

Planning Board
Village of Tarrytown
Regular Meeting
October 26, 2015; 7:00 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Raiselis Birgy;
Counsel Zalantis; Village Administrator Blau; Village Engineer McGarvey;
Secretary Bellantoni

APPROVAL OF THE MINUTES - March 4, 2015 Special Joint BOT & PB Meeting

Mr. Tedesco moved, seconded by Mr. Aukland to approve the minutes of the March 4, 2015 Special Joint Board of Trustees and Planning Board Meeting as submitted. Ms. Raiselis recused herself. Four in favor, one recusal; motion carried.

APPROVAL OF THE MINUTES - June 22, 2015

Mr. Tedesco moved, seconded by Mr. Aukland to approve the minutes of the June 22, 2015 meeting as submitted; all in favor. Motion carried.

APPROVAL OF THE MINUTES - August 24, 2015

Mr. Tedesco moved, seconded by Mr. Aukland to approve the minutes of the August 24, 2015 meeting as submitted; all in favor. Motion carried.

APPROVAL OF THE MINUTES - September 8, 2015 Special Meeting

The board was unable to approve the September 8, 2015 Special Meeting because three out of the five members did not attend the meeting and Ms. Lawrence, the alternate member, was not present at this meeting; therefore, they did not have a quorum for these minutes.

APPROVAL OF THE MINUTES - September 28, 2015

Mr. Tedesco moved, seconded by Mr. Aukland to approve the minutes of the September 28, 2015 meeting as submitted; all in favor. Motion carried.

ADJOURNMENTS:

Chairman Friedlander listed the following adjournments:

Continuations of a Public Hearing:

- 67 Miller Avenue – Bartolacci
- 25 Main Street – Realty Inc.
- 112 Wilson Park Drive (lot 2) – Toll Brothers

- 73 High Street – Hanley

Continuation of a Preliminary Presentation:

- 61 Gracemere – Split Development

PUBLIC SERVICE ANNOUNCEMENT

David Aukland and Joan Raiselis who are members of a committee working on a study for future development on the waterfront from Wildey Street to Franklin Street announced that there will be an open Workshop on November 15, 2015 from 1:00 p.m. – 3:00 p.m. at Senior Center. The work shop will be hands-on with suggestions from local residents and business owners as well as external agencies such as Metro North who will come together with their creative ideas. Everyone is invited. There will be poster throughout the village, as well as on the website. This will be a whole endeavor by the entire village.

15 and 17 Baylis Court – Paul and Leslie Jeris

Sam Vieira, Architect said he is before this board on behalf of the owners, Paul and Leslie Jeris who have a subdivision application and a site plan application for a garage at 17 Baylis Court before this board. Mr. and Mrs. Jeris have had their house for sale and they now have a buyer. Because there is not enough time for the subdivision process or for the garage, they are withdrawing both applications. Mr. Vieira said they do still want to pursue the three-family house on lot 15; but in light of the withdrawal of the subdivision application, the plans will have to be modified. Hopefully they will be ready for the November meeting.

Mr. Tedesco said we received a comment from Lucille Munz, the Village's Landscape Architect, regarding the landscaping plan for the Baylis Court applications. He read the following comments from Ms. Munz, which Mr. Vieira should address when moving forward:

The planting plan should be rejected as follows:

- 1) The plant material is mostly non-native plant material and in fact includes non-native invasive burning bush.
- 2) The proposed blue spruce along the side of the building are noted as 8' height on the plan - but are noted 3 gal. on the plant list. In addition the plants are being planting in a 5' wide area, they will get much wider and will not work in this location.
- 3) The white birches while native get diseased and are not a good plant for this location.

I recommend that a landscape architect provide the planting plan and/or a garden designer.

Mr. Birgy said just to clarify the existing house is being sold and they are still going to build the 3-family house on 15 Baylis Court. Mr. Vieira said that is correct.

CONTINUATION OF PUBLIC HEARING–NY Dealer Stations LLC–372 So. Broadway

Leo Napior of Harfenist Kraut & Perlstein LLC and Frank Filiciotto, Traffic Consultant with Stonefield Engineering were present on behalf of the applicant. Mr. Napior said they have an updated traffic report with a response from VHB. He said there is no cross access easement in place for the entrance from the shopping center; and at this time, there is no incentive for the shopping center to create one. He said his client is willing to take that as a condition of approval that they will not close it off.

Ms. Raiselis asked what date he received VHB report. Her concern is the truck turning analysis. Mr. Filiciotto said he received a letter from VHB today, October 26, 2015 in response to their supplemental traffic report dated October 16, 2015 and said they concurred with most of their report but requested a truck turning exhibit which Mr. Filiciotto presented. He explained that there is only one way for the trucks to enter the site. They will come down Route 119 heading west and enter the site at the new combined entrance/exit at the east end of the site, travel through the site easterly, dump the fuel, and exit making a right onto Route 9. The vehicle is a WB50 which is being used now and will continue to be used; we will not use a larger vehicle on this site. Chairman Friedlander asked how many gallons it holds. Mr. Filiciotto said WB50 is the dimension of the vehicle but is not sure how many gallons it holds.

Ms. Raiselis said there was a question as to whether the new configuration was optimal and she quoted the report regarding the new configuration which stated, “will result in a narrowing of the existing on-site circulation pattern for entering delivery trucks.” Mr. Filiciotto said as a result of the combined entrance and the parking spaces, which they now have 6 but will go to 13 in the future, we were able to reconfigure the access point by moving it north away from the parking spaces along the south side of the property. Ms. Raiselis asked if it is going to be safe, is there enough room for the truck to maneuver in and out. She said this was a comment that was made so there must be an issue with it. Mr. Filiciotto said it was a comment because it is a change; but is it not going to be a problem. He said there is adequate for the truck to circulate and for the cars to be parked there.

Chairman Friedlander said with the new configuration and the parking, when the truck is dropping the fuel, the traffic possibilities are reduced because you cannot go around the truck. He said the question is where does the truck park and how much space is there for a car to get around it. Mr. Filiciotto said you will still be able to go around the truck by driving in front of the store as before. He said regarding the deliveries, there is maybe one per day and it is always at off-peak hours.

Chairman Friedlander asked is it safer to have a sign for the three closest lanes to Route 119 stating that there is no parking while the truck is dropping fuel. Will that make it safer or doesn't it matter. Or maybe it should be the other three lanes because the truck is further west when it is dumping the fuel. Mr. Filiciotto said it will self-police

itself but they would be happy to place the signs if that would make the board comfortable, but he does not think they will be effective.

Chairman Friedlander asked if there were any more questions. Mr. McGarvey said the representative from VHB is here and perhaps she would like to speak.

Andrea Connell of VHB came forward. Ms. Raiselis asked her if they have any concerns about this narrowing of the path. Ms. Connell said initially they did but then they saw the truck turning diagram and they don't have an issue; it can fit a WB50 and it can maneuver in and out of the site. Mr. Raiselis said what if a bigger truck came to deliver fuel. Mr. Connell said as she understands it only a WB50 can be used on that site. Ms. Raiselis said so you are giving your blessing. Ms. Connell said yes based on what we have seen.

Mr. Filiciotto said VHB also commented on the entrance on the east side which is now 36'. They suggested it be 24', which they will do. He said the plan showing that change has not been formally submitted but he had one to show to the board. He explained that they would narrow the cross access driveway by putting stripping on the east side which will narrow it down but still maintain two-way traffic. They will place a yield sign on the landscaped area on the right of the east entrance alerting drivers that there may be traffic coming through from the cross access driveway.

Mr. Tedesco referred to one of the specific conditions that they may pose on the approval regarding the extension of the island between the shopping center and the site and install a yield sign as suggested by VHB Engineering, P.C. dated September 28, 2015; is the board agreeable that this is a good condition and should we require the application to put these conditions on a revised site plan that we can see before we grant an approval.

Chairman Friedlander asked Ms. Connell why they want to narrower. Mr. Connell said because we thought it would extend the throat of the entrance making less conflict on the site and the yield sign would give it more control.

The board members agreed that it would be best to have everything on one revised site plan; both for the approval and for the building inspector.

Chairman Friedlander said we will see you next month with a revised plan.

Mr. Tedesco moved, seconded by Mr. Aukland to continue the public hearing to November 23, 2015; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING – Tuck – 28 Rosehill Avenue

The architect for this application could not be present this evening because he was sick. The homeowner was present. Mrs. Tuck said they submitted a revised landscape plan and per the following comments from Lucille Munz, the Village Landscape Architect:

The proposed plan uses native plant materials, with the exception of the pachysandra. Perhaps native ferns could be used instead of the pachysandra. The proposed shrubs are also slope stabilizing as well.

Mrs. Tuck said they are going to change out the pachysandra with New York ferns. She showed pictures of where the garage is going and a streetscape.

Chairman Friedlander asked if there were any comments from the audience or staff. No one responded.

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

Mr. Birgy read the background of the following resolution:

RESOLUTION

Village of Tarrytown Planning Board

Application of John and Sharon Tuck

Property: 28 Rosehill Avenue (Sheet 1.80, Block 42, Lot 15, and Zone R-10)

Background

1. The Applicant requests site plan approval to construct a new two-story addition including a two-car garage to an existing residence.
2. The Planning Board previously determined this to be a Type II Action and therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on September 28, 2015 and on October 26, 2015 at which both the public and the applicant have had an opportunity to present their positions.
4. The Planning Board's consultant reviewed the proposed landscape plan submitted by the Applicant and provided input to the Planning Board, which input the Planning Board considered.
5. The Planning Board closed the public hearing on October 26, 2015. 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.

II. Approved Plan:

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

Plans by ARQ. HT, LLC., Design & Construction Management Consultants, entitled:

- S-1 Topographic Site Plan dated 09/03/2015
- F.A.R. Calculation dated 09/03/2015
- T-1 Location, Aerial Map, Site Plan & General Notes dated 08/18/2015
- G-1 Specification & Details dated 08/18/2015
- A-1 Proposed Grade Floor Plan & Legend dated 08/18/2015
- A-2 Proposed First Floor Plan & Legend dated 08/18/2015
- A-3 Proposed Second Floor Plan, Detail & Legend dated 08/18/2015
- A-4 Front Elevation dated 08/18/2015
- A-5 Rear Elevation & Detail dated 08/18/2015
- A-6 Right Side Elevation & Wall Section dated 08/18/2015
- P-1 Street Profile dated 10/15/2015
- L-1 Landscape Plan dated 10/15/2015
- L-2 Existing Site View dated 10/15/2015

(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.”

- (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) Plantings Cash Bond:
 Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board’s Landscape Consultant to ensure the

Applicant replaces any plantings that do not survive for two (2) years (“Cash Bond”).

In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.

At the end of the two year period, the Planning Board’s Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health.

(g) Release of Cash Bond:

Prior to releasing or reducing either the Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, including a landscape plan showing landscape conditions at the time of the re-evaluation, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village Engineer and attorney each of whom shall provide a written recommendation to the Planning Board which shall make a formal recommendation to the Village Board concerning the request. The Planning Board will, upon receipt of all required documentation, act upon the request.

IV. Specific Conditions:

(a) New Plantings must be non-invasive native species.

(b) In accordance with the Planning Board’s landscape architect’s recommendations the proposed Pachysandra depicted on the landscape plan shall be replaced with Native Ferns and a final revised landscape plan depicting the Native Ferns in place of the Pachysandra must be submitted the Building Department.

Dated as of October 26, 2015

Chairman

Motion by: Mr. Birgy
Seconded by: Mr. Aukland

In Favor: 5
Opposed: 0
Abstaining: 0

Mr. Birgy moved, second by Mr. Aukland to approve the site plan application for an addition to the residence at 28 Rosehill Avenue; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING - Tarrytown Associates - 1-7 Main Street

Leo Napior on behalf of the applicant showed a full size version of area parking lots within 1,000' radius showing approximately 225 parking spaces in the vicinity. He said currently there are 16 apartments with 18 car; he went over the attached Tenant Park survey.

Ms. Raiselis said the number one concern of merchants and residents is parking. More than half of the tenants park on the street with the potential for more with the new units. She wants to see something more creative than to just say this is going to happen. Mr. Tedesco agrees with Ms. Raiselis. He deferred to Mr. Blau who said the Village cannot assign parking spaces. With a resident permit you can park in any space in any lot. We do have a parking fund but not enough to build more parking lots. The last time the Village built a lot it cost \$624,000 for 24 spaces. No sure what the answer is. A study has to be done to see where parking can be created in the downtown area.

Mr. Birgy said a Sleepy Hollow development is going to impact the Village of Tarrytown which will add to the problem.

Mr. Napior said this same project was approved a little over two year ago. He said the parking fund fee at that time was \$2,500 and is now less but his client is willing to meeting that as a help for the parking study.

Counsel Zalantis said it would be helpful if you expand on the parking in the area (larger radius).

Mr. Napior said the use is an allowed use.

Mr. Birgy said what gives you the right to add more.

Chairman Friedlander said because it conforms to the code. The number of units does not determine density. The Planning Board does not determine that, the Zoning Board does. We do not need a study. We need a decision to move forward with parking. It will die if we don't have more parking. We want people to live in downtown and we want businesses. We need more parking. He talked about making a parking deck on McKeel which is not very far from most things in Tarrytown. We need the money and have to figure out how to get it.

Ms. Raiselis said you have 16 units with 4 spaces; that is the problem. Mr. Napior said it's an existing condition.

Chairman Friedlander asked Mr. Napior if they can add more parking. Mr. Napior said no.

Mr. Birgy said pedestrians, EF students in particular, also impact it.

Mr. Aukland agrees we need more parking but thinks we need to do a study. Parking is a Board of Trustees issue. He recommended that we continue the application until we get things in place. We have to discuss with the Board of Trustees about a parking study.

Mr. Tedesco stated to look at the parking lots and to do a study of the parking times which might be a mitigating measure.

Chairman Friedlander opened the meeting to the public.

Mark Fry, founder of the Main Street Association and past owner of property on Main Street. He said 50 years ago the apartments were burned down. He said the McKeel Avenue suggestion by Chairman Friedlander was excellent. He talked about the building and what it looked like before the fire. He said he is in favor of seeing the two apartments restored and he talked about 305-62, Non-Conforming Use." He said this building right now is pre-existing non-conforming substantially. If granted it will be 39 spaces short.

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

CONTINUATION OF A PUBLIC HEARING – Kasoff – 105 Deertrack Lane

Mark Constantine, Attorney and Taso Kokoris, Architect, were present on behalf of the applicants. Mr. Constantine said they were before the Zoning Board because there is an increase in the footprint. The Zoning board declared a negative declaration and approved the requested variances as stated in the public hearing notice. They also received Architectural Review Board approval. He said they are now taking the existing free-standing garage down which is about 100' from the home and adding a new attached garage.

Mr. Tedesco read the following comments from Lucille Munz, Village Landscape Architect:

The landscape plan provided is not acceptable and should be rejected because it is lacking the basic conventions of a landscape plan as required by the Village and as noted below:

- 1) The plan calls for the removal of (3) maples but does not indicate what type they are, the condition and/or size*
- 2) The plant material proposed is "generic" i.e. juniper - doesn't say what kind or what size. The landscape plan needs to be resubmitted indicating species, variety and size with a plant list.*
- 3) The photos should be labeled*
- 4) A tree protection detail should be provided as well as tree protection noted on the plans.*

Mr. Tedesco feels they can easily be remediated.

Counsel Zalantis said you can approve by adopting Ms. Munz' recommendations.

Chairman Friedlander opened the meeting to the public. No one appeared.

Mr. Aukland moved, seconded by Mr. Tedesco to close the public hearing; all in favor. Motion carried.

Mr. Aukland read the background and went over the following resolution:

RESOLUTION

Village of Tarrytown Planning Board

Application of Steven Kasoff

Property: 105 Deertrack Lane (Sheet 29B, Block 217, Lot 36, and Zone R-10)

Background

1. The Applicant requests site plan approval to construct an addition of garage and master bedroom and to make alterations to the interior of the residence.

2. The Planning Board previously determined this to be a Type II Action and therefore, no further SEQRA review is necessary.

3. The Village of Tarrytown Zoning Board of Appeals granted a variance as reflected in the ZBA's minutes from their September 10, 2015 meeting.

4. The Planning Board has conducted a duly noticed public hearing on October 26, 2015 at which both the public and the applicant have had an opportunity to present their positions.

5. The Planning Board's consultant reviewed the proposed landscape plan submitted by the Applicant and provided input to the Planning Board, which the Planning Board considered.

6. The Planning Board closed the public hearing on October 26, 2015. 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.

II. Approved Plan:

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

Plans by Tasos Kokoris, AIA Registered Architect, entitled:

- S-100 Site Plan dated 06/22/2015 last revised September 8, 2015.
- A-001 Title Sheet dated 06/01/2015
- A-002 General Specifications dated 06/01/2015
- A-003 Building Component Specifications dated 06/01/2015
- A-004 REScheck Certificate & Schedules dated 06/01/2015
- D-100 Demolition Foundation Plan dated 06/01/2015
- D-101 Demolition First Floor Plan dated 06/01/2015
- D-102 Demolition Second Floor Plan dated 06/01/2015
- A-100 Foundation Plan dated 06/01/2015
- A-101 First Floor Plan dated 06/01/2015
- A-102 Second Floor Plan dated 06/01/2015
- A-103 Roof Framing Plan dated 06/01/2015
- A-201 South Elevation dated 06/01/2015
- A-202 North Elevation dated 06/01/2015
- A-203 East Elevation dated 06/01/2015
- A-204 West Elevation dated 06/01/2015
- A-301 Building Section dated 06/01/2015
- A-302 Building Section dated 06/01/2015
- E-101 First Floor Electrical Plan dated 06/01/2015
- E-102 Second Floor Electrical Plan dated 06/01/2015
- L-100 Landscaping Plan dated 08/05/2015

(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.”

- (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) Plantings Cash Bond:
 - Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board’s Landscape Consultant to ensure the Applicant replaces any plantings that do not survive for two (2) years (“Cash Bond”).
 - In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.
 - At the end of the two year period, the Planning Board’s Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect

the Premises and indicate if all plantings called for in the approved plans are present and in good health.

(g) Release of Cash Bond:

Prior to releasing or reducing either the Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, including a landscape plan showing landscape conditions at the time of the re-evaluation, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village Engineer and attorney each of whom shall provide a written recommendation to the Planning Board which shall make a formal recommendation to the Village Board concerning the request. The Planning Board will, upon receipt of all required documentation, act upon the request.

IV. Specific Conditions:

- (a) New Plantings must be non-invasive native species.
- (b) The Applicant must submit a revised landscape plan that conforms to the requirements noted by the Village landscape architect Lucille Munz, including that: (a) the plan must indicate the conditions and/or size of the three (3) maples called for removal; (b) the plan must provide the kind and size of proposed plant material (not just use generic names like “juniper”); (c) the plan must include a plant list indicating species, variety and size; (d) all photos must be labeled; and (e) tree protection detail should be provided as well as tree protection noted on the plans.
- (c) Once the revised landscape plan is submitted, it must be reviewed and approved by the Village’s landscape architect and the Village’s landscape architect must approve what is being proposed, including but not limited to approving and concurring with the proposed removal of the three (3) maples and approving all proposed plant material.
- (d) Approval of a revised landscape plan by the Village’s landscape architect is a condition of a site plan approval and no permits may be issued unless and until the Village’s landscape architect approves a revised landscape plan.

Dated as of October 26, 2015

Chairman

Motion by: Mr. Aukland
Seconded by: Ms. Raiselis

In Favor: 5
Opposed: 0
Abstaining: 0

NEW PUBLIC HEARING – Dr. S. Raykomar – 131 Central Avenue

The Chairman read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, October 26, 2015, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Dr. S. Raykumar
Apple Med Urgent Care, P.C.
504 Gramatan Avenue
Mt. Vernon, NY 10552

To consider an application to construct a new addition onto an existing building and a change of use an urgent care facility.

The property is located at 131 Central Avenue and is shown on the tax maps as Sheet 1.40, Block 10, Lot 12 and is in the GB zoning district.

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

By Order of the Planning Board.

Dale Bellantoni, Secretary to the Planning and Zoning Boards

DATED: October 16, 2015

The certified mailing receipts were submitted and the sign was posted.

Sid Scholmann, Architect, presented on behalf of the applicant and described the building as an existing one-story vacant building which was used as a bank. They are proposing a 2,000 s.f., one-story addition. It is completely code compliant. Mr. Scholmann said there are 26 parking spaces on the site. They are preparing a landscape plan for the site.

Mr. Tedesco read Lucille Munz's latest comments dated October 26, 2015 as follows:

The proposal plan uses native plant materials, however; along the building on the parking lot side, the plan reflects primarily perennial flowers. There will be nothing there in the winter months. The planning board may want to consider requesting some evergreen and/or deciduous shrub material for some structure.

The trees sizes indicated for the shade trees are not in compliance with the Planning Board's new size standard of 3 1/2" - 4 " cal.

The American Holly is also small in size and should be larger 8' - 10' ht. if possible.

Mr. Scholmann said they have no problem with adhering to Ms. Munz's comments.

Chairman Friedlander asked if there are any traffic concerns with it being open 24 hours. There are ten exam room and nursing staff. Will 26 parking spaces be ample parking when entire staff is present and exam rooms are full? Mr. Scholmann said a full staff consists of 6 employees; 20 spaces remain for the 10 exam rooms.

Chairman Friedlander asked Mr. McGarvey if there are any accidents or complaints. Mr. Blau said we can ask for reports from the police department.

Chairman Friedlander opened the meeting to the public.

Geryl Henzy, 32 Wildey Street feels there will be more staff. She is concerned about overflow parking on Wildey Street. Mr. Scholmann said we doubled the required number of parking spaces.

Mr. Aukland asked about lighting. Mr. Scholmann said there are exterior flood lights on the back of the building; LED in the front and landscape lights. Ms. Raiselis asked if there are residences behind the building. Mr. Scholmann said there are residences behind the parking lot. Ms. Raiselis said she would like to see a lighting plan. Mr. Aukland said they are more concerned about spillage for the neighborhood.

Mr. Tedesco said to also provide a revised landscape plan.

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

PRELIMINARY PRESENTATION – 202 Lexington Group LLC – 160 Wildey Street

Mark Constantine, Attorney for the applicant said that his client is proposing to turn the existing building into a three-story self-storage facility. There will be no change to the envelope of the building. Mr. Constantine said the Zoning Board issued a negative declaration on September 3, 2015. He said the Village of Tarrytown does not have a specific code for self-storage, so they based their parking what the code states for

warehouse use and on industry standards. Mr. Constantine said that Zoning Board granted a parking variance. He showed the board the plan that was approved by the Zoning Board and stated that the building will stay as it is.

Bruno Petrosanti, Architect for the applicant, said the Board of Trustees issued an exemption from the moratorium for this property from the Station Area Study.

Mr. Tedesco asked if they checked with the title company regarding the encroachment. Mr. Petrosanti said we will have an agreement in place shortly. MTA is also encroaching on this property so there may be a mutual agreement. He asked if that could be a condition of approval.

Mr. Aukland asked if in the future something else goes there will they parking variance go with it. Counsel Zalantis the Zoning variance is only in connection with the self-storage facility.

Mr. Aukland said we need a better lighting plan. The one provided doesn't show the spillage. Mr. Petrosanti said this is a preliminary presentation and the plan in a preliminary but we can make it clearer. Mr. Aukland said they would like to see it extend outward on the street. Mr. Aukland also asked that they put the correct names on the plan; we need to be accurate. Mr. Petrosanti said we went to the border but will extent further. Mr. McGarvey said but if it is "0" at the border, it's got to be "0" beyond. Mr. Petrosanti said there are some at .1.

Mr. Tedesco moved, seconded by Mr. Aukland to set a public hearing for November; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set an escrow account for \$2,500; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Kaufmann (Snap Fitness) - 69 North Broadway

Dave Barbuiti, Architect, presented the application on behalf of the applicant. Mr. Barbuti said that his client is proposing to convert an existing vacant building into a fitness center. He said the building is located at the corner of North Broadway and Dixon Street and is directly across from the McKeel parking lot. Mr. Barbuti said the building had 7,000 s.f. on the first floor and 4,000 s.f. on the lower level. He said they are here for site plan approval and parking is the biggest problem. The parking requirement for recreation is 1 space for every 100 s.f. which means they have a deficiency of 72 spaces.

Mr. Birgy said he likes that it is something different.

Mr. Barbuti said the McKeel Lot has approximately 60 spaces that are not used a lot.

Mr. Barbuti introduced Eric Thomas, facilities manager for the gym. Mr. Thomas said We used the figures from a very successful franchise in New Jersey to determine the

number of parking spaces we would require and at the peak hour, in the peak season 35 spaces are used. Mr. Raiselis asked if they are similar in size. Mr. Thomas said the Tarrytown facility is larger. Mr. Birgy said can you give incentives for members who don't use their car. Mr. Thomas said yes we are going to encourage biking and walking.

Chairman Friedlander asked if it is a chain. Mr. Thomas said it is a franchise. Chairman Friedlander asked what kind of machine they will have. Mr. Thomas said they will have some machine with open floor space for exercise and some personal training. There will be no group training or classes and not amenities like a juice bar, sauna, heavy bench presses, etc. to cause them to linger at the gym.

Chairman Friedlander asked if they will be using both levels of the building. Mr. Barbuti said yes.

Mr. Tedesco asked if 24 hours is standard. Mr. Thomas said most SNAP Fitness are open 24 hours; overnight not staff is on the premises, it is monitored with video surveillance and members will have key fobs. Mr. McGarvey asked if it is monitored 24 hours or just videoed. Mr. Thomas said it is recorded. Mr. Tedesco asked how you deal with someone who gets hurt in the middle of the night. Mr. Thomas said all equipment is safe equipment, no barbells, only machines with safety features.

Chairman Friedlander asked who they are going to market to. Mr. Thomas said everyone.

Chairman Friedlander asked how many machine will there be. Mr. Thomas said 16 cardio, 6 treadmills, bikes, and 30 strength building (Circuit).

Chairman Friedlander asked if he is aware that two fitness facilities are coming into the Village; one at the Village Recreation Department and one at the JCC.

Mr. Tedesco asked about the membership. Mr. Thomas said the will have month to month, longer term with better rates, day passes and guest passes.

Mr. Birgy asked how many spaces are dedicated to the facility. Mr. Barbuti said he believes 14. Mr. McGarvey said you are going to have to go to the ZBA for parking.

Counsel Zalantis said it is an unlisted action. The order is SEQRA, variances, site plan.

Mr. Tedesco moved, seconded by Mr. Aukland that the board determines this to be an Unlisted Action requiring SEQR review with proper notification; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland that the board declares its intent to be lead agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set a public hearing for the November meeting; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set an escrow of \$2,500; all in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned. Motion carried. Adjournment: 9:30 p.m.

Dale Bellantoni
Secretary