raised. She has already opined on these issues before this Board and can do it again. Mr. Bartolacci can get his own counsel to respond on his behalf to these issues, but again, to respond to Ms. Wilson, the area variance specifically says that the applicant shall procure a building permit from the building department within one year of the date of this resolution, or one year from obtaining the last required land use approval, i.e., Planning Board or Architectural Review Board, whichever is later, and all work shall be completed within one year of the date of the building permit, otherwise, this variance grant becomes void and any request to extend the time to obtain such building permit or complete such work shall be filed no less than 60 days prior to the expiration of the one year period. So, essentially, the time has not even started running to get the building permit, because this Board has not issued site plan approval yet. Based on what the terms of the variance says, the applicant has one year, but that doesn't contemplate a condition in this specific case where multiple land use approvals are needed. So, the specific Resolution that is applicable to this, sets the terms, and, if Ms. Baldwin had an issue with the Zoning Board Resolution, it could have been challenged at the time. In fact, Ms. Baldwin did challenge the Zoning Board Resolution by bringing an Article 78 proceeding, which was dismissed. The other issue that was raised is that Mr. Bartolacci has substantially changed the plans and needs to go back to the Zoning Board for approval. So again, this usually would be something that the applicant's counsel would speak to, but the Zoning Board Resolution specifically anticipates that there can be changes made by the Planning Board in connection with a site plan approval.

Based on this information, Dr. Friedlander wants to move forward and draft a resolution. Mr. Tedesco agreed.

Counsel Zalantis said if there is any doubt in the record, and Mr. Bartolacci wants to retain counsel to put in a formal legal analysis and response, he has that right. She does not represent Mr. Bartolacci.

Mr. Bartolacci is still confused and asked the Chair how this is his issue. Dr. Friedlander said if you want to say anything now in response to the issues raised you can do it. We are giving you an opportunity. If there is nothing to be said then we are moving forward. The public hearing is remaining open until we consider the Resolution so you can still defend your position.

Mr. Bartolacci asked if there is a requirement to keep the public hearing open. Dr. Friedlander said we have to read the resolution and discuss it. Mr. Tedesco said the Resolution will be considered at the public hearing. Mr. Bartolacci asked if this is different from the Zoning Board because they closed the public hearing and then issued a Resolution. Mr. Tedesco confirmed with Mr. Bartolacci that this is the procedure the Planning Board has always used. Mr. Bartolacci thanked Mr. Tedesco.

Kristen Wilson, attorney with Blanchard & Wilson, representing Mrs. Baldwin, appeared and said first, she is assuming that by hearing this matter tonight, the applicant has paid his escrow and she asked if that assumption is correct which can be answered afterwards. There are 3 things she would like to raise which are similar to issues raised before. They are not challenging the Zoning Board Resolution, they are challenging that the variances have expired. There is a clear two-year limit in the code that the Zoning Board Resolution did not and cannot supersede. That two-year time limit on variances is applicable to any and every variance that is issued by the Zoning Board. So, at this point, that variance was issued almost three years ago and the Resolution did have special conditions that gave applicant time to seek a building permit after the final land use approval was granted. That is an additional time frame that the applicant gets, but it does not negate the two-year expiration of variances. There are reasons why variances have time limits: environmental regulations changes, community character changes, neighbors move in and out. To interpret this as being a Resolution granting a variance without any explanation would mean that the applicant could wait another 10 years before acting on it which flies in the face of having any time frames on variances. The type of code provision is typical in municipal codes for these very reasons.

The second issue is the Planning Board's treatment of SEQRA. Ms. Wilson said she has reviewed the requirements and does not see how this project could be a Type II action since it requires 2 retaining walls approximately 9 feet in height requiring large amounts of fill debris to be removed on a steeply sloped back yard. The project should be an unlisted action. They have asked for an updated EAF many times and the applicant has refused to provide it.

To close, Ms. Wilson's believes that the variances will be null and void if the Planning Board acts on the application, as presented. The design has changed significantly evidenced by the number of times the outside engineer has reviewed this plan.

Dr. Friedlander asked Counsel Zalantis if she would like to respond to these comments.

Counsel said she have given her legal interpretation several times. This is a Type II action since it is construction related to a single-family home. With regard to the variance granted, the time frame has not even started to run. The Zoning Board Resolution specifically authorized the Planning Board to change the plan. The applicant is proposing a 2-tier design and has lowered the height of the walls which is consistent with the Zoning Board Resolution. If Mr. Bartolacci would like to specifically respond to these issues, he can. With regard to the escrow issue, she does not believe it has been paid. The applicant has been given a time frame of 30 days and we will see what happens going forward. She advised to proceed as directed to have the draft Resolution prepared for the next meeting.

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

Mr. Ringel advised the public to raise their hand or press *9 to speak. There was no public comment.

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

Dr. Friedlander asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Chair Friedlander: Yes

All in favor. Motion carried. 3-0

CONTINUATION OF PUBLIC HEARING–Theodora Pouloutides–59 N. Washington St.
Site plan approval to permit a fifth dwelling unit in the basement.

Mr. Pennella advised that 18 x 18 grass area and curbing has been installed to prevent runoff and they have addressed all of his engineering comments. Mr. Galvin said a Negative Declaration was adopted by this Board at the May 27, 2020 meeting. The Zoning Board approved the variances at their July 13, 2020 meeting and they have provided a revised plan adhering to parking maneuverability and drainage.

Dr. Friedlander asked if anyone in public had any question or comment. Mr. Ringel advised the public to raise their hand or press *9 if they wish to comment. There was no public comment.

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

Dr. Friedlander asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Member Birgy: Yes

Dr. Friedlander: Yes

All in favor. Motion carried. 4-0

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

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted August 24, 2020)

Application of Theodora Pouloutides
Property: 59 North Washington Street (Sheet 1.40, Block 12, Lot 3, and M-1.5 Zone)

Resolution of Site Plan Approval

Background

1. The Applicant requested the legalization of a fifth dwelling unit in the basement of an existing residence at 59 North Washington Street in the M-1.5 (Multi-Family) District. The subject property is a 0.14-acre parcel at 59 North Washington Street occupied by a two-story residential building. The building contains five existing units with a free-standing garage containing one parking space and four other parking spaces in the rear yard.

2. The Planning Board determined the proposed action to be an unlisted action under SEQRA and assumed lead agency status on April 27, 2020 and issued a Negative Declaration for the proposed unlisted action on May 27, 2020.

3. The Planning Board has conducted a duly noticed public hearing on March 23, 2020 and continued the public hearing on April 27, 2020, May 27, 2020, July 27, 2020 and August 24, 2020 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 revised site plans showing parking layouts and drainage plans submitted by Applicant's Architect (James Miller, AIA), supplemental submissions from Applicant's Attorney (Cuddy & Feder) dated 4/27/20, 5/7/20, 5/21/20, 7/27/20 and 8/11/20, from the Consulting Village Planner in memoranda dated 3/10/20, 4/13/20, 5/12/20, 7/14/20 and 8/11/20 and the Consulting Village Planner's Site Plan review dated 3/17/20, and a denial letter from the Building Inspector/Village Engineer dated 11/15/20 and review memoranda regarding the parking layout and drainage plans dated 7/22/20 and 8/12/20 which the Planning Board has considered.

5. The Zoning Board of Appeals reviewed the Applicant's request to legalize the fifth dwelling unit at 59 North Washington Street and by motion at its meeting on January 13, 2020 and by resolution adopted at its meeting on June 8, 2020 determined that the variance request was an area variance. The ZBA considered the area variance for the legalization of the fifth dwelling unit and the five on-site parking spaces at a public hearing on December 9, 2019, and continued on January

13,2020, June 8, 2020, and July 13, 2020. The ZBA closed the public hearing and approved the area variances necessary to legalize the fifth dwelling at 59 North Washington Street and the existing five on-site parking spaces at their July 13,2020 meeting.

6.The Planning Board closed their public hearing on August 24, 2020. 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 proposed action is the legalization of a fifth dwelling unit in the basement of an existing residence at 59 North Washington Street in the M-1.5 (Multi-Family) District. The subject property is a 0.14-acre parcel at 59 North Washington Street occupied by a two-story residential building. The building contains five existing units with a free-standing garage containing one parking space and four other parking spaces in the rear yard. The rear yard and parking are accessed by an asphalt driveway on the south side of the building. The subject property’s existing building contains five residential units including: two 1-bedroom units on the first floor, a 1-bedroom and 2-bedroom unit on the second floor and a 1-bedroom in the basement. Applicant is seeking area variances from the ZBA including a variance to allow the fifth dwelling unit and site plan approval from the Planning Board.

There are no changes to the existing building footprint and no changes to the size and number of dwelling units in the building. The Application consists of interior renovations for the basement apartment including rebuilding stairs and platform entry, installing new rail, and widening opening to the entrance, providing artificial light and mechanical ventilation to the living room. These appear to be all code related improvements. Additionally, a fire sprinklered system will be required for the fifth basement apartment in addition to other code compliant improvements.

Applicant has submitted a Narrative providing property information, street photographs and aerials showing the multi-family development pattern and associated parking on properties along both sides of North Washington Street. This includes a 24-unit, three-story apartment building just one property to the north of the subject property. Properties along Storm Street at the rear of the subject property are also in the M-1.5 zone. Properties across North Washington Street from the subject property are in the M-2 zone. Based on the information provided in the Applicant's Narrative as well as field analysis, the use of the subject property is consistent with the overall character of the surrounding community.

Applicant’s site plan shows parking spaces and a vehicular maneuvering diagram to access these spaces as well as a revised drainage plan. The site plan shows two parking spaces relocated into the garage. The size of the vehicles is shown as 6.2’ x 15’ with the parking spaces being measured at 9’ x 18’. Stall #3 has been relocated parallel to the garage to allow for better maneuverability. All parking spaces will be labeled and assigned for each unit.

The drainage plan converts an 18’ x 18’ area (324 sf) of impervious surface to be new grass area in the northwest corner of the parking lot. Applicant proposes to provide properly prepared setting bed as required for the grass to thrive. A line of new asphalt or masonry curb drains is being shown around the northwest corner drainage area and along the northern property border adjacent to the parking area. Both the parking layout and drainage plan have been reviewed by the Village Engineer and found to be acceptable.

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 including parking layout and drainage treatment prepared by James Miller, Architect, AIA for Ms. Theodora Pouloutides 59 North Washington Street, Tarrytown, NY dated October 17, 2019 and last revised August 18, 2020 unless otherwise noted entitled:

- SK- I “Site Plan”
(the “Approved Plans”).

III. General Conditions

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

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

- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board approve this Resolution.

Dr. Friedlander asked for a roll call vote:

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

The Resolution was approved. 4-0

CONTINUATION OF PUBLIC HEARING – 29 South Depot Plaza

Re-referral by Board of Trustees for review and recommendation of a petition for zone changes to allow for 88 residential units above a self-storage facility with parking.

Dr. Friedlander advised that there was a special meeting held to discuss this application on July 21, 2020 with the applicant and staff. He is disappointed that Ms. Raiselis is not here this evening to continue the discussion. He is reluctant on how to proceed but he thinks that it is only fair to the applicant and the public to review the issues that were discussed at the meeting, and, at the end, they can make a determination on how to proceed.

Dr. Friedlander briefly summarized the discussion at the July 21, 2020 work session. He said that there was unanimous agreement for a residential site on this development with a permanent parking arrangement. He also thinks that the Board wanted a mixed use but was not sure of how much. There was a lot of agreement about connectivity, streetscapes and access to the train station. The members had some disagreement on the issue of density or land use and how intense a development would be on a specific piece of land in the ID district. So, there was more agreement than disagreement but the fundamental issue is how dense in terms of land development and what the implications are for the village. The applicant has since submitted a letter dated August 18, 2020 in response to the work session discussion. He would like the Board Members to discuss this material and have the applicant respond after that.

Mr. Aukland commented that Ms. Whitehead's letter captures the picture very well and the applicant has illustrated how they best see a piece of land to be used. Rather than pre-determining what kind of density to accept, he would prefer to look at the consequences of the density in terms of traffic and school and so forth. The applicant has addressed all of the questions the Board has raised and has responded on the density parameters and they are satisfactory to him. There are no school or traffic issues. He thinks they are in a good place to recommend to the Board of Trustees to go ahead with the legislation.

Mr. Tedesco has spent a lot time reading and reviewing all the information from the applicant including the last detailed letter. He has also read the reports from the village consultant, Chazen Consulting, about the effect of the density on various items. It would be nice if we could start from square one, but having looked at all of this, he is ready to recommend the adoption of the zoning text to the Board of Trustees.

Mr. Birgy thinks that when a zoning code is proposed in the village, there needs to be some correlation, or some reference, something to compare it to that makes the proposal have meaning in relationship to our village. He is concerned that the TOD guidelines should not be a one size fits all. These guidelines recommend an increased density at train stations, but Tarrytown is a unique situation as far as traffic patterns are concerned. It is on a dead end off of route 9, there is no flow through of traffic and the traffic has to go back to Route 9. Bike riders have also impacted the traffic on Broadway, making it slower than before, and the village is still not back to pre-traffic before Covid-19. There are other projects happening in the village that will also affect the traffic and he thinks that this should be looked at. With regard to density, this project proposes 11 times the density

when compared to other sites. He would like to know where this number is coming from. He does not think it is a basis for what this village has experienced as far as traffic and parking problems are concerned. He respects the village consultant's report but feels that having trucks go in and out of the site is dangerous. He is not saying it can be mitigated, but feels they should not accept it just because people say it is great. He is not in agreement with comparing similar TOD projects to White Plains and Mamaroneck and they should look at Dobbs Ferry, Hastings and Irvington. This concern him and he hopes that they can take a closer look to make some sense of this project in relation to this village.

Dr. Friedlander is concerned about the process. He thinks the Board has been delinquent in the way they have approached this application. At the beginning the Board made some compromise. And from those compromises, they have now escalated the density considerably with no parameters or guidelines as to what would be appropriate. He has studied the entire multi-family district and has also examined the new Sleepy Hollow plan and he has come up with a density of 20 units for 50 acres and with that they have 1,100 units. This development is also close to the tracks and within walking distance to the train station so it could be considered a TOD. He also referred to Hudson Harbor Development, which is 238 units on 20 acres, and if you do the math, it is about 13 units per acre.

A while back, this Board decided to consider residential units with mixed use and felt that 46 units might work. The applicant is back now saying that they need 4 stories of residential. He would like to know why that level is necessary. He feels that basically the applicant is telling us what they want and we are saying to go ahead and do it. The only parameter's we are giving them is the height, set by the Board of Trustees and the parking requirements. He does not feel that this is a good planning exercise and he cannot endorse it. He has spent hours revising this text to see what would be acceptable and what would be reasonable, in fact, generous to the applicant in terms of making zone changes that made sense. He came up with numbers he would like to share with the Board and the applicant.

He referred to the proposed text in general and said that every land use has a percentage of coverage. There is none proposed here. There is also no impervious surface which is an important factor. There are no setbacks. The length of the building of 150 feet has been proposed, but it could be much larger based on the design. It is not specific enough. He will stick to the format of the proposed text, but he wants to talk about coverage, viewsheds, traffic impact and setbacks, and distances from buildings that have a mixed use vs. a residential use for safety and environmental considerations and the impact of having the buildings too close. Also, when they talk about density and land coverage there are certain types of land that are not buildable in the code and they are not mentioned in this text. Roadways with easements should be included if they are permanent, but they are not buildable areas and should not be included in density capacity when calculating how many units on the property.

Dr. Friedlander went through the revised code which was updated from the last work session:

The proposed code applies to lots that are a minimum of 1 acre. – He would like to know the rationale for this. He thinks it should be more, but if not, then they need to be careful about the density on that acre.

The proposed code applies to lots that are 100 linear feet from the direct access to a platform for metro north. He feels that 100 feet is arbitrary. Every time someone comes in with a new development and zone, he feels the Board is reacting to what the applicant wants and not what the village wants or should discuss. He thinks they should be asking the fundamental question of what should be there, what is the density and what do they want. He does not think it is proper planning. He would like more feet from the platform, not less. And he would say more acreage is required, not less. With regard to coverage, he thinks it should be 40% and impervious coverage should also be included. The setbacks should be 50 feet in the front and 50 feet in the rear. He will compromise with a 12-foot side yard in the front and 0 ft. in the back, but if he were re-writing the code, it would be 14 ft. on each side. This setback would allow for a 5-foot sidewalk and 7-foot landscaped area. He would also like to include special screening for the railroad tracks since this it is a residential use. If there are multiple buildings proposed, there should be 50 feet between them to allow for viewshed in the westerly direction. The parking ratio should be 1.1. He added 2 parking spaces for deliveries since there will be more anticipated. He will not argue with the retail of 5% which is proposed but feels it should be 10%.

In terms of height and density, there is an opportunity to recognize density bonuses that have been available for other developments within the village. He suggested some types that could be considered such as providing more affordable housing in excess of the required 10%, providing parkland or open space. Providing a bonus if tax ratables exceed the tax burden for services and school costs, providing village parking or a jitney service or tunnel access to the waterfront.

In terms of the length of the building, he would propose a 250-foot maximum length. He does not think it is necessary to put in 75 units per acre and thinks this is too much. The determination of the number of units should be made by looking at the size of the building, the setbacks and coverage and it might turn out to be close to 75 units. In terms of the building length, they may want to consider a longer length on the ground floor and a lesser length as they proceed on the 2nd through 5th floors.

Mr. Aukland said to Dr. Friedlander that it sounds nice but he has predicated his whole commentary on this project being multi-family and it is not. It is a TOD concept which was used in the preparation of the station area overlay. Dr. Friedlander has tailored the design and application to the site and he would say that a lot of what the Chair said is at least as arbitrary as what he is claiming the applicant's statements to be. He does not see a need to complicate it for this application. When the village has the Station Area zoning in place, then that will apply for future applications. In the situation, the applicant has come in with a plan that makes the best use of this very particular piece of difficult space. He feels it

is a good use. The applicant has come in with something acceptable in terms of impact and he feels it will be a real advantage to the village. He does not see any further advantage in the proposal made by Dr. Friedlander.

Mr. Birgy is not against the concept of a T.O.D. He is not comfortable with having something that was not generated by the village. It was passed down from above to the village. He is troubled by the thought that just because someone says a TOD is great and other guidelines of planning and zoning don't apply to, and that they all say, this is a great idea and jump on board. They have a very unique situation in Tarrytown, they are not White Plains or Yonkers, and it is just a concept.

Mr. Aukland said it is a concept that the Board of Trustees adopted in the Comprehensive Plan. It is in the plan, fair and square. He continued and said this application is not driven from above, it was created based upon the parameters of the site. It has all the right checks. They are not overloading the school system or any other consequences of density. It is being done in a very appropriate way for a special TOD parcel and he has not heard from Mr. Birgy or Dr. Friedlander why that is not the case.

A brief discussion took place. Dr. Friedlander asked Mr. Aukland why the length of the building proposed is 300 feet, compared to the 200 feet he is proposing. Mr. Aukland said 300 feet is being proposed. He feels it should be broken up but they can get into that detailed discussion later on. It does not alter the basic concept and they have to go back to the Board of Trustees with a recommendation. He would like to recommend this proposal. His suggestion would be to lower the roof by one story for a section in the middle and create some sort of roof amenity for the residents. Yes, it would cost a couple of units but he would see that as a justified rationale kind of adjustment rather than simple saying something like, I don't think we should have 88, we should have 66, and lets just go with the 3 floors.

Dr. Friedlander asked Mr. Aukland if he likes anything about his proposal. Mr. Aukland said it sounds nice but does not improve the project.

Dr. Friedlander made suggestions and he would like Mr. Aukland to make a calculation on his proposals. His point is that the applicant is saying what they have to have. Mr. Aukland said that is the way TOD works. There are individuals who know a lot more about TOD's than we do as a tiny village and what is appropriate in a TOD setting. So far, everything they have proposed is rationale and the negative consequences have all been talked about and addressed.

Dr. Friedlander is suggesting in a very modest way that he wants safety first with regard to connectivity and pedestrian walkways which is why he proposed the 5-foot sidewalk. He wants decisions to be made based on clear principles of planning, not something arbitrary. There is a safety element about the sidewalk. Having a 5-foot sidewalk is better than a smaller one. He also would like the residents from Franklin Courts to have a safe direct access to the train and he would like a planting bed wide enough to allow the planting of trees and bushes along the frontage of that building to make it look nice and give a more walkability feel to the area. Instead, they are proposing a wall to wall, high

dense structure, a highly massive structure practically right on the road. There is nothing in this project that meets any of the principles of the Comprehensive Plan. It covers literally all of the property. He asked Mr. Aukland, as a planner, with all of the projects that have been discussed year after year, worrying about trees, greenspace, noise pollution, why there has not been one single time that anybody has said, this project may be too dense and there may be too much mass on one acre plus. It is really less, if you take the roadway away and they are proposing a 300-foot-long, 105,000 s.f. structure on the property and you believe it is fine. He does not understand where it is coming from. This is not something that he would have come up with for this one-acre parcel of land.

Mr. Aukland said that is because this is a special parcel and a unique situation. He has no problem with an anchor of the proposed residential block. He is looking to the future. This is a single application and he will limit his comments but his guess is that the paper recycling plant at some point will propose residential and it will become a neighborhood and this proposal is not a bad anchor point for that neighborhood in the future in a setting where it is right by the tracks and there is no better use that he sees that the village can make than what is being proposed. He likes the proposal. It may not be good on the SAO scale but the proposal works for this site and he remains at his position.

Mr. Birgy asked Mr. Aukland if there were any general TOD guidelines for density. Mr. Aukland deferred that answer to Ms. Whitehead but he thinks the applicant looked at the site and feels that they have accomplished what will be best for this site.

Mr. Birgy would like to see a similar density proposal that has been approved and completed in other villages to see the impacts on a village of 11,000 people that does not have a through traffic pattern. He does not think there is anything like this anywhere in the state.

Mr. Aukland asked Mr. Birgy what his issue was. Is it school, Utilities, Traffic? What consequence of density is worrying him? Mr. Birgy said the traffic that it will generate is high. He wants to do what is best for this village. He does not think you could put one more unit on that site and he does not understand the pressure to put as many units as humanly possible on this one site.

Mr. Aukland said they are not trying to squeeze units in. It is a justified proposal with good consequence to the village.

Mr. Birgy asked who has justified it since it is not referenced to anything that we have existing in the village. Mr. Aukland agreed and said they have not had a TOD project. Mr. Birgy said the Board of Trustees did not give them a blank check. He simply wants what is reasonable in relationship to a small village on the Hudson River. This kind of mentality is not conducive to keeping the village the way it is. He does not think that 88 units is reasonable.

Mr. Aukland said that is a difference in opinion.

Dr. Friedlander asked Mr. Aukland if a 6-story limitation is fair. Mr. Aukland said he thinks the Board of Trustees got it right because it allows development without impeding any of the viewsheds or other things that they were worried about.

Ms. Whitehead commented that they are proposing 5 stories, not 6.

Dr. Friedlander said what about school density. Mr. Aukland said the information is in the report. Dr. Friedlander said anything above 12 could cause impact on the schools and he is concerned about that since it could be higher and dramatically affect the district. He also feels they need to make adjustments on the coverage. They have not gone through the consequences of traffic. There is only one roadway and there will be a bottleneck of 250 cars coming at the intersection next to a train station, buses, housing project. It is a lot of traffic which will create unsafe conditions, so 88 units matters to him. We have made no attempt to modify the code. We have just said it is good just because it is near the train. He feels the applicant can adjust their position just like they did for the Board of Trustees for the height. They just have what the developer wants and not what they want. He wants land around the building and greenery.

Mr. Aukland sees this project as acceptable as proposed.

Dr. Friedlander just wants the issues that he raised to be discussed, rather than just saying the proposal is fine. Mr. Aukland said when we get to site plan we will have a lot to say about the plan, but based on the application and the details submitted there is no consequence on the density and it appears to be acceptable at this stage.

Mr. Tedesco said that many of the comments that Dr. Friedlander has raised would make this project much better in many ways and perhaps the consultant did not see them well enough, but, if you accept the report, then Mr. Aukland's position is right, which is that this project does not seem to have any significant consequences. So, it is a mix of things and it is really difficult. He has been listening to both the Chair and Mr. Aukland and he feels that at this point the applicant should respond to the issues raised this evening.

Ms. Whitehead appeared and said it is obvious tonight that they are not going to make any progress since the Board is split 2 -2 and Ms. Raiselis is absent. She thanked Mr. Aukland and Mr. Tedesco for really looking at this and seeing what it is that they are trying to accomplish. They have worked hard to address comments and react to them. She pointed out that the information that the Board has received is not only from their consultants but it is from the Village Consultant, Chazen, who was paid by her client to review the work of their consultants, which included a number of issues in addition to fiscal and density. This information was vetted by the village consultant who the village hired specifically to review. Chazen also appeared at the 7-21-20 work session to answer any of your questions at that time. She knows she is not going to change the opinion of the Chair or Mr. Birgy but she would like to address a couple of things. Chazen did look at the impact on the schools. They are proposing studios, one and two bedrooms. This project will not generate any school children from the studios and not a lot from the one bedrooms. With regard to the height, they are proposing 5 stories, not 6. With regard to

the 60-foot height, they have presented the elevations to this Board a couple of times and after further review, the 60 feet works since it keeps the development below the height of that residential area up the hill and it will not impact their views.

They have already addressed traffic. She does not understand the conversation they just had about traffic. They are not adding traffic that is coming to the station. As their traffic consultant said, at peak, the traffic in this area is going to the station in the morning and leaving the station in the afternoon. Anyone in their building who is going to the station is walking outside and onto the platform. The whole idea of a TOD is that it generates less traffic because if people are taking public transportation, it is right there. They are not driving, and, if they are, they are driving in the opposite direction of peak traffic. They have provided the Board with a traffic summary on this. Mr. Birgy asked that this project be compared to other villages with similar populations such as Irvington, Dobbs Ferry and Hastings. She noted that every village in NYS is different. All three of these villages are much smaller than Tarrytown with populations of about 7,000 to 8,000, not 11,000. They are all different and they do not have a TOD development at this time. Mr. Birgy also said that this TOD concept came from above or from a state level. She said that this TOD concept was included in Tarrytown Connected and the Station Area Zoning. It does not state the exact density but the concept of this type of development and bringing more residents to the station area is what it talks about. The village planning and land use documents specifically cite building higher density in this area of the village and it can't be compared to anywhere in the village because it is a NEW concept.

There was a brief discussion where TOD came from. Mr. Birgy said TOD is not a creation of the village. Ms. Whitehead said the Village Comprehensive Plan asks for it. Mr. Aukland also commented that it is also what the Board of Trustees voted on.

Ms. Whitehead continued with regard to process. The village has a process in the zoning code, a standard process by which applicant presents a zoning amendment petition and the village responds by reviewing what the applicant has proposed. This is the same process as the Artis Sr. Living and YMCA applications. So, to say that you should throw out what they proposed and come up with your own, is not the process. This application was referred to you by the Board of Trustees to review what they have proposed.

With regard to the Franklin Court connectivity, they have provided that. This is a unique site and the SAO would not necessarily work for this site. They are trying to improve an industrial area which the comp plan recommends. This Board of Trustees recognized that the SAO would not work for this site which is why they referred it to the Planning Board. With regard to the truck traffic, they will have to live with the trucks for as long as they are there.

With regard to the Jitney, this development would not require a Jitney service since they are already at the train station and with regard to a tunnel, they are providing access to the station platform so they do not need a tunnel since there is access and great connectivity over the rails to the waterfront.

With regard to the setbacks and coverage, they are applying what is in the underlying ID zone today. They would not have proposed more than a 1 acre minimum since it would not work for this site. So again, if it is their proposal, they would not do that. You have been asked by the Board of Trustees to review their proposal.

Ms. Whitehead is glad to hear that they looked at the last letter. They have gotten a 79-year commitment lease with MTA for the parking and they took out the termination clause. It seems that at every meeting a new topic comes up. They are clearly not going to make progress tonight. They have provided this Board with the necessary information on the impacts which has been reviewed by the village consultant. They would like to find a way move forward and get a recommendation back to the Board of Trustees, realizing that it won't happen tonight. She asked Mr. Collins, the developer if he had any comment. He has no additional comment.

Dr. Friedlander said he finds it disingenuous to say that this site is not applicable to the SAO. It is not applicable because the applicant refused to wait until the SAO zoning was adopted. Ms. Whitehead said the Board of Trustees said they did not have to wait. They referred this zoning amendment to you. Dr. Friedlander said you object to our review because we are making changes. A brief discussion took place on the history of how the application progressed between the Dr. Friedlander and Ms. Whitehead. Dr. Friedlander said the applicant came in under the ID and they asked them to wait. Ms. Whitehead asked the Chair if her client was supposed to wait 5 years. Dr. Friedlander said if there was no approval for the self-storage then there would not be a plan. Dr. Friedlander thinks they are leveraging the self-storage to get what they want. Ms. Whitehead disagreed.

Mr. Collins thanked the Chair for his comments. It sounds like this zoning process has gone on for a long time. He would like to sit down in a work session to try to solve the issues to come to a consensus. They have tremendous experience and he thinks they can do the right thing for Tarrytown. The zoom process has made it difficult to accomplish. They have answered all of the questions, have done a lot of research and would like to come to some sort of agreement since they know they have to return for site plan. He would like an opportunity to build in our village. He would rather not go back into the past.

Mr. Birgy would like to have a productive meeting moving forward but finds it irritating to be lectured to. He hopes the atmosphere at the next meeting changes drastically.

In closing, Dr. Friedlander thanked Mr. Collins for his statement and asked Mr. Collins for an analysis on the density he is proposing, which he feels is inadequate. The numbers are at your fingertips and he feels it would be beneficial to him if he saw that effort made in response to his request. It is not required, he is just asking. He feels that this information would help him to move forward. Mr. Collins said he will work with Mr. Galvin to provide this information. Dr. Friedlander will provide information to Mr. Galvin so that he can relay it to Mr. Collins.

Dr. Friedlander asked in anyone in the public would like to speak.

Katy Kreider, 42 N. Wash Street, has lived here since 2002 and has commuted to the train station. She is hearing that the project is too dense. She feels like she lives in traffic during rush hour and even off rush hour and additional traffic will cause a lot of problems in this area. In addition, you can raise a family of 3 in a 2-bed apartment so the schools could be impacted. This project does not fit the character of the village. She left New York City to live in a village. She does not want to live in a small city.

Colin VanderHorn and Olivia Gerth had comments relating to another project on the agenda which will be discussed in a few minutes. They said they were doing would come back to comment.

Heather Haggerty, lived on Ogden Avenue in Dobbs Ferry. She is seeing the same thing that happened in Dobbs. This project is too big for the area and the traffic will be an issue. She agrees with many of the statements that Mr. Birgy and the Chair has made.

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

Dr. Friedlander asked for a roll call vote:

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

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING - Hebrew Congregation of N. Tarrytown and Tarrytown a/k/a- Temple Beth Abraham - 25 Leroy Avenue

Construction of a 4,895 +/- s.f. two-story addition with renovations to the existing building and other related site improvements.

Mr. Galvin advised that the Zoning Board reviewed the variances at their July 13, 2020 meeting, which included the 2 parking spaces approved the variances on August 10, 2020. The applicant provided an updated narrative. They have moved the dumpsters further back about 120 feet from Grove and 40 feet from 161 Grove and have provided a sketch for the Board. They talked about the sidewalk access and designed new design for the pedestrian crosswalk. Instead of going to the east side they put it into the middle which is a better alignment with the curb and eliminates the need to cross over. They also removed 766 s.f. from the south end of paper street and made it a lawn. They advised that the police department’s security assessment was advisory and not mandatory. The paper street has been reviewed and there are no public rights to the area. All other issues with regard to easements are private matters between the affected properties. They will be removing the dead trees and brush.

Mr. Aukland referred to a letter from the Grove Street residents objecting to the dumpster layout and he asked Mr. Galvin to comment. Mr. Galvin said he has not had time to review the plan. Mr. Aukland thinks this should be addressed.

Mr. Pennella said maybe the applicant can respond but the dumpster relocation was not a requirement of the project. It was done at the request of the neighbors. So, theoretically, they have not reason to relocate it from the existing location. He asked Mr. Levin why they are doing this.

Mr. Levin said they are making efforts to address the community concerns. They have moved the dumpster further south from the existing residence at 161 Grove Street. He shared his screen and showed the existing locations of the dumpsters. They are enclosing the dumpsters on 3 sides so they cannot be seen looking in the drive, along the drive, or looking up Leroy from the parking lot. They are 120 feet from North Grove, 78 feet from the driveway on the Temple property to 161 Grove, almost 17 feet from the closest part of the stockade fence and 49 feet from the corner of 161 Grove to the dumpster enclosure. They have pulled the location to the west about 30 to 40 feet. They have reviewed this plan with the DPW and it works for them. They are back about 5.5 feet to the enclosure and will build a retaining wall which will be more costly. Mr. Levin feels the Temple is being responsive to the neighbors while still meeting their needs.

Mr. Aukland asked to see where 159 Grove is since in the letter they state they could see the dumpsters from their living room on the first floor and the bedroom on the second floor. Maybe this plan supersedes their concerns. Mr. Levin said they will only see the stockade fence.

Sam Vieira, RA, commented on the trash plan and said the location, configuration and size of the enclosure is a result of a meeting with Lou Martirano, the DPW Superintendent and the Sanitation Foreman. They had specific requirements and wanted the enclosure pulled further away from the fence for ease of access for the truck. They also did not want any gates. They referred Mr. Vieira to the Tappan Landing Apartment model since they have the same number of containers. The plan provides screening on all 3 sides and there is an opening which they can load the dumpsters onto the truck. These changes were made at the direction of the DPW. The home at 159 Grove Street is 2 houses away on the west side, just north of 161 Grove Street. They have tried to mitigate the concerns of the neighbors. The Temple has spent an enormous amount of time and money to be good neighbors and mitigate the visual impacts. His conclusion is that the neighbors will only be satisfied if the garbage is moved off of Grove and down towards Leroy, onto a busy parking lot that is accessed and used for the drop off and pickup of children. This plan keeps the garbage where it has been for almost 50 years. There will be no special trips to pick up the garbage other than the pickups that already exist for the rest of the residents.

Mr. Pennella commented that 159 Grove Street home is nowhere near the footprint of the home. The main house he believes is 30 x 26.

Dr. Friedlander asked if anyone in the public would like to speak. Mr. Ringel gave directions to the public should they wish to speak.

Lisette Boyer, 159 Grove Street, said her house is 26 x 26 with a small extension, she is an architect and can assure that is no larger than that. She is concerned that the Temple does not understand what residents want. They want the garbage screened at existing locations and she is not happy with this. She proposed an option to lower to the parking level. They never said it should not be on the upper level and they have always shown 2 options, one on the upper level and one on the lower level. She disagrees with Mr. Vieira that the residents only wanted the garbage to be moved closer to Leroy. This is completely wrong. The Temple has argued that they need to be near the kitchen, so the garbage should be inside of the gate, fenced at the existing location, and not 30 feet away from the kitchen, which is closer to the homes, and there will be rodents closer to them. They do not approve of it standing alone, no matter how fancy it is. They wanted it fenced in at the existing location. When they bought this property they never thought that they would be seeing garbage outside of their living room and bedroom. She is very upset since she has been doing this since February. They may have been wasting their money, but she has been wasting her precious time on this. She has had it and can't take it anymore.

Fergus O'Sullivan, of 153 Grove Street, asked the Board about the property maintenance law in the code and referenced section 305-65. He feels that the property is a disgrace. He would like to know from the Board if this current application complies with the code.

Mr. Pennella commented that there are no violations issued on this property. If there were, they would not be before the Board. If there is a violation against a property they are not allowed to proceed with any building permit or site plan application.

Dr. Friedlander said the dumpster area was moved in response to the neighbors. Is Ms. Boyer the only who does not want the dumpster there. They tried to satisfy the Grove Street residents and the Department of Public Works and Ms. Boyer is very upset since she can see it from her house. So, he is confused. Who is Mrs. Boyer upset with? Mr. Pennella said the issue is that she can see the dumpster it has been moved away from 161, but the view is screened by an enclosure on three sides which it currently does not have. He suggested putting plantings around it and screening it.

Mr. Levin said they are proposing a 6-foot-high stockage fence and they are 8 feet further than the existing dumpsters. Mr. Levin said they moved it further back to the west, away from Grove Street, changed the configuration which would have had the front opened so the DPW does not have to open to load. It is 3 sided now and he thinks they have done everything they can do for everyone.

Mr. Pennella asked Mr. Levin if leaving the dumpsters in the same place and providing screening to block 159 Grove, would work. Mr. Levin said it could be screened and that would work for them. Mr. Pennella said that would solve the problem. Mr. Vieira is concerned about access to the building if a tree were to be planted and the width of the driveway for access for fire apparatus and a tree would choke the access to the building. He would like to come up with a solution and move it along. Mr. Pennella suggested putting screening on the east side of the dumpster area. Mr. Levin said he is happy to do that.

Fergus O’Sullivan came back and said the property is a disgrace and trees fell down on Rudy’s property and knocked out electricity at Cynthia’s house and a week after that, a tree also fell that knocked out electricity. The state of the property is a disgrace and does not comply to village code. He would like Mr. Pennella to come out and look at the site. They have asked the Temple to clean it up but nothing has been done. Mr. Pennella stated that the power that went out on Broadway last week had nothing to do with the Temple. If there are violations on the property, submit a complaint and the Building Department will investigate. If a tree falls, it is not a violation.

Mr. Galvin said as a condition there is a note to remove the underbrush and fallen trees on the property. Mr. Pennella said that is contrary to what DEC wants the village to do. Mr. Tedesco said it says to the satisfaction of the village engineer. Mr. Pennella appreciates it but is it controversial to what needs to be removed. He will be glad to take a look. He knows what underbrush is. If it is ambiguous. Mr. Galvin said it is a condition and you will have to judge. They just want it cleaned up. Mr. Levin said they are committed to do that. To be workable, they would like to clean it up and have Dan Pennella come out and they are fine with that.

Mr. Vieira said there is also a written directive from the village landscape consultant that will assist in this process.

Mr. Pennella asked if he is applying this rule to the rest of the neighborhood, in all fairness? Dr. Friedlander said you have made a good point. This is for an addition and we have gone through hoops with this application. If someone sneezes, we review it again. It is unbelievable to him that we have spent so much time and effort on every little thing. We have made tremendous progress and changes for the neighborhood, and yet they the Board is still debating. This is out of character with everything we do. He finds it amazing that this has happened. It is a tremendous improvement and we are still debating about where to move the dumpsters and the underbrush. It is just endless.

Mr. Aukland agrees and better screening of the dumpster area is good. He would like to strike condition of clearing underbrush and make it voluntary. The Temple is going to do it anyway so we do not need a condition for that. Mr. Pennella will work with the Temple to get it resolved. Counsel said we either strike it or leave it in. Mr. Galvin said it is already noted on the site plan. Mr. Pennella said to leave it in as is and he will work with the Temple to get this resolved. Mr. Aukland said he would like to close the hearing tonight.

Mr. Ringel announced that Ms. Boyer would like to speak again.

Lisette Boyer and Chris Boyer returned. They said that all the houses near the Temple would like the garbage to remain close to the building. They are thankful that they are putting in screening but in reality, they have done very little. Chris Boyer wants the garbage pushed along their building rather than along the driveway. They showed the options. In terms of cleaning the site, it is in bad condition. Trees are overgrown with vines. He encourages Mr. Pennella and the Board Members to walk the site. There are

a lot of downed trees and Poison Ivy. Cynthia Wills lost power for 10 days due to a fallen tree on the property. He does not think they are asking for too much to have them move the dumpsters closer to the building. Lissette Boyer returned and said the architect is showing the location which is incorrect. She asked the Board to look at images that she sent. The dumpsters are 30 to 50 feet away from the kitchen.

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

Dr. Friedlander asked for a roll call vote:

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

All in favor. Motion carried. 4-0

Mr. Aukland read through portions of the Resolution and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

**RESOLUTION
VILLAGE OF TARRYTOWN
PLANNING BOARD
(Adopted August 24, 2020)**

**Application of The Hebrew Congregation of North Tarrytown and Tarrytown
a/k/a Temple Beth Abraham
Property: 25 Leroy Avenue (Sheet 1.110, Block 78, Lot 18, and M-2 Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval for the proposed renovation of the existing two-story temple building and construction of a new two-story addition with a building footprint of approximately 2,575 square feet and a gross floor area of approximately 4,895 square feet and other related site improvements at 25 Leroy Avenue. The application will require a steep slope waiver pursuant to Section 305-67 F (1) (b).

2. The Planning Board determined the proposed action to be an unlisted action under SEQRA on February 24, 2020 and issued a Notice of Intent (NOI) to be Lead Agency on February 25, 2020, assumed Lead Agency status at its meeting on April 27, 2020 and issued a Negative Declaration for the proposed unlisted action on July 27, 2020.

3. The Planning Board has conducted a duly noticed public hearing on February 24, 2020 and continued the public hearing on March 23, 2020, April 27, 2020, May 27, 2020, June 22, 2020, July 27, 2020 and August 24, 2020 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 a submission letter from Applicant's Attorney (Cuddy & Feder) dated 4/15/20 including a *Parking Narrative* and photographs and renderings of the site from Applicant's architects (Levin/Brown Associates), supplemental submissions from Applicant's Attorney (Cuddy & Feder) dated 5/7/20 and 5/12/20 providing Applicant's responses to Westchester County Planning Department's Site Plan comments and including a *Lighting Narrative, Updated Lighting and Landscape Screening Narrative, Physical Security Assessment* prepared by the Tarrytown Police Department (March 2017), *Landscape Narrative* developed by IQ Landscape Architects, Provident Design Engineering's *Response to County Planning Stormwater Management Comments* dated 4/28/20, *Project Updates* provided by Levin/Brown dated 6/10/20 and 7/15/20 addressing modifications made to the project in response to public comments and SEQRA issues, a *Trash Removal Narrative* from Levin/Brown dated 7/13/20 confirming the Village sanitation schedule and trash area proposals and Levin/Brown's *Updated Project Narrative* dated 8/6/20 which provides an illustrated site plan showing the new design for the pedestrian sidewalk and crosswalks at the entrance, the reduction in impervious surface, the relocated dumpster area and new dumpster enclosure and proposed new wood gate and pedestrian gate.

5. The Planning Board has received comments and recommendations from the Village Consulting Planner in memoranda dated 2/12/20, 3/10/20, 4/13/20, 5/12/20, 6/9/20, 7/14/20 and 8/11/20 and from the Consulting Village Planner's Site Plan review dated 4/28/20 and SEQRA review dated 6/18/20, from the Village Landscape Consultant's review dated 5/29/20, from the Westchester County Planning Department's GML review dated 3/10/20, from NYS Historic Preservation Office (SHPO) in a letter dated 4/13/20 which expressed no concerns with the proposed project under SEQRA, from the Village of Tarrytown Police Chief in an email dated 7/28/20 which indicated that the Police Department's security assessment for the Temple property represented suggestions for the Temple, from the Superintendent of Public Works in an email dated 6/26/20 providing the sanitation schedule for the Temple and properties along Grove Street, from the Village Attorney who confirmed that the result of the title search for the paper street on Applicant's property concludes there are no public rights in the area of the paper street, from the Building Inspector/Village Engineer in a denial letter dated February 6, 2020, from the ZBA in memoranda dated 3/10/20 and 4/24/20 and in a letter dated 6/10/20 with comments on specific SEQRA issues for review by the Planning Board and both written and public comment from neighbors including a letter from Grove Street residents to the ZBA dated 6/2/20 with copy to the Planning Board addressing specific issues including off-street parking, pathways, landscape maintenance, trash dumpster and accompanied by a diagram showing design suggestions for the site all of which have been made part of the Planning Board record and have been considered by the Planning Board.

6.The Planning Board has reviewed and considered the *Narrative on Steep Slopes* prepared by Provident Design Engineering dated May 6, 2020 addressing the criteria for granting the waiver for steep slope disturbance.

7.The Zoning Board of Appeals opened a public hearing on the Applicant’s request for a parking interpretation and variances on 4/13/20 and continued their public hearing on 5/11/20, 6/8/20, 7/13/20 and 8/10/20 and reviewed a Chart submitted by Levin/Brown & Associates entitled “*Temple Beth Abraham Parking/Use Data*” dated 5/21/20 (*Parking Use Chart*) . The *Parking Use Chart* detailed all of the existing and proposed spaces on the Property related to the worship and school uses, the occupancy or square footage of those existing or proposed spaces and the parking requirements for those spaces. Applicant’s Parking Interpretation #2 states that the Applicant has a legal, nonconforming 59 parking spaces where 147 would be required by Zoning Code. The proposed improvements will result in 149 spaces being required with a net increase of two spaces over what would be required. Therefore, a variance of two parking spaces would be needed. The ZBA closed the public hearing on 8/10/20 and granted Applicant’s Parking Interpretation # 2 and the variance for two parking spaces based upon the parking calculations provided in the *Parking/Use Chart* demonstrating that the 59 parking spaces on the site are sufficient to satisfy the uses that will be occurring at any one time given that at no time will the religious use and school use occur at the same time. The ZBA also granted area variances for one raised planting island and 2.73% of impervious coverage.

8.The Planning Board closed the public hearing on August 24, 2020 .At the Planning Board’s August 24, 2020 meeting, 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 and the waiver for steep slopes disturbance are granted subject to the conditions set forth below.

I. Findings

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant’s *Narrative* prepared by Provident Design Engineering and dated May 6, 2020 is made part of the findings of the Planning Board.

The project site consists of two parcels of land. Parcel 1 is located at the intersection of Broadway and Leroy Avenue and consists of 597sf or 0.013 acres and is not the part of this application. Parcel 2 is the main parcel with frontage on Leroy Avenue and consists of 145,890 sf or 3.34 acres. Provident design Engineering previously prepared and submitted Drawing C-202 Slope Map dated 2/6/2020 to delineate and describe those areas of the site that contains slopes with a grade of 25% or greater (steep slopes). The total area of steep slopes as described on Drawing C-202 is 30,413 sf or 0.698 acres and represents approximately 20.8% of the Parcel 2 lot area. In the development of the site plan, efforts were taken to minimize disturbances to the areas of steep slope as described below.

Neighborhood Character: The disturbance of the steep slopes in area 1 is due to a minor adjustment and reconstruction of the exterior curb line of the existing turn around to

permit emergency service vehicles (fire engine) to navigate through the turnaround area more efficiently. The steep slopes in this area are likely a manmade condition due to the original construction of the turnaround area. The disturbance to the steep slopes in this area would be a total of 188 sf. The disturbance in area 2 is temporary and is due to the construction of the subsurface stormwater detention system. The disturbance to the steep slopes in this area would be similarly minimal at 32 sf. The disturbance in area 4 is due to construction of the curb line. The steep slopes in this area are likely a manmade condition due to the original construction of the existing parking lot. Disturbance has been limited to a total of 198 sf in this area through alternate construction methods. Disturbance in Area 3 is 1,447 sf. This is related to the construction of the new building addition. The new addition is attached to the existing Temple

building. The steep slopes in Area 3 are likely a manmade condition due to the original construction of the existing building and driveway access. Similar to Area 3, disturbance in in Area 4 also totals 1,447 sf. This disturbance is due to construction of a storm leader drain. The existing leader drain is discharging directly onto the existing slope and is creating minor erosion of the slope area. The steep slopes in this area are again likely a manmade condition due to the construction of the existing parking lot.

Therefore, the total area of disturbance within the steep slope areas would be 1,921 sf or 0.044 acres. This represents 6.3% of the total steep slope area or 1.3% of the total parcel area. There will be no undesirable change in the character of the neighborhood. The development of the 4,875-sf new addition is compatible with the existing neighborhood. Much of the slope areas are likely manmade due to the original construction of the Temple building, parking lot and turnaround area. The site improvements being installed serve to improve emergency fire access, improve stormwater management onsite and eliminate minor erosion of an existing slope area.

Alternate Feasible Method to achieve benefit sought by applicant: The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than a steep slope waiver. It should be noted that several of the site

improvements are temporary in nature or are minor adjustments/reconstructions. The existing building is being renovated with the new addition being attached to the existing building. Where feasible, the Applicant has minimized the disturbance such as reducing the size of a retaining curb to a height of 12” to 18” and removing 776 sf of asphalt to be replaced by lawn.

Impact on Other Properties: Granting the waiver will not be detrimental or injurious to other properties. The renovation proposed is within the existing Temple building and the new addition is attached to the existing structure and consists of 4,875 sf. The amount of steep slope area represents 1.3% of the parcel area. The triangular eastern portion of the parcel remains untouched. The proposed renovations, new addition and site improvements will provide the benefit to neighbors of much improved landscaping, screening, aesthetics, lighting and maintains its compatibility with the character of the neighborhood.

Consistency of Project with Intent of the Steep Slopes Chapter: The waiver is consistent with the purposes, objectives, or general spirit and intent of this chapter as the proposed tiered retaining wall will:

- a. Minimizing slope erosion and sedimentation; and
- b. Improving stormwater management; and
- c. increase slope stability and protect future slope failure; and
- d. improve the property’s aesthetics while ensuring the public health, safety, and general welfare of the Village and its residents; and
- e. Otherwise protecting the public health, safety and general welfare of the Village of Tarrytown and its residents.

In addition, the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein. The Planning Board has also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village’s Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board has reviewed the Applicant’s site plan and application. The subject property is a 3.36-acre site at 25 Leroy Avenue. It is occupied by 18,433 sf temple building and associated parking owned by Temple Beth Abraham. The religious use is a principal permitted use in the M-2 zoning district. Applicant proposes to renovate the existing two-story temple building and construct a new two-story addition with a building footprint of approximately 2,575 square feet including other related site improvements. The total floor area will be approximately 4,895 square feet. Applicant’s proposal required the obtaining of ZBA interpretation and variances for onsite related to the expansion. Applicant received the requested parking interpretation and variances for two spaces on August 10, 2020.

Associated site improvements include the 1) reconstruction of the main driveway; 2) construction of a new one-way drop-off lane in the front of the new lower entrance; 3)

adequate turnaround adjacent to upper building entrance with emergency vehicle access; 4) minor widening to provide 3 ADA parking space and improvements to the parking areas and emergency access; 5) outdoor seating garden adjacent to the upper lobby entrance and enhanced landscaping. The existing building and proposed addition will be raised above the BFE (base flood elevation) to comply with the Village's Flood Damage Prevention code. Design will comply with fire code requirements including §166-2A (fire sprinkler law).

During the Planning Board's review, the project was modified to install new concrete sidewalks throughout the site to improve onsite pedestrian circulation. A new pedestrian crosswalk access was designed at the entrance to the property. The crosswalk was relocated from the east side to the west side of the entrance drive. This allowed better alignment with the pedestrian curb cut' on south side of Leroy Avenue, maintained ADA accessible route with marked crosswalks leading to the sidewalk in the front of the facility and eliminated need to cross incoming traffic lane. The western/exit driveway now includes a stop sign and stop limit line to regulate vehicles leaving the property. The Applicant has removed the paving from the paper street at its southeast end (approximately 766 sf) to be replaced by lawn. New bicycle racks are to be installed outside proposed lower level accommodating up to 5 bicycles.

The original proposed chain-link gate at the east end of the north service drive and fencing along the eastern property line has been eliminated. The Applicant has subsequently proposed a smaller security fence and gate limiting access to the rear of the building. A revised dumpster enclosure was designed to better screen the dumpsters from the adjacent neighbors. In addition, the enclosure has been moved further west and south from the neighbors. The new dumpster enclosure is located approximately 120' from Grove Street instead of the original 75' and 49' from the residence at 161 N. Grove Street. The dumpster enclosure will be screened with arborvitae or similar shrubs on the east side of the enclosure subject to final approval by the Village Engineer and Village Landscape consultant. The final location of the dumpster enclosure will also be subject to review and approval by the Village Engineer. The east west path extending from Grove Street to Loh Avenue will remain and is noted on the site plan. The title report for the paper street on the property was completed and submitted to the Village Attorney who confirmed that the results conclude there are no public rights in that area. Village Attorney also indicated that all issues with residents' rights of way and easements are private matters between the affected parties. A note has been included on the site plan to remove existing underbrush and all fallen branches to the satisfaction of the Building Inspector/Village Engineer prior to obtaining a building permit.

Applicant has eliminated the lighting "hotspots" by the removal of the security lighting on the south side of the building and the residential lantern lighting at the entrance. Applicant has provided a lighting distribution analysis noting that there is no measurable lighting crossing the property line on Leroy Avenue or along the other property lines. Applicant's Architect has provided several Narratives addressing the Project's Lighting design which shows dark sky complaint lighting fixtures.

A SWPPP has been provided detailing subsurface stormwater quality and retention infrastructure to ensure water quality treatment, runoff reduction and attenuation of peak

runoff rates. The landscaped front yard will include an upstream structure that will pretreat runoff by capturing trash and debris. This upstream structure will help safeguard the long-term effectiveness of the proposed stormwater infrastructure. The SWPPP and the stormwater management control facilities have been reviewed by the Village Engineer. Additionally, a Stormwater Management Inspection and Maintenance Agreement will be executed and filed with Westchester County Clerk’s Office as a condition of Planning Board approval.

Applicant has also contacted Transfiguration Church regarding a reciprocal arrangement for shared parking during the need for overflow parking. They have also reached out to the Medical Arts Building management to see if there are times that their parking lot may also be used for overflow parking. Additionally, the Temple has been in contact with the Tarrytown School District regarding the use of Washington Irving Middle School for overflow congregant parking. The Temple received approval from the School District on July 9th and is working with the Temple to get access to the District’s Facilities Usage System for the Temple’s identified dates. Finally, the Temple is developing written protocols and contractual documents that address the prohibition of caterers and contractors’ outside staff employees from parking on Grove Street for Social Events.

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:

Civil Plans by Provident Design Engineering prepared for Temple Beth Abraham, 25 Leroy Avenue, Village of Tarrytown dated 11/1/19 and last revised 5/6/20 are entitled as follows unless otherwise noted:

- C-1 *“Title Sheet and Notes”*
 - C-101 *“Site Plan”*
 - C-102 *“Striping & Sign Plan”* dated 4/29/20
 - C-201 *“Grading & Drainage Plan”*
 - C-202 *“Slope Map”*
 - C-301 *“Erosion Control Plan”*
 - C-401 *“Details - Sheet 1”* dated 2/6/20
 - C-402 *“Details- Sheet 2”*
 - C-403 *“Details – Sheet 3”* dated 2/6/20
 - C-404 *“Recharger 360HD Details”* dated 2/6/20
 - TM-101 *“Turning Movement Diagrams”* dated 5/6/20
 - C-101 *“Illustrated Site Plan”* dated 8/6/20 and revised 8/13/20

Landscape Plans prepared by IQ - Imbiano-Quigley Landscape Architects, P.C. dated 2/4/20 and last revised 5/6/20:

- L-1 *“Tree Assessment & Removals Plan”*
- L-2 *“Planting Plan”*

Lighting Plans and Trash Enclosure Sketch prepared by Levin/Brown & Associates, Inc., Architects dated 11/1/19 and last revised 5/1/20:

- Exhibit E200 “*First Floor Lighting Plan*” for Renovations and Additions to: Temple Beth Abraham, 25 Leroy Avenue, Tarrytown
- TE-1 “*Trash Enclosure Sketch*” dated 8/6/20

Photometric Plans prepared by Hubbell Lighting Inc. as noted below:

- 20-26335 (R2) “*Photometric Plan*” for Temple Beth Abraham Project dated 5/6/20
- 20-26335 (R2) “*Luminaire Data*” for Temple Beth Abraham Project dated 5/8/20

(the “Approved Plans”).

III. General Conditions

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

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

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk.

- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) 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) 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.
- (f) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season.

IV. Specific Conditions

1. Prior to receiving a building permit, the Applicant shall have completed the removal of existing underbrush and all fallen branches as noted on the approved site plan (C-101 to the satisfaction of the Building Inspector/Village Engineer.
2. Prior to the issuance of a building permit, a *Stormwater Management Inspection and Maintenance Agreement* for the stormwater management facilities related to the property located at 25 Leroy Avenue, shall be provided in a form satisfactory to the Village Engineer and Village Attorney, and shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk’s Office. Connection to the existing Village stormwater collection system is not permitted unless

adequate capacity of the existing system is demonstrated and approved by the Village Engineer.

3. The Building Inspector has determined that certain areas have a posted load capacity that exceeds the capacities set forth in the *Parking/Use Chart*. This is shown in the Building Inspector’s chart of Proposed Load Capacity dated 8/10/20 identified as Schedule 3 in the ZBA resolution. Prior to the issuance of a Certificate of Occupancy, the Applicant shall adhere to the load capacities set forth in the column “Proposed Load Capacity” of Schedule “3” for all of the spaces identified in the Schedule and shall replace existing signage to reflect these load capacities to the satisfaction of the Building Inspector. This applies to all spaces included in Schedule “3” including, but not limited to, the Sanctuary, which load occupancy shall be reduced from 200 to 150, and the Social Hall, which load capacity shall be reduced from 677 to 483.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board approve this Resolution.

Dr. Friedlander asked for a roll call vote:

Member Tedesco: Yes

Member Aukland: Yes

Member Birgy: Yes

Chair Friedlander: Yes

The Resolution was approved. 4-0

CONTINUATION OF PUBLIC HEARING - Paul and Maria Birgy - 740 South Broadway

Conversion of designated village historic landmark from a one family dwelling into two family units.

Mr. Pennella advised the Board that the applicant adjourned pending a submission of a tree survey.

CONTINUATION OF PUBLIC HEARING-Sunrise Development Inc. 99White Plains Road

Referral by Board of Trustees for review and recommendation of a Zoning Petition to permit “Service Enriched Assisted Living Housing” and for site plan approval for 85 units of Service Enriched Assisted Living/Memory Care Housing pending the adoption of the zoning text amendment.

Mr. Galvin advised that there were questions raised by the Board at the work session regarding open space and matters like that and they are working on addressing the issues as well as conducting the required studies for the application; traffic, visual, stormwater, etc. This evening they wish to do a brief presentation on the project’s sustainability efforts.

David Steinmetz, with the Law firm of Zarin and Steinmetz, the project attorney, appeared before the Board. He advised that the team is working on completing their submission on a number of fronts as well as updating the environmental assessment form. Based on

comments made at last meeting, they want to present on the topic of sustainability as well as answer questions about parking, open space, and common area. He introduced Andy Coelho to speak.

Andy Coelho, Sr. VP of Design and Construction presented a slide. During the design and construction, they plan to use the LEED scorecard as their guide and will build a building to be equipped LEED certified. He showed the scorecard. The re-use of the existing building will be a part of this to achieve points. They have been following the Artis application and solar is very much on the table, but it may not be as efficient as other methods. They will use industry standard scorecard to help them identify and keep track of the number of points. After they go through the design process, they enter this building into energy star program and all of the water gas and electric bills are uploaded into competition, and only the top 25% can achieve that certification. This creates competition among the various Sunrise Buildings. Also, aside from the competition, they train their staff to do normal sustainable practices through education, training and reinforcement. They have a dedicated page on their website highlighting their energy commitments at Sunrise.

Mr. Steimetz said Sunrise takes the sustainability issue quite seriously. Ms. Raiselis is very supportive of solar and they are not ruling it out, but they think that solar is not the only way to achieve sustainability, particularly given the constraints of the building, the design and roof area. They feel there are many other things that can be done to hit the scorecard and they are committed to achieving sustainability at this site.

Philip Kroskin, Sr. V.P. of Real Estate said it is important to understand that Sunrise manages and builds 340 properties and they are responsible to ensure that building is good for environment, their neighbors and the long-term sustainability. They also want to make sure that they have a clear path to achieving what this Board wants. Then, they will go down that path to achieve these goals as part of their commitment.

Andy Coelho returned and showed a slide of open space area and activity. He confirmed again that this facility is not for independent living. It is more care based for assisted living and memory care as residents need assistance with activities in their daily lives. Mr. Steinmetz commented that the average age at Sunrise is approximately 85 to 87 years.

With regard to open space, Rob Aiello, the project engineer said there is 65% of open space on site after project is developed. Mr. Coelho showed the plan of outdoor activity space, which shows 10% of the site consisting of balcony areas, porch, dining patio, and courtyard. The building is dedicated to 50% of the private suites. The green and brown are common areas so basically, 50% is suites and 50% is common area. They invite residents to engage outside to have socialization since the suites are effectively not much larger than bedrooms. So, there will be adequate recreation and activity space for the residents consisting of a bistro, card room, library, and private dining and sitting rooms.

Philip Kroskin noted that in an independent living building there is less common space since the residents are more active. In their buildings their residents need a place to

recreate, other than in their room, and they provide many places both inside and outside of the building.

Rob Aiello, P.E, the project engineer, with JMC, briefly went over the parking requirements. Sunrise provides adequate parking at all of their locations. The parking demand is typically low since the residents do not drive and the meals are provided within the building which is why they provide amenities on site. There is a shuttle bus for transportation to doctor's appointments, places of worship, a grocery store or the pharmacy. Fifty percent (50%) of the sunrise employees use public transportation and will use the Bee Line bus system on White Plains Road and the Metro North train station for this site. The vendors that are contracted for Sunrise arrive during non-peak hours to limit the need for on-site parking.

Mr. Aiello showed a table comparing facilities in Long Island and Mount Vernon which have similar parking ratios based upon the number of units and spaces provided. This site is proposing 85 units with 54 parking spaces, which is a parking ratio of .64. This ratio that has been tested and utilized at each of the sunrise communities throughout the country and they are confident that the 54 spaces they are proposing actually exceed their typical operational requirements.

Philip Kroskin said many municipalities have pre-set parking ratios for assisted living. It is usually .5 or .6 so they are hitting it. Their competitors are also at this same number. This is not a Sunrise specific parking ratio; their proposed ratio is lower and exceeds the Institute of Transportation Engineers standard as well.

Mr. Steimetz hopes that they have addressed the issues that the Board has raised at the last meeting. They are trying to address issues that are relevant and arise under SEQRA. They want to advance to a Negative Declaration and go back to the Board of Trustees to secure the Zoning Amendment and come back to the complete the site plan process.

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

Mr. Pennella wanted to know why the applicant can't just keep the parking ratio at 1:1. He is concerned about setting a precedent and feels that there are other ways to provide for the parking either underneath the building or in the basement area.

Mr. Kroskin said because there is no need for the additional parking based upon the studies of all their other locations. Why would they provide for more parking than they need? They are doing more, it is .64. and all other examples say they can operate at .5. They would never build under the building since that would be very expensive and really a non-starter. They are already providing parking above the standard.

Mr. Steinmetz said they know that environmental sustainability is very important to the village which is why they would not put excessive asphalt pavement if it were not needed. There are a number of ways to address it. They will share additional data so that you would argue against the 1:1 or 1:05 ratio. This ratio works for a TOD project but not with

this application since there are only occasional visitors and that is why the Institute of Transportation Engineers (ITE) knows that the .5 ratio works.

Mr. Pennella said they have a unique building and the basement area is not utilized and he is suggesting that they landbank the shoulders for future parking. He is not asking them to increase the pavement but there is a basement which could also be land banked for future parking.

Dr. Friedlander asked the applicant to provide more detailed information on the population with regard to age, impairment and disability and how many could possibly have cars.

He would also like the applicant to provide.

- 1) The age distribution of the assisted living/memory care residents.
- 2) The size of the units provided for the residents.
- 3) If quarantine space that will be provided.
- 4) The number of employees and the hours they work and assignments.
- 5) The number of employees who may have cars
- 6) The number of visitors to the site and when they visit.
- 7) Describe more about the open space areas.
- 8) Provide narrative about the different services provided for the residents.

Due to the late hour, the Board agreed to the possibility of setting up a dedicated work session to further discuss these issues where the applicant can answer some of the questions raised this evening.

In addition, Mr. Tedesco would like to see the applicant's written response to Westchester County's comments.

Mr. Birgy said would like the applicant to address Con Edison's inability to generate enough electricity and natural gas during peak demand season. He would like to see a plan to provide for that.

Mr. Ringel advised that there is no public comment.

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

Dr. Friedlander asked for a roll call vote:

Member Tedesco: Yes

Member Aukland: Yes

Member Birgy: Yes

Chair Friedlander: Yes

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING - 39-51 North Broadway Associates - 39-51 North Broadway

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

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Order 202.1, which has been extended. The public hearing will begin at **7:00 p.m.** on **Monday, August 24, 2020**, to hear and consider an application by:

39-51 North Broadway Associates
273 Columbus Avenue
Tuckahoe, NY 10707

for review of proposed zoning text amendments to the Restricted Retail (RR zone) referred by the Village of Tarrytown, Board of Trustees to the Planning Board to permit a mixed-use re-development project consisting of 80 residential units with 8,700 s.f. of retail and 123 off-street parking spaces, and for site plan review of this proposed project, subject to approval of the zoning text amendments by the Board of Trustees.

The property is located at 39-51 North Broadway, Tarrytown, NY and is shown on the Tax maps as Sheet 1.40, Block 14, Lot 2 (RR zone), Sheet 1.40, Block 14, Lot 3 (RR and M-2 zones), Sheet 1.40, Block 14, Lot 26 in the RR zone).

Please visit <https://www.tarrytowngov.com/home/events/26354> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

Public Written Comments will be received in advance of the meeting no later than 12 Noon on Friday, August 21, 2020 by email to: Imeszaros@tarrytowngov.com or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

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

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

By Order of the Planning Board
Lizabeth Meszaros, Secretary

The mailing receipts were received and the signs were posted.

Mr. Galvin advised that the Board declared its Notice of Intent to act as Lead Agency for this application. The Notice of Intent was circulated last month and the Board can assume Lead Agency at the September 30, 2020 meeting. He has reviewed the long form EAF submitted by the applicant and has recommended some changes. The applicant is currently working on addressing questions raised by the Board at the last meeting. They are looking at the impact on other properties if the area were to be developed. Westchester County has commented and are generally in support of the proposal. They highlighted the affordable housing component and the green building technology proposed. They included several recommendations such as bike parking, recycling, county sewer impacts, and discussed unbundling the cost of parking from

rents. Mr. Galvin advised that he has reviewed the Kimley Horn Traffic and Parking study submitted by the applicant which increases the number of parking spaces on site from 73 to 123. There will be parking provided under the building and the report concluded that there will be adequate parking for the current supply and demand.

Richard O'Rourke, attorney with Keane & Beane, appeared on behalf of the owner, Ed Coco, also present. He introduced the project architects, John Sullivan and Karl Ackermann, of Sullivan Architecture and the traffic and planning consultant's John Canning and Bonnie Von Ohlson, of Kimley Horn.

Mr. O'Rourke explained that this is the 2nd attempt to re-develop this property. They listened to the Board of Trustees and have scaled the project back to address the concerns of density and the parking structure. They are no longer proposing a new structure, there will be parking under the building and the existing parking in the rear will remain. He feels that this project is in line with the village Comprehensive Plan which enables a wider range of business types scale to adapt to change in the market, encouraging residents to work locally and to support density utilizing increased height limitation for dwelling space above business uses especially along North Broadway. They have developed a plan that is not only sensitive to environmental sustainability but it is also in line with what the village wants.

Mr. Sullivan appeared and presented a PowerPoint presentation. He showed the existing footprint and the proposed. They will raze the building and replace it with retail and residential. There will be no re-development of the parking lot but it will be improved for pedestrian access and connectivity. There will be a one-way drive on North Broadway with a walkway to access the parking in the rear. The parking in the rear will be shared parking for anyone to use in the village, not just for this site. He showed the existing 20 ft wide sidewalk with existing trees that will not be removed and offers a potential for outside dining. The lower level will have 62 parking spaces below retail and residential. There will be 123 spaces on site. He showed the ground floor plan proposing 8,700 s. f. of retail which has not yet been determined, but mentioned the possibility of a café and 1,000 ft for administrative space for management. They created an interior courtyard in the center for the residents to enter off of Broadway. It is 60 feet across which is a little bit less than the height of the building on each side. There will be 10 units on the first floor, 19 units on the second, third and fourth floors, and 13 units on 5th floor. The U-style courtyard is European like which allows for privacy and quiet and also affords the residents a great opportunity for views to the west and the river on the upper floors. It is a five-story building but the 2nd, 3rd and 4th stories are stepped back 10 feet from the first and the 5th level is stepped back an additional 10 feet from the 2nd, 3rd and 4th floors. They are proposing a vegetated roof, not only for aesthetic reasons but for climate cooling and some stormwater retention. This would be the only amenity proposed other than the garden on the first floor. He showed the elevations to illustrate the mass of the building and how the second and third and fourth floors step back by the first and the fifth-floor steps back even further. He thinks they are balancing the building height of 50 feet with parking in the rear and opening it up for the public as well and for commercial uses. He looks forward to the opportunity to take this project to the next level. He would like feedback to advance the design, with regard to the material used similar to the Lyceum Building. The project will be highly sustainable with a LEED certification using a "Fitwel" rating with a vegetative roof. The will also be bike storage on the lower level.

Mr. O'Rourke recognized the importance of parking. They want to improve and provide for the further mitigation of parking. They have submitted a preliminary traffic assessment and John Canning is available to answer any questions this evening.

Dr. Friedlander asked if anyone in the public wished to comment.

Katy Kreider, 42 N. Washington Street, said the property is up against Dixon Lane and this plan looks like it cuts into Dixon lane. Something that tall up on that hill could affect her solar power which is a big concern. Her house is also on the same granite and her house will shake during construction. Most of the homes were built in the late 1800's and early 1900's so there will be potential harm to her home. She feels the project is too massive and 80 units will have too many cars and too much traffic. They are already having trouble coming out from Central Avenue. The project is too big for downtown. This is an old, quaint and historic village and putting something big, new and modern in the middle of downtown does not fit in with the village look or village life.

Colin VanderHorn, 52 LeGrande Avenue, commented that the building does not fit in with the neighborhood. It seems too modern for this village.

Olivia Gerth, also of 52 LeGrande Avenue, feels that the 5 story height will block the river views and it is ill fitted. It needs to be proportional with the neighborhood. The design seems like more of a downtown center for a small city, rather than the corner of Main Street and Broadway. They just moved here because they wanted a small community with a village vibe. This village has a unique feel. She complemented the applicant's presentation and their effort to step back the stories.

Heather Haggerty, lives at 18 Kaldenberg, the street just across from what would be the main exit of the building. This intersection is already pretty dangerous. Buses and big trucks go down there and people cross near Central Avenue. It is a very busy area. She is also concerned about underground water issues, the safety of her home during construction, energy and traffic, but more importantly, the project is too dense. There is just going to be too many people in a small area. With regard to parking, people already use this lot and the reality is people have more than one car nowadays.

Laura Burke, of 40 N. Wash Street, whose property backs onto Dixon Lane, commented that the property is currently not maintained. There are dead trees and garbage piled at the back of the property. The owner has never cooperated with working with existing business in the village. He has never been able to make a deal with the Music Hall or any of the restaurants to use that parking lot. She does not see any reason that this will change just because they say it will. Also, 50 parking spaces is not enough to sell this project. A coffee shop was mentioned but they need to keep the pharmacy. They need something to benefit the village, not the owner or just the residents of the building. They get a nice courtyard and a sustainable roof and river views and there is literally no benefit to the inner village residents or other businesses. She would like to see the village board take her concern into account more carefully than maybe some of the other developments that have happened in the village.

Due to the late hour, the Chair suggested that the questions raised this evening be answered and discussed at the next staff meeting. If any Board members have any other questions, they can forward them the secretary so that she can send them to the applicant.

Mr. Aukland said the public has made some good comments and he feels there is more work needed to get it to neighborhood feel. He suggested a dedicated work session to have a fuller discussion.

Mr. Tedesco agreed to send questions to the secretary to forward to the applicant in advance of the staff meeting. The applicant and their consultants will have the opportunity to answer these questions at the staff meeting.

Mr. Birgy left the meeting.

Dr. Friedlander said that residential over retail is desirable as well as the underground parking. He feels that the density and traffic need to be worked on. Overall, developing the inner village is a positive goal and a lot depends on how it is done. The devil is in the details. They will have to figure out the benefit for the village and what is best for the village that is also consistent with an economically viable plan for the developer.

Counsel Zalantis advised the public that there will be other opportunities to comment on this application.

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

Dr. Friedlander asked for a roll call vote:

Member Tedesco: Yes

Member Aukland: Yes

Chair Friedlander: Yes

All in favor. Motion carried. 3-0

NEW PUBLIC HEARING - Tarrytown Snack Mart, Inc. (Tenant) - 440 South Broadway

Dr. Friedlander read the public hearing notice into the record.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Order 202.1, which has been extended. The public hearing will begin at **7:00 p.m.** on **Monday, August 24, 2020**, to hear and consider an application by:

Tarrytown Snack Mart, Inc. (tenant)
25 St. Charles Street
Thornwood, NY 10594

For site plan approval to the existing automotive filling station with a net expansion of 776 s.f. to the existing convenience store to accommodate store front parking with other related site improvements.

The property is located at 440 South Broadway and is shown on the Tax maps as Sheet 1.140, Block 96, Lot 2 and is located in the NS zone.

Please visit <https://www.tarrytongov.com/home/events/26354> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

Public Written Comments will be received in advance of the meeting no later than 12 Noon on Friday, August 21, 2020 by email to: imeszaros@tarrytongov.com or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

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

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

By Order of the Planning Board
Lizabeth Meszaros, Secretary

The mailing receipts were received and the property signs was posted.

Mr. Galvin reported that the existing BP gasoline station has 3 pump islands containing four fueling stations. The existing retail store is will be increased by 776 s.f. for a total of 1800 s. f. The islands and pumps will remain in place. They will be moving the store back to accommodate for perpendicular parking in front of the store while maintain the special 100 foot setback from Broadway. The total number of trees to be replaced are 11 with 7 to be replaced in the rear yard. The landscape plan has been forwarded to Ms. Nolan, the village landscape architect. The applicant will require setback and parking variances from the Zoning Board. This is a Type II action under SEQRA since it is under 4000 s.f. of commercial space. He has discussed the possibility of moving the location of the store to save some trees with the applicant and has asked them for a comparative analysis of parking and square footage with the other gas stations in the village.

Don Walsh, of Development Strategies, in White Plains, introduced Kevin Masciovecchio and Rob Aiello of JMC and John Hughes, attorney for the property owner, the Marasco Family.

Mr. Walsh said they listened at the work session and he will turn it over to the engineers but wanted to make a comment that there are only 3 gas stations left in the village. This station is not a big gas station. It is small station, owned by a family who will be leasing it out. The applicant is interested in increasing the size of the building. This station provides gas for Tarrytown.

John Hughes, representing the Marasco Family showed a picture of the building in earlier times. The Marasco family has owned the property since the 1920's they are very much in favor of this proposal in order to the make the property more viable in this competitive business.

Kevin Masciovecchio, of JMC, showed the site plan and briefly described the project which includes the construction of a new convenience store which is 776 feet larger than the existing store and will be pushed back to allow for parking in front of the building. The

existing canopy and pumps will remain unchanged. There are 6 variances that will be needed from the Zoning Board, 3 of them are for rear and side yards. The other variances are related to parking, including off-street parking spaces where 17 spaces are required and they can only fit 12. He compared the parking at the Shell station which provides 14 spaces and at the Speedway station, which provides 13 spaces. They have 14 pumps, Shell has 8 pumps, and Speedway has 10 pumps. He also noted that their building is 200 s. f. less than both the Shell and Speedway stores. He advised that JMC was the site engineer for the Speedway Station and they recall having the pumps included in the parking calculation requirement.

Mr. Masciovecchio showed the Landscape Plan which proposes the removal of 12 trees. They are working to get an arborist on Board to review the conditions of the trees and will coordinate any changes with the village landscape architect. The applicant is willing to consider to relocate or shift the building to preserve the trees at the Board's recommendation. The reason for this proposal is that the existing building is outdated and was not designed for the current convenience store operations. The proposed building attempts to modify consumer habits or expand the consumer base, and to retain existing customers with modern building with a more inviting retail space and the ability to increase a variety of products. Approximately 400 s.f. will be retail. Stormwater will be addressed once the site plan is in place and confirmed and variances are approved. They will coordinate with the Mr. Pennella, the village engineer on this.

Dr. Friedlander asked if anyone in the public wished to speak. Mr. Ringel advised that there is no one in the public wishing to comment.

Mr. Tedesco is pleased that the applicant is willing to consider relocating the site of the building to save some specimen trees.

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

Dr. Friedlander asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Chair Friedlander: Yes

All in favor. Motion carried. 3-0

Normally the applicant would go for the variances but if they are considering shifting the building, they may want to wait since this may alter the variances needed. Mr. Walsh advised that they will go to Zoning after the site plan is in place and they look at the trees.

Mr. Aukland has no comments. He agrees with Mr. Tedesco that using some of the open space at the rear to relocate the building might be good.

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

Dr. Friedlander asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Chair Friedlander: Yes

All in favor. Motion carried. 3-0

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 11:26 p.m.

Dr. Friedlander asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Chair Friedlander: Yes

All in favor. Motion carried: 3-0

Liz Meszaros- Secretary