

Planning Board
Village of Tarrytown
Special Work Session- 29 South Depot Plaza Application
July 21, 2020 6:00 pm

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

ABSENT: Member Tedesco

***This meeting is being held via Zoom Videoconference 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 applicant for this application will be given the opportunity to speak. The public will be able to view the meeting through the Zoom application and are invited to join in and listen. ***

Chairman Friedlander called the meeting to order at 6:00 p.m.

CONTINUATION OF PUBLIC HEARING-LEXINGTON 202 GROUP LLC-29 S DEPOT PLAZA

Dr. Friedlander opened the meeting and thanked staff for coordinating a special meeting and the applicant for their patience during this process. Special work sessions are not customary, but the Board felt it was necessary in order to move forward with a mixed use development at 29 S. Depot Plaza, consistent with the goals of the comprehensive plan and the Station Area Zoning. He welcomed Art Collins, Principal with Collins Enterprises, LLC, whom he feels will make the project more interesting, in terms of development.

In the interest of time and efficiency, Dr. Friedlander would like applicant to present and respond to the issues and written comments which were forwarded to the applicant and discussed at the July 16, 2020 staff meeting, and then have the Board members ask questions.

Linda Whitehead, the project attorney, advised that she will be the main speaker and, if her team needs to chime in to answer questions, they will.

Dr. Friedlander would like to start with the parking requirements since the majority of the members have addressed concern about the permanency of the parking. He asked Ms. Whitehead to comment.

Ms. Whitehead said that she was prepared to go through the written comments that were received after the July 16, 2020 Planning Board staff meeting. They listened at this meeting and have been listening and have tried to respond to all of the comments of this Board. She referred to her letter of July 10, 2020, in which responded to a number of these items in detail. They are concerned that they have provided information and the comment has come up again, but they are happy to address these things, which she hopes will be useful in the Board's SEQRA review. She noted that the Planning Board has retained a consultant at her client's expense who has reviewed several issues. They

agree with Ms. Raiselis' recommendation that they should focus on the zoning text this evening, which includes the parking requirements, so that the Board can work toward making a recommendation for the zoning text to the Board of Trustees.

With regard to the parking, Ms. Whitehead agrees that the parking agreement should be a long-term agreement. The village code already provides for off-site parking where there is an easement in place or some sort of agreement, satisfactory to the village attorney. They will need this type of agreement since no lender will finance this project if there is no parking, so they have no problem with the permanency. Mr. Collins said they are negotiating a long term lease. Dr. Friedlander said he had a conversation with Metro North and he was told that they could break their lease at their discretion. Mr. Collins said they have made a proposal to the MTA to address this condition because it is not a financial clause that they can accept. They have suggested language be included that Metro North can only take away parking for transportation reasons and that they would have to replace the parking that they take away with another parking arrangement. He noted that the MTA does have plenty of land in and around Tarrytown, even across the tracks, that could be used as a replacement. Dr. Friedlander suggested that, because the village has to sign off on the agreement, in terms of satisfying a parking solution, it would be in the applicant's interest to inform this Board of the wording in this agreement to see if it is satisfactory to the Planning Board and the Board of Trustees. It is important to have the parking in place in order for the development to succeed. If the applicant can arrange it, great, but if they can't, then that would reflect on what is possible on the site or what other alternatives are acceptable.

Mr. Collins agreed and asked who they should be speaking with to get the village's viewpoint on this matter. Ms. Whitehead said the text should include that the parking has to be provided in some type of long-term solution and if they do not get the agreement that satisfies the zoning text, then they do not have a project. They are having an ongoing discussion with the MTA with the language and the MTA agreement needs to be worked out, not just for the village, but for her client as well.

Mr. Birgy is concerned about the replacement parking alternative that the client is discussing with MTA. He feels it will create other parking problems in the village and that residents of the building should have parking in the immediate vicinity. He does not think the MTA parking agreement should be addressed in this manner.

Dr. Friedlander asked the applicant if they have offered to buy the lot from the MTA. Mr. Collins said MTA is short on land. Ms. Whitehead said the MTA needs land for parking and utilities and workspace all up and down their network and would probably not approve the sale of the property. She noted that they will be retaining a partial use of the property for their employee parking.

Dr. Friedlander asked about the possibility of a joint parking garage. Mr. Collins said the MTA uses the lot for parking of oversize vehicles and storage which would not work with a garage. Ms. Whitehead said they asked the MTA about that a long time ago. Her client wants to improve the area and a parking garage is not that nice looking.

Dr. Friedlander feels that if there is an increase demand for parking, it would be useful for them to have a garage. This garage would be a benefit to the village, the applicant and the MTA. The fact that we are not considering this is puzzling. It also allows the developer, down the road, to use the garage if it were available. A creative solution would be to get together to build a garage that would benefit everyone. There are no storage issues for MTA. He is urging the applicant to assemble a creative process which would give them plenty of parking no matter what the parking ratio is. He feels it should be looked into. Ms. Whitehead said it is her understanding that the village is not interested in sharing in a parking garage and no parties have expressed interest in financing a parking structure.

Dr. Friedlander asked the Board Members how they felt about this matter.

Ms. Raiselis said we have talked about structure parking on the east side already and she feels it will be an economic injustice for the Franklin Court area residents. Design wise, it is just not a place for a parking lot since it would be a barrier for the Franklin Court area. If you are talking about a small-scale garage next to the village hall, then that is a different matter. This feels like a diversion to her. No one has expressed an interest in a garage and we are hearing that the MTA is not interested. She is not supportive of this parking structure.

Counsel Zalantis suggested that they include additional language in the text about permanency for the off- street parking which could be a way to address this concern. She referenced the current section of the code but feels that it could be cross-referenced with stronger language. Ms. Whitehead agreed with Counsel Zalantis to work on this language.

Mr. Birgy said replacing the parking somewhere else, if they take it away for transportation reasons, does not make sense to him. If Metro north is not willing to provide for the parking, he feels they need to move on.

Counsel Zalantis said the applicant will not be able to get site plan approval without an agreement with Metro North.

Mr. Birgy would like a parking agreement in place before they proceed with the project. Again, he feels like they are putting the cart before the donkey and it does not make sense to him.

Mr. Collins said he would love to figure out a way for a public partnership with the MTA. They are working with the TOD Department in the MTA who is working with many municipalities on these types of projects up and down the line. They are dedicated and motivated to building projects around the train stations but one of the hurdles they are facing is their engineer's concerns for sufficient storage of their equipment. Mr. Collins said they would never have considered doing this project unless they knew MTA was incentivized to make it happen, which they are.

Mr. Birgy suggested that they approach the MTA and say the village is adamant that their property be tied to this project for the parking in order for it to move forward; if they have other property, let them use that for storage.

Mr. Collins said the MTA does not have access unless they go over their property so there is leverage that they have. This is another reason why the MTA wants to negotiate with them. Ms. Whitehead said their easement has limitations that they want to eliminate. In general, they are public authority, and it is a significant process to go through to purchase the property from them. They will continue to push them, but they don't move fast.

Mr. Birgy said it seems to make a lot more sense to move forward once they get the parking. Ms. Whitehead would like to move forward with the zoning text amendment. She said by the time they come back for site plan approval, the parking agreement could be in place. If the zoning text amendment will require the agreement, they will have to provide for the parking and, if they are not able to get the parking, then the zoning could allow some other similar project on the property. Mr. Birgy said without the parking, what kind of project could that be? Ms. Raiselis said it would be a project that does not require so much parking. Ms. Raiselis said it is the applicant's risk. She also wants to get the zoning text done, and if the applicant cannot satisfy the terms, then they don't have a project. Ms. Raiselis feels that this process is stalled at differentiating between what is site plan and what is the zoning text.

Ms. Whitehead agreed and said we have spent so much time on site plan issues when we need to concentrate on the zoning text amendment.

Mr. Birgy again said the applicant keeps saying that if they don't get this, they will build the storage facility. He feels they need to get the parking first.

Mr. Aukland joined the meeting at 6:35 p.m.

Counsel Zalantis said the basis of this work session was to talk about specific language of the text. It would be helpful to see what the applicant can agree to and what works and what doesn't work. The bottom line is that there will be a permanent agreement clause in the text, in addition to the parking ratio, and if the applicant cannot meet the requirements, then the project cannot get approved. Mr. Birgy said and they will be building the storage facility. He feels they are proceeding in the opposite way it should be done. The project could move forward very quickly, once the parking is in place. He finds the process troubling and he asked who else does.

Ms. Whitehead said the zoning text has to be approved before you can go to site plan. The draft text is before you. It was referred to the Planning Board by the Board of Trustees. They are trying to get the zoning text done.

Mr. Birgy feels that they are not accomplishing anything without the parking and it is a waste of valuable time.

Dr. Friedlander asked to see what the language is for the parking.

Ms. Whitehead said they are agreeing to add that a long-term parking agreement be in the text.

Ms. Raiselis read her suggestion which was that parking should have permanent somewhere in there or some wording for a long term with allowances to be extended as the village requires.

Ms. Whitehead said the proposed text currently reads that required parking can be provided on site or on an adjacent property that the applicant has an agreement for parking satisfactory to the village attorney. They will add the concept of permanency to this as suggested.

Dr. Friedlander said it sounds ambiguous, not well defined. Ms. Raiselis asked how many years then and they will put it in? Dr. Friedlander does not know yet, they need to figure out what long-term means. Secondly, the ability of parking off-site is unclear. He wants to make sure that the parking has to be on the owner's property because most of the time, parking is required to be on an owner's property.

Ms. Whitehead said there are many properties in the village that apply this section of the code for off-site parking provided on an adjacent property. The Board just approved an application she represented for 15-17 N. Washington Street which is residential. Ms. Raiselis agreed that there are a number of properties. Ms. Whitehead said that is why it is in the code.

Dr. Friedlander said the parking should be attached like it is owned by the developer. He asked how many years they are considering for a lease. Mr. Collins said a 75-year term and they are trying to work this out.

Dr. Friedlander said he is in the dark. He would like the information. He wants to protect the residents who rent the space to have parking available to them. He doesn't want residents calling him up saying that they could not find a parking space. It would be beneficial for the applicant to include the Planning Board in the loop, so they can help get it done. He has seen many public agencies say "no" until someone above them says "yes". There is always a way to do it. Land is there, financing is there, figure it out. They wasted 6 months on this already.

Counsel Zalantis suggested adding to the text, a long-term agreement of no less than whatever number of years that is not revocable or able to be terminated by the property owner on an adjacent property.

Mr. Collins agreed and said that he will propose language to address these concerns. They are in agreement with the Board and will run it by MTA. Ms. Whitehead also suggested having the replacement parking within a certain distance. Ms. Raiselis suggested that in the case that in-kind parking must be traded, a minimum distance of x amount from 29 Depot Plaza will be required. Mr. Collins will propose text for a distance.

He has done this a number of times. Ms. Whitehead said they all agree in concept and will propose the text.

Dr. Friedlander would like the applicant to run it by the Board before submitting the language. Mr. Collins would like to know who is the representative of the village? Dr. Friedlander said if it the language, then Counsel Zalantis should be the representative. If it is the space or distance, then they should speak with Planner Bob Galvin. Ms. Whitehead said or you can send the request to both of them.

Ms. Whitehead said they are going to put a distance in. The replacement parking must be within x feet of the building. They have to look at it and then propose the language.

Counsel Zalantis said they will work on the language so let's talk about the other issues.

Parking Ratio

Ms. Whitehead said the text currently provides for a 1:1 ratio. The village consultant, Chazen, feels that 95:1 is sufficient. They are providing 93 spaces which is 1.05:1

Ms. Whitehead said that the Board comments suggested a 1.25:1 ratio and she is not sure where that came ratio came from. Ms. Raiselis said she proposed this ratio since it was higher than what was proposed. She feels, however, that 1.25 is too much. She is comfortable with 1:05:1

Ms. Whitehead would like to propose 1.05:1 since it is more than what the village consultant (Chazen) said would be sufficient. They will waive the non-residential language but would like to use the shared parking analysis for the retail portion. They are providing spaces for the self-storage as well. So, they are willing to go above what the village's consultant said was sufficient.

Dr. Friedlander said visitor parking was not included in the Chazen report. This location has zero on-street parking. Most developments have on-street parking within a two-block radius. Ms. Raiselis said there is a lot of parking freed up for visitors on the other side of the tracks. Ms. Whitehead added that, in the evening, there are 30 spaces from the MTA lot that could also be used. There is also a metered lot next door that is not full during the evening and, during the day, some of the 93 spaces will be free to use. They submitted a chart to the Board which provides information for visitor parking. They would like to keep it to the 1.05:1, which is higher than what the consultant proposed. She noted that their original proposal was 1:1

Dr. Friedlander would like to move on since there is no consensus about this.

Façade

In response to Ms. Raiselis comment about the length of the building, Ms. Whitehead said once you divide the building into 2 you have to have duplicative services such as 2 lobbies, 2 elevator shafts. It is not efficient. They have proposed to break up the facade with color and balcony and push things back and forward and break up the roof line. They have not had the time to explore this in great detail since this was a comment they just heard for the first time at the July 16, 2020 staff meeting. She showed examples of how

building can be broken up so it does not look like one long building. Ms. Raiselis said it looks like Hudson Harbor. Ms. Whitehead said they can't limit the building to 150 feet, it is not efficient, requires more energy, more exterior walls. They would like more flexibility to break up the façade rather than physically limiting the building to 150 feet. They are not trying to make it look like Hudson Harbor, these were just examples, but they can't limit the building length. From a design standpoint and viewshed there is no one blocked by this viewshed. They understand this concern but would like to break up façade through architecture.

Dr. Friedlander said as a new project, it is the first stab, so they want to have some semblance of a viewshed. Ms. Raiselis mentioned economic injustice and the applicant is proposing a 300 ft long 60-foot-high project. Preserving the viewshed is important to him. His point is that a new project should be as good as possible and provide viewshed. He does not think any of the Franklin Court residents came to any of these meetings. Ms. Raiselis said that there were some residents that did come to the SAO workshops. Ms. Lawrence said there is no question that Franklin Courts will be impacted with this building.

Ms. Whitehead said she does not think they should be comparing this project to Hudson Harbor. She showed the approved east elevation that was submitted to the Board last week. It is a little higher than the approved self-storage but it is more attractive. When the Planning Board approved that project, the issue of viewshed did not come up.

Dr. Friedlander said this is not a fair representation. This was an existing structure in an industrial zone. Ms. Whitehead said the building was being rebuilt just like this proposal.

Mr. Collins said he is trying to figure out what the Board wants and he knows they will be able to make it work. They are coming up with suggestions on how to do this. Dr. Friedlander said you just said they you can't do the two buildings. Mr. Collins said they would like to use the existing foundation for a number of reasons they have talked about. He wants to sit down, especially through site plan, and he is convinced that it will work. Ms. Whitehead said to have the 150-length provision in the zoning does not work for this property.

Mr. Birgy asked why it would not work. Ms. Whitehead said they would have to do duplicative services by splitting the buildings which would require 2 lobbies, 2 sets of elevators, more energy. It just will not work at this site. Mr. Collins feels the 150 feet is arbitrary. He would like to sit down and discuss ideas and solutions rather than having the limitation of a 150-foot building.

Dr. Friedlander said this idea was proposed to break up the mass and for viewshed. They could shrink the building to 200 feet and on both ends, and have viewshed with less bulk. This would give them about 90,000 s.f. Ms. Whitehead said if you are asking us not to use the existing foundation, they have submitted in writing and have discussed before that using the foundation is environmentally beneficial. Dr. Friedlander said you can still use the existing foundation and can shrink the building to 200 feet leaving 60 feet on each end and still have one lobby. He asked Mr. Collins if this would work.

Mr. Collins said it is not possible. There are a number of efficiencies with the building and when we cut density, we lose efficiency. Dr. Friedlander would like the applicant to submit the reasons why it is not possible in writing. He wants to know the efficiencies and what the costs are. He is proposing a shrinkage of the building with 2 view sheds on each side which could be plaza or sitting areas.

Ms. Whitehead said there are viewsheds already. Dr. Friedlander said they are not large enough. Ms. Whitehead said, on one side, it is completely open; there is the plaza and parking lot. Dr. Friedlander said to Ms. Whitehead that she is well prepared and he respects her, but she is not doing one thing that she should be doing. Ms. Whitehead asked why, because she doesn't say yes to everything the Chair asks for. Dr. Friedlander said we have a problem of communication. He has seen the plan and he is trying to work out issues raised about the length of the building, mass and density. Ms. Whitehead said we were not talking about density, we were talking about the length of the building. Mr. Collins said we have ideas that can be worked out at site plan. But why would the Board want to arbitrarily limit the length of a building when there is already a pre-existing structure. He is not sure what the reasoning is.

Ms. Raiselis said she raised this concern so that it could be discussed and addressed by the Board. The elevations the applicant showed before are good. She is not interested in the mock façade that pretends to be something it isn't. If they can make a plaza at the top on one side and break it up so it does not feel like a shoebox that would be good. Perhaps have 4 stories on one side and 5 stories on the other. Maybe in the middle, it could dip and there could be a place where people congregate or a garden. Mr. Collins said he has a number of ideas. He thinks all of these ideas are great.

Ms. Raiselis said they want activity on the street to make it lively. If they can't achieve this, then they would have to revise the project. Mr. Collins said he will work through this. Counsel Zalantis said, in terms of the zoning text, they want to take the concept and reduce it to language using architecture to maintain viewshed by breaking up the façade.

Mr. Birgy said one reason the 300 feet came up is because it goes back to density. He is trying to find a precedent in the village, that allows a proposal of 88 units on 1 acre. With regard to the parking, our consultant (Chazen) compared White Plains to this village with the parking which does not make sense. Getting back to density, we are looking at 88 units on 1 acre. If you make the building smaller, on the foundation, it would be better and solves a lot of problems. He wants to know where 88 units on 1 acre comes from.

Ms. Whitehead said your consultant addressed this issue and there was talk about adding density in this part of the village in the comp plan. This concept is something new and it is mentioned throughout the comp plan. If you read the village consultant's report, there was a lengthy discussion about density. So, it is a new concept; there does not have to be precedent.

Mr. Birgy said the appropriate density is not what the applicant says it should be, it has to be based on something. He would like some sense of reasonableness. Next door they have 7.5 units per acre. There has to be some correlation to something, somewhere. He

is not opposed to this, but he has to have something that makes sense. Just because the applicant keeps saying it over and over, does not make it right.

Mr. Collins said they are constrained by building height and parking. They are not trying to convince anyone. Mr. Collins is happy to talk about the rationale that drives the decisions for the 88 units.

Ms. Whitehead said the village planning documents talk about maximizing density in the area.

Mr. Birgy said it is not a blank check. It is for us to determine what is a reasonable number. The applicant keeps saying this.

Ms. Raiselis said the comp plans calls for an increased density in this area.

Mr. Aukland said it certainly does talk about density. With regard to the 300 feet he does not want it to look like a barracks and he is sure they can pass that hurdle. The one thing he would like since viewshed is mentioned is to show the Board what effect has on viewshed and for whom. He does not think that Tappan Landing would be affected by this. He wants to know how badly the Franklin Court people are affected. If it is not harming the viewsheds and it does not look like a barracks, that would get him comfortable. Mr. Collins will do that.

Mr. Aukland agrees with Ms. Raiselis on the density. He noted to Mr. Birgy that, with regard to looking for a rationale, so many TOD structures are developed based on what can be done in a spot, and as long as it is good for the village, in terms of ratables, and does not harm us, he is not sure what the issue is with 88 units. With regard to parking, he would like to see other TOD locations and how it relates to apartment sizes. If they are big apartments, they will need more spaces. He would like a breakdown of apartment sizes. If the applicant could relate the samples to the apartment sizes that would get him comfortable. Mr. Collins said they have done demographic studies which is readily available which they will provide.

Mr. Birgy said what troubles him is comparison with White Plains, New Rochelle, Yonkers and New Rochelle. He would like to know how many villages have 88 units on one acre. And how many villages have approved 1 space per unit. Ms. Whitehead said they provided info on Bronxville and Tuckahoe. There are only so many villages.

Mr. Aukland feels that what is being proposed actually matches the area very well. He would not want to see it in the Crest area. We should do comparisons. Ms. Whitehead said Tarrytown is bigger than Bronxville and Tuckahoe.

Mr. Birgy said the village is a dead end and there are issues with turning cars around. Mr. Aukland said it is a fair comment and the traffic assessment is what we should be looking at. Mr. Collins said we will send the parking study which was provided way back when. It is all tangible information which will help with your discussion. He asked if there is another village Mr. Birgy had in mind to compare. Mr. Birgy thinks Irvington would be

a good example. He thinks they should strike any city or large village out in these comparisons.

Ms. Whitehead said the Village of Mamaroneck uses a 1:1. Mr. Birgy said Mamaroneck is not like Tarrytown. Mr. Galvin said in the TOD in Mamaroneck it is 1:1 for one bedroom for a two bedroom it is 1.25:1. Another area is Pelham, that we may want to look at. Tuckahoe goes one way in and one way out. Mr. Birgy did not agree with using Tuckahoe or the Village of Mamaroneck since they are not dead ends like Tarrytown.

Energy

Regarding the proposal that 50% of energy needs be provided by renewable energy sources, they are focusing on energy efficiency and reducing demand. They have provided a list of green energy elements that they propose to include. They feel that 50% is tough to meet for renewables and they would like to come up with something a little more flexible. They would like to be able to combine energy efficiency and renewable without a hard and fast 50% number.

Ms. Raiselis asked why the 50% number would be so difficult. Mr. Collins said in many buildings, they try to find a cost effective manner, and it becomes cost prohibitive in this kind of building. Ms. Raiselis asked the cost to what? Our health? The environment? Our safety, The wallet? Mr. Collins said they are going to try to get to some deep energy savings. They have worked with NYSEERDA in the past and as they get more surety that this project will move forward, they will work on an energy regime for the building. He noted that they use energy efficient appliances, recycled carpets, which should be also be factored in.

Ms. Raiselis said this building will produce pollution for many years, so the more renewables, the less pollution we will have to deal with. She would like an explanation and how the balance is made. Mr. Collins said he is not an expert on this but they have explored incentives across the board. Ms. Raiselis suggested packing the storage walls for the storage, which could be part of their balance. She is going to push for this. If the applicant markets a passive house apartment building vs. a conventional building, it will benefit them in the long run.

Mr. Collins will come up with an energy regime satisfactory to the Board. Mr. Birgy said with regard to solar, whatever they invest in the construction, they become much more efficient and they could get assistance. The payback period is 7 to 10 years which is reasonable, especially if the owner will maintain control over the building.

Mr. Collins asked if the Planning Board would recommend back to the Board of Trustees to allow for this kind of thing above the 60-foot rule. Ms. Raiselis said she does not think the Board of Trustees will budge on height.

Mr. Birgy said you are in a southwest position, and what you lose in the summer you gain in the winter.

Mr. Aukland asked if there are any other points to cover. He has to limit his time.

Mr. Whitehead said these are the only issues we had comments on, otherwise the language is fine. Most of Mr. Birgy's comments have been raised. He proposed a 4-story building, their proposal is five stories. She does not know if there is a consensus of the Board to make that change. The density has been discussed. Mr. Birgy said we have not come to a conclusion on that, which is important. Ms. Whitehead said Mr. Aukland and Ms. Raiselis said they were okay and felt it was in line with the comprehensive plan.

Dr. Friedlander said the Board still needs to have a discussion about the 88 units. He asked for a justification from Mr. Collins at the staff meeting. He does not feel comfortable unless it is related to the size. He wants to see it. In addition, the roadway that has easement rights is counted as your building lot. The roadway should not be counted as a building lot. It is technically, but from a planning perspective, it is nonsense. There is no coverage or setbacks. The concrete pad dictates the density which is not good planning. It is not good for the village or the residents that live there.

Mr. Aukland asked how they should proceed. Dr. Friedlander wants Mr. Collins to keep the Board updated with regard to the parking with MTA. He needs a plan to justify the density and also why the building cannot be split. The site is narrow and creates a viewshed issue with no turnaround and easements. It is limited.

Mr. Aukland said we are not going to solve these issues.

Dr. Friedlander would like them to provide the information in order to proceed.

If you want to talk about density now, it is useless, since we need more information. Mr. Collins said he actually put a list together of all of the information they provided over the past 6 months. They talked about green building, the MTA response. He feels that they are going around in circles. He would like to quantify the zoning, like density, parking. He is happy to give justification on the project. He would like to get a sense that the Board wants to do this project. Without a master plan, any planner would show more density. He is happy to do it. He just wants to understand the path.

Dr. Friedlander understands what he is saying. They want the project; the question is how dense? We need this information and it needs to be discussed and then we can make progress. Dr. Friedlander said it's been over a year and you don't have an agreement with the MTA. Mr. Collins said it has not been a year and it has not been easy to deal with MTA or Metro North. Dr. Friedlander asked if the applicant is willing to wait a month and provide the information to the Board for discussion. Mr. Collins is happy to do that.

Mr. Aukland said so the next step is to reconvene.

Ms. Whitehead said she will work on the language and how they can break up the architecture of the building. They need to be focused on the zoning text. We talked about coming up with language to address the parking agreement and she thought that the Board was in agreement with this so that the zoning text could go back to the BOT even if the MTA agreement is not in place.

Mr. Birgy said it would be helpful for Ms. Whitehead to stop saying that this is what we are doing or we are going to build a storage facility. He feels that the applicant and Board should work cooperatively together.

Mr. Aukland advised that the storage facility is an as of right, approved project. This current proposal is consistent with the intent of the comprehensive plan and wants to see it go forward. Of course, the MTA agreement is crucial.

Dr. Friedlander said once we have the information we requested, we can review at the work session.

Mr. Aukland left the meeting at 7:55 p.m.

Dr. Friedlander wants to hear from Mr. Tedesco since he is not here this evening. He would like to have his input in writing or by phone after he views the video. It would solve a lot of problems if the density justification is submitted by the applicant and he would also like the applicant to share their negotiations with the MTA with the Board. The more specific the agreement the better off they are.

With regard to the zoning text, Ms. Whitehead said she thought they agreed that they were going to put in a time period for the permanency of the parking agreement and add a distance for the replacement parking. Counsel Zalantis said she will produce a clean version to circulate and they can work on the language. It will incorporate the discussion this evening and what the applicant has agreed to. Dr. Friedlander agreed and said that would be helpful.

Ms. Whitehead said you no longer have a quorum. Counsel Zalantis said we have lost Mr. Aukland, Ms. Lawrence and Ms. Raiselis. She suggested continuing the discussion at the next work session, or an earlier time, if that is possible.

The meeting was adjourned at 8:00 p.m.

Liz Meszaros- Secretary