

Planning Board  
Village of Tarrytown  
Regular Meeting  
April 27, 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 MINTUES – March 30, 2015

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of March 30, 2015 be approved as submitted. Motion carried.

Chairman Friedlander listed the following adjournments:

Continuation of Public Hearings

- 67 Miller Avenue – Peter Bartolacci
- 229 Wilson Park Drive (Lot 10) – Toll Brothers
- 25 Main Street – HKP Realty Inc.
- 112 Wilson Park Drive (lot 2) – Toll Brothers
- 32 Warren Avenue – Sisters of the Sacred Heart
- 73 High Street – Ann E. Hanley

New Public Hearings

- 17 North Washington Street – Cannavo
- 155 White Plains Road – Crescent Associates LLC c/o Silverman Realty Group

CONTINUATION OF PUBLIC HEARING – Tappan Manour Condominium – 332-330  
South Broadway

Michael Stein on behalf of the applicant stated he submitted a letter listing the variances need (copy attached). He passed out a plan show other location they discussed with the condo board that could be used for parking (copy attached).

Mr. Tedesco asked about a landscape plan. Mr. Stein said it is not ready yet.

Chairman Friedlander asked for comments from the audience and the staff. No one responded.

Mr. Tedesco moved, seconded by Mr. Aukland to move the applicant to the Zoning Board. All in favor; motion carried.

Ms. Raiselis read the resolution for a negative declaration dated April 27, 2015 (copy attached). Mr. Birgy moved, seconded by Mr. Aukland to declare a negative declaration. All in favor; motion carried.

Chairman Friedlander moved, seconded by Mr. Aukland to continue the public hearing adjournment until the Zoning Board makes a decision on the variances.

CONTINUATION OF PUBLIC HEARING – Family YMCA – 62 Main Street

Dennis Noskin, Architect, on behalf of the applicant introduced himself, Peter Feroe, a traffic consultant from AKRF and Gerry Riera, CEO of the YMCA.

Peter Feroe of AKRF stated that the YMCA has to relocate their child care center from the Tappan Hill School back to the YMCA building on Main Street by the end of July 2015. With this relocation come parking issues that must be addressed.

He recapped the proposed improvements:

- Interior renovations
- Conversion of and existing emergency exit door on the east side of the building into the main childcare entrance.
- Conversion of seven on-site parking spaces to a playground use; and,
- The re-designation of 14 on-site spaces for childcare the peak pick-up and drop-off activities.

Mr. Feroe said on the Y’s behalf they surveyed Main Street, South Washington and Windle Park for the availability of municipal parking, as well as three municipal lots and the YMCA’s own lot. During the morning peak drop-off time there are 84 municipal parking spaces available out of a total of 202 parking spaces; for the afternoon pick-up that drops down to 72 spaces. There is a portion of the YMCA lot that is leased to the Village. That lease is due to expire in October 2015 and the Y is taking those spaces back. Deducting those 25 spaces to the available municipal spaces still leaves plenty of available parking.

Best course of action is to accommodate as much parking on their own site as possible. The 14 spaces along south boundary of the lot will be designated exclusively for drop-off and pick up during those peak drop-off and pick-up hours, signs will be posted that clearly identifies the drop-off and pick-up times. During the remainder of the day they will be used by Y members.

The Y must supply a play area and they plan to do that immediately south of the building using those seven spaces.

The playground will take up seven spaces. The net to the Y is four new member spaces that will be utilized at all times and 14 when not in use for drop-off or pick-up.

The Y is in discussion with the Village to terminate the lease for the parking space earlier than October since they will need everything in place for the day care by the end of July. The Village has indicated that they are amenable to that and they are working out the details.

The Y plans to purchase 10 off-street parking space from the Village through their business permit program to be used by their staff' in the McKeel Avenue lot and 10 spaces in the Mason's Lot will be available to the staff as part of a lease agreement for space in the building. The use of Y parking and the additional 20 spaces should enable the YMCA to accommodate the expected parking demand created by the reintroduction of the Y's childcare facility.

Ms. Raiselis said they have come up with a pretty good plan but wonders how they will enforce parking. Mr. Riera said there will be someone in the parking lot monitoring during pick-up and drop-off times.

Mr. McGarvey asked if the playground in the northwest corner of the building is gone. Mr. Riera said yes it is gone and will not be coming back; it will be a loading zone.

Mr. McGarvey asked what time the parking studies that were done on South Washington started because he understands from some residents that it is full overnight. Mr. Feroe said they started the survey at 7:30 in the morning. He said they started at 7:30 a.m. because they wanted to use the peak time for the Y and it doesn't open until 8:00 a.m. He said the lowest available in the lot was 13 spaces.

Chairman Friedlander said these studies were done Monday through Friday. Do any children go to the childcare on Saturday? Mr. Feroe said no.

Mr. McGarvey asked what time the parents generally drop them off. Mr. Feroe said currently the Y opens at 8:00 a.m. and there are a few who come a little before 8:00 on an as needed basis, but it is pretty marginal.

Chairman Friedlander asked if the staff will park in the McKeel Lot, the South Washington Lot and the Masons Lot. Mr. Riera said it will be split between Masons Lot and the business permits. We will actually have a net gain there as well because some of the staff, like him, went to both buildings; but now they will be assigned a space in the Masons Lot so there will be a few less looking for spaces on the street.

Chairman Friedlander opened the meeting to the public:

Christopher Simeo, his parents, Ilda and Antonio Simeo own 8 Windle Park, stated that they have concerns about the fenced in area where the children used to play. That area is still there and they want to make sure it is removed so that it can no longer be used as a playground. They are also concerned about the parking on Windle Park and do not want the return of the childcare to impact their tenants ability to park. He wonder if

the Village is going to give the parents a grace period at meter spaces to drop their children off. Mr. Blau said the stop-off is between 7:30 a.m. and 8:00 a.m., and we don't start to enforce the meters until 9:00 a.m. In the late afternoon and evening there is no grace period. If a car is park in a metered space with no money in the meter, it will get a ticket. The Village has no way of knowing who is a parent dropping off or picking up a child. Mr. Simeo asked if the staff was going to be monitored to be sure they park where they are supposed to because they are concerned that they will parking on Windle Park which would take parking away from the residents. Mr. Blau said the bottom line is on-street parking is not restricted to residents.

Ilda Simeo, owner of the house, said when the playground was there the children made a lot of noise and singing. Some of her tenants work nights and they have to sleep during the day. She said there is a problem with parking in Tarrytown, particularly in that area and she is concerned her tenants will not be able to park on Windle Park.

Mr. Riera said currently the administrative staff is at Tappan Hill and Main Street; very few full time employees. We are currently providing 8 spaces on site that were on the street. They will be given a permit to park off of Main Street. Some part time staff will be parking in and around the area. He said they will be taking the fence down; it will be a loading zone. Their license currently designates a fenced in playground but it will be moved to a new area. Also, the 14 space on the site will be free parking for the parents to drop off and pick up their children.

Ms. Raiselis said about their timeline. The lease is not up until October; what are you doing in the meantime. Mr. Riera said he asked for an early release of the lease and he is waiting on their answer. Mr. Blau said it will be brought up at the next board meeting.

Mr. Aukland asked about landscaping in the area. Mr. Riera said they do minor landscaping along the walkway.

Ms. Raiselis said the dumpster area which is where the playground will be needs to be cleaned up. Mr. Riera said it will be completely enclosed and gated so that others cannot drop their garbage there, which they are doing now.

Mr. McGarvey said that playground area will have a 6' high fence around it so they children can't see out and no one can see in. He asked if there is a direct from the building directly into that area. Mr. Riera said their plan is to have a 6' privacy fence and there will also be a guiderail on the parking lot side. He said there will always be a minimum of two teachers with the children, even if there are only two or three children out there. He said they have to exit the building on the side and walk along the walkway into the playground.

Mr. Feroe said they will take them for walks throughout the Village and the children will get to know the merchants. He said it is a beautiful facility and that he own children go there.

Mr. Aukland asked Mr. McGarvey if there are any variances required. Mr. McGarvey said no variances needed.

Mr. Aukland asked Mr. McGarvey if they need to go before the ARB. Mr. McGarvey said no there are not changes to the building that would involve the ARB.

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

Mr. Aukland moved, seconded by Ms. Raiselis to declare it a Type II action requiring no SEQRA review; all in favor. Motion carried.

Mr. Aukland moved, seconded by Ms. Raiselis that there are no adverse environmental impacts; all in favor. Motion carried.

Mr. Aukland moved that the Board approves plans for interior alterations to the existing building on this property to accommodate a childcare facility for a maximum of 110 children, with these associated exterior changes:

- conversion of an existing emergency exit door into the main childcare entrance
- conversion of 7 on-site parking spaces to use as a playground
- re-designation of 14 on-site parking spaces for childcare drop-off and pick-up

as specified in the original application and subsequent updates, summarized in the memorandum of April 15, 2015 from AKRF Environmental and Planning Consultants to the Planning Board, and the attachments to that memorandum.

This approval is subject to the following conditions:

1. Approval by the Building Inspector/Village Engineer, particularly in respect of provisions for children's safety in the external play area.
2. Payment of any outstanding escrow or recreation fees.
3. Signing of the final site plan by the Planning Board Chair.

Seconded by Ms. Raiselis; all in favor. Motion carried.

#### NEW PUBLIC HEARING – Coco Management – 39-51 North Broadway

*Chairman Friedlander read the following public hearing notice:*

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

*Edward D. Coco  
273 Columbus Avenue  
Tuckahoe, NY 10707*

*To consider an application for approval of a new dumpster area and guard booth. The property is located at 39-51 North Broadway and is shown on the tax maps as Sheet 1.40; Block 14; Lots 2, 3, 26 and is in the RR Zone.*

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

*By Order of the Planning Board*

*Dale Bellantoni  
Secretary to the Planning and Zoning Boards*

*DATED: January 15, 2015*

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

Emilio Escaladas on behalf of the applicant explained the project consists of excavating an area of roughly 400 s.q. to make an area for the trash containers. Approximately 30-40 cubic yards of soil will be taken out. Concrete walls will screen the dumpster area. They will be installing an oil separator which is required by the Village. The screened area will have a double gate for easy access by the garbage trucks. At the request of the Village Engineer, they will be installing more stormwater controls. They are adding one cultic unit which will improve the drainage in that area. Mr. Escaladas said approximately 19-20% of the excavation is in steep slopes. Mr. Escaladas said he sent a letter to the board outlining the benefits to this trash area (letter attached).

Ms. Raiselis asked what it is actually going to look like. Mr. Escaladas said all you will really see is a chain link fence with a filler.

Sandy Arno of Coco Management said it will be screened with the vinyl strips. We want it to be clean, neat and attractive. They need to use a chain link fence because the trucks are rough and anything else will breakdown. We will give it some plantings on the side. We will give it some green and make it look as nice as you can make a chain link fence look.

Chairman Friedlander asked if anyone had any comments.

Ms. Raiselis asked if they had a landscape plan. Mr. Escaladas said he does not know the amount of rock but will plant as much as they can. Ms. Arno said they are also going to plant along CVS. Ms. Raiselis said great but please give a plan to our landscape consultant.

Mr. McGarvey said the area where the compactor is going is less then 25% slope. Mr. Escaladas said yes.

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

Mr. Birgy moved, seconded by Mr. Tedesco to declare this a Type II action requiring no SEQRA review; all in favor. Motion carried.

**RESOLUTION**

**Village of Tarrytown Planning Board**

**Application of Edward D. Coco**

**Property: 273 Columbus Avenue, Tuckahoe, NY 10707  
(Block 7, Lot 22, 26, 26A and 26B and Zone RR)**

WHEREAS, the Applicant has made application for site plan approval to pave approximately 225 square feet to provide for a new dumpster area, to erect a retaining wall and construct a 26.4 square foot guard booth, which improvements and alternations are to an existing retail center/shopping center;

WHEREAS, the Planning Board has declared itself lead agency under SEQRA, reviewed the potential environmental impacts of the proposal and issued a SEQRA Negative Declaration determining that no further environmental review is required; and

WHEREAS, the Planning Board has conducted a duly noticed public hearings at which both the public and the applicant have had an opportunity to present their positions and closed the public hearing on 4/27/15; and

WHEREAS, it has been determined that the proposed improvements does not involve or implicate areas with slopes of 25% or more;

**NOW THEREFORE IT IS:**

**RESOLVED**, that the within Application for site plan approval is granted subject to the following limitation and conditions:

1. Except of 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:

NEW DUMPSTER AREA PREFABRICATED SECURITY BOOTH,  
dated July 7, 2014  
OVERALL SITE PLAN, dated September 25, 2014

(collectively, the “Approved Plans”).

2. Prior to the signing of the site plan by the Chair the following conditions must be met:
  - a. Applicant shall comply with all applicable rules, regulations and requirements of all other governmental agencies that may have jurisdiction over the proposed development and this final approval is conditioned upon Applicant receiving all approvals required by such agencies without material deviation from the Approved Plans.
  - b. Applicant shall provide the Village with a Bond or Letter of Credit (“the Bond”) in an amount recommended by the Village Engineer and approved by the Village Board and in a form acceptable to the Village Attorney. The amount of the bond shall be sufficient to safeguard the public, and eliminate runoff and other adverse effects which may result from abandonment of work and to complete construction of all public improvements required by the Planning Board, including all landscape plantings and any necessary post construction monitoring. The Bond shall run to the benefit of the Village and may not be released or reduced until the Village agrees to the release in writing.
  - c. A separate Cash Bond, in an amount fixed by the Village Board based upon the recommendation of the Village Engineer, shall be to ensure the Applicant replaces any plantings that do not survive for two years. 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 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. Prior to releasing or reducing either the Bond or Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, 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 Village Board will, upon receipt of all required documentation, act upon the request.

- d. The Applicant shall provide the Village with proof that any bond or other security that may be required by the any Westchester County Agency has been provided.
  - e. Simultaneously with submission of the Bond provided for in paragraph 2(b), the Applicant shall submit a fee for inspection to cover the cost of inspection of the on-site and off-site improvements in an amount established by the Village Clerk in consultation with the Village’s engineering and planning consultants.
  - f. The Applicant shall submit final plans complying with all requirements and conditions of this Resolution of final approval, which plans shall be accompanied by a check list summary indicating the manner of compliance with all requirements of this Resolution.
  - g. No portion of any approval by the Planning Board shall take effect until: (1) all conditions are met, (2) the approved site plan is signed by the chair of the Planning Board and (3) the site plan signed by the chair of the Planning Board have been filed with the Village Clerk.
2. All work shall be in strict compliance with the Approved Plans and all rules, regulations, laws and ordinances governing the Site Plan and construction on the site, including signage. 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 of the Site Plan and if in the opinion of the **Village Engineer/Building Inspector** such field changes are minor and do not have any material impact on the overall design of the Site Plan, traffic circulation and/or drainage of the site, including but not limited to roads, sewers and drainage, then the Village Engineer/Building Inspector may, **upon the filing of amended plans which reflect such field changes**, allow such changes, subject to any applicable amendment to the approved building permit(s). In all other circumstances any deviation from or change in the Approved Plans shall require application to this Board for amendment of this approval.

3. 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.
4. This site plan does not authorize the removal of any existing parking spaces and the within site plan approval is premised upon there being no loss of existing parking.
5. If review is required by the Board of Architectural Review, no construction may take place until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of local law.

NEW PUBLIC HEARING – David A. Barbuti, RA – 52 Main Street

Chairman Friedlander read the following public hearing notice:

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 27, 2015, at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*David A. Barbuti, R.A.  
150 White Plains Road  
Tarrytown, NY 10591*

*To consider an application for a change of tenant to a coffee house.*

*The property is located at 52 Main Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 33, Lot 15 and is located in an RR 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: April 17, 2015*

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

David Barbuti, Architect, on behalf of the applicant said they are before this board for a change of use from and art gallery to a coffee shop. Mr. Barbuti said his client needs six more parking spaces according to the Village code. They are request permission to pay into the parking fund for the six required spaces.

Chairman Friedlander asked if the building will be sprinklered. Mr. McGarvey said it is not need; he received a letter from the architect stating that there is less than 50% of work which meets the threshold for sprinklers.

Chairman Friedlander opened the hearing to the public. No one responded.

Ms. Raiselis moved, seconded by Mr. Aukand to close the public hearing; all in favor. Motion carried.

**RESOLUTION**  
**Village of Tarrytown Planning Board**  
**Application of David Barbutti (for 52 Main Street LLC)**  
**Property: 52 Main Street (Sheet 1.70, Block 33, Lot 15 and Zone RR)**

WHEREAS, the Applicant has made application for site plan approval to alterations to an existing retail space approximately 949 square feet (1,428.6 square feet total ground floor) in connection with a change of tenant to a proposed coffee house use;

WHEREAS, the Planning Board has conducted a duly noticed public hearing on April 27, 2015 at which both the public and the applicant have had an opportunity to present their positions and closed the public hearing on April 27, 2015; and

**NOW THEREFORE IT IS**

**RESOLVED**, that the Planning Board determines that this is a Type II action under SEQRA not subject to review under SEQRA; and it is hereby further

**RESOLVED**, that the within Application for site plan approval is granted subject to the following limitation and conditions:

3. Except of 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 David A. Barbuti Architect, PC entitled: (i) “Proposed Change of Use and Alteration for: Proposed Coffee House, Cover Sheet” Sheet No. CS1 dated March 3, 2015; and (ii) Proposed Change of Use and Alteration for: Proposed Coffee House, Ground Floor Plan” Sheet No. A1 dated March 3, 2015

(collectively, the “Approved Plans”).

4. Prior to the signing of the site plan by the Chair the following conditions must be met:

- a. Applicant shall comply with all applicable rules, regulations and requirements of all other governmental agencies that may have jurisdiction over the proposed development and this final approval is conditioned upon Applicant receiving all approvals required by such agencies without material deviation from the Approved Plans.
- b. The Applicant shall provide the Village with proof that any bond or other security that may be required by the any Westchester County Agency has been provided.
- c. Prior to commencing any work, the Applicant shall submit a fee for inspection to cover the cost of inspection of the on-site and off-site improvements in an amount established by the Village Clerk in consultation with the Village Engineer.
- d. The Applicant shall submit final plans complying with all requirements and conditions of this Resolution of final approval, which plans shall be accompanied by a check list summary indicating the manner of compliance with all requirements of this Resolution.
- e. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the approved site plan is signed by the chair of the Planning Board and (3) the site plan signed by the chair of the Planning Board has been filed with the Village Clerk.

6. All work shall be in strict compliance with the Approved Plans and all rules, regulations, laws and ordinances governing the Site Plan and construction on

- the site, including signage. 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 of the Site Plan and if in the opinion of the **Village Engineer/Building Inspector** such field changes are minor and do not have any material impact on the overall design of the Site Plan, traffic circulation and/or drainage of the site, including but not limited to roads, sewers and drainage, then the Village Engineer/Building Inspector may, **upon the filing of amended plans which reflect such field changes**, allow such changes, subject to any applicable amendment to the approved building permit(s). In all other circumstances any deviation from or change in the Approved Plans shall require application to this Board for amendment of this approval.
7. 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
  8. If review is required by the Board of Architectural Review, no construction may take place until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of local law.
  9. All required parking fees shall be paid to the Village prior to the issuance of a building permit.
  10. The Applicant's architect shall provide a certification that there will not be an improvement to more than 50% of the space thereby not implicating the threshold for sprinklers.
  11. This resolution shall be of no force or effect unless and until there is full compliance with all of its requirements.

Dated as of April 27, 2015

---

Chairman

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

In Favor: 5  
 Opposed: 0  
 Abstaining: 0

CONTINUATION OF A PRELIMINARY PRESENTATION – Tarrytown Waterfront LLC –  
 5 Hudson View Way

Ms. Raiselis recused herself from this application.

John Meyer introduced himself and Sean Flynn both of National Resources. Mr. Meyer gave an over of the project from the previous meeting and Mr. Flynn showed a video of the different views and elevations of the building.

Mr. Meyer said they tried to give it a more townhouse look by using different materials such as reclaimed wood, limestone and brick; all of which have been used in the other buildings in Hudson Harbor.

Chairman Friedlander asked them to point out the doors on the ground floor facing the river. Mr. Meyer pointed them out and said they are glass double doors to allow as much light as possible into the units. Mr. McGarvey said you want as much light so you put a deck above it.

Mr. McGarvey asked how far away the property line is to the building. Mr. Meyer said 15'. Mr. McGarvey said it looks like more. Mr. Meyer said it is 15' to the decks. He said they are doing to put a little pocket park in that small green area which will be linear to the village park.

Mr. Blau asked if there will be a sidewalk going around the building, similar to the townhouses. Mr. Meyer said yes.

Mr. Tedesco said he doesn't see any doors, except for the handles. Chairman Friedlander asked if they can change the windows so that the doors look more like doors.

Mr. Birgy was upset that the architect was not present. Mr. Meyer said he is from Virginia and he himself is a Professional Engineer. We will have the architect at the

public hearing. Mr. Flynn said his background is in architecture and he can fill in for the architect. Mr. Meyer said both of us work with the architect.

Mr. Birgy said this has a major impact on the village and this is a departure from the rest of Hudson Harbor.

Chairman Friedlander asked for a reason why the original design of town houses was thrown out. What happened to the townhouses? We do not have a site plan before us for this application; pocket park, etc. We need a site plan showing everything not just a verbal description. Mr. Meyer said when we moved to public hearing we will provide you with a complete set of plans for this application. Mr. Aukland said to bring in to the public hearing the full set of plans. Mr. Blau said I believe they are asking for a complete site plan including this building and the other building on the site including the park. They are looking for an overall view of how it will look with all of the rest of the buildings.

Mr. Tedesco said he liked the architecture of the original build. He feels they should tell the architect that the planning board does not like it and you should come back with something else.

Chairman Friedlander said we want a building there but we don't like this building. Don't assume that we are approving this building; we are not. Mr. Meyer said it was his understanding that at the joint meeting of the Board of Trustees and the Planning Board the height of the building, the massing of the building, the number of units and the parking were all approved by both boards. Chairman Friedlander said the massing was never discussed, only the height and the parking. The restrictions were the height and following the footprint of the original building.

Mr. Blau the number of units, the height, setbacks and to following the line of the original townhouses is what was approved. The Village Attorney will be supplying guidance to the planning board with regard to that approval and what the planning board is discussing at this time.

Mr. Birgy said it is a very monolithic building that is not acceptable to this board. You are not giving enough information for the public at home to know exactly what we are talking about.

Chairman Friedlander asked how the original design not worked. Mr. Meyer said the setback required by the original townhouse design was eliminating 30' from the buildings; it was very close to the property line on that proposal. It lost one half of the building. Chairman Friedlander said did you ever think of putting two buildings up. Mr. Meyer said at the joint meeting with the board of trustees we eliminated the second building. Chairman Friedlander said I don't mean that building; that is why it is important to have the architect here. We never had the discussion of how many units could you get out of the original architecture. We never discussed what works best for you and what works best for the village. We never discussed options. Put yourself in

the position of the people who already bought there. This area was supposed to be townhouse, not this design. They were expecting luxury townhouses not condos. We have to make a better way to make this work successfully.

Mr. Flynn said this building will provide three-bedroom units which many people will be asking for.

Mr. Aukland said he would like to move it to a public hearing so that the public can weigh in. He suggested that you come in with some options.

Mr. Birgy said you need to bring something totally new to this board.

Mr. Tedesco agreed that we should go to a public hearing.

Mr. McGarvey said the plans have to be in 10 days before.

The board asked them to come to the next staff meeting.

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

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland that this is an unlisted action which requires a SEQRA review; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$10,000 escrow; all in favor. Motion carried.

CONTINUATION OF A PRELIMINARY PRESENTATION – Altin Batska – 51 High Street

Hernane DeAlmeida, on behalf of the applicant, said he is seeking variance for an addition on to 51 High Street. It will not go beyond the footprint of the existing building; they will go up not out. There will be no disturbance to the site. Mr. DeAlmeida said there was a typo in the zoning chart and they are seeking a 666 s.f. floor area ratio variance and not a 1026 as previous stated.

The board asked for a compliant plan which he has provided which shows the addition of retaining walls to level out the property; and by doing that, it puts the cellar level underground and they would not need any variance. The walls will create a site disturbance. On the second floor he proposed to remove the walk-in closet and replaced it with a veranda to reduce the square footage as well as to create a garage which would involve hammering the rock to reduce the square footage further.

He showed another house in the area which is larger than the house they are proposing. He did not have access to the other houses but used GIS to come up with an approximately floor area for each house; all are at or above the allowable floor area.

Mr. Aukland said he does not think they need to discuss this any further at this time since variances are need. We should send him to Zoning first.

Mr. Tedesco said he agrees that it should go to the ZBA first to work out all of the variances.

Mr. Birgy asked if it is zoned for two-family. Mr. McGarvey said there are other two-family houses in that area and it is a legal two-family according to the building department records.

Mr. Birgy moved, seconded by Mr. Tedesco to continue this application as a preliminary presentation once it has completed the Zoning Board review and decision; all in favor. Motion carried.

#### PRELIMINARY PRESENTATION – Salvation Army – 115 Wildey Street

William Null of Cuddy & Feder on behalf of the applicant explained that the Salvation Army building is in the Village of Sleepy Hollow with a small portion in the Village of Tarrytown. On April 22, 2013, they received site plan approval from the Village of Tarrytown Planning Board for the two parking areas and landscaping which are situated in the Village of Tarrytown. They are before this board at this time requesting a two year extension of said approval. He said there are no changes to the plans; it is just taking longer than anticipated.

Mr. Aukland said the two years were up on April 22, 2015. Counsel Zalantis said as long as they submitted prior to the expiration date of the approval it can be approved.

The Village of Sleepy Hollow is lead agency.

The board moved the application to a public hearing for the May 27, 2015 meeting.

#### PRELIMINARY PRESENTATION – Allman – 145 Neperan Road

John Whelan, Architect, on behalf of the applicant explained that Mr. and Mrs. Allman are proposing a small addition to their home in order to expand their kitchen and add a covered porch with an unheated potting room below. He said there is a very small portion of the staircase in steep slope; 113 s.f. affected.

Mr. Tedesco asked what is proposed for that steep slope area. Mr. Whelan said the staircase leading down to the patio.

Ms. Raiselis said are they exterior stairs so that you can traverse the steep slope. Mr. Whalen said yes.

Mr. Tedesco said they need four variances:

- Two existing non-conforming that will remain unchanged.
- One for floor area and one for minimum front yard setback which will be increased.

Chairman Friedlander moved, seconded by Mr. Aukland to set a public hearing: all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland declaring this is a Type II action requiring no SERQA review; all in favor. Motion carried.

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

The application was sent to the Zoning Board for approval of the variances. Once they obtain the variances, they will return to the Planning Board for a public hearing for site plan approval.

PRELIMINARY PRESENTATION – Lexington 202 Group LLC – 160 Wildey Street

Bruno Pietrosanti, Architect, on behalf of the applicant explained the proposed project. His clients, who are contract vendee, would like to turn the existing Valad Electirc building into self-storage. Presently there are two floors of usable space, both measuring approximately 17,000 square feet. The first floor is used mainly for manufacturing and the second floor is now and always has been used for storage. Mr. Pietrosanti said his client is proposing to convert it to a self-storage facility and build additional square footage vertically within the building.

Mr. Pietrosanti stated the variances needed are height; the building is presently 36' high and they want to increase it to 48' and add an additional story to the interior of the building. They would like to enhance the building to give it an interesting look. They would like to raise the roof so that it can be seen over the H-Bridge. As an alternative they can make it work the way it is with four stories; but in order to have a nicer look, they would like to raise the roof and add a tower.

Mr. Birgy asked how high the tower is. Mr. Pietrosanti said it is 68' 6" at the top.

Mr. Tedesco said there are two huge variances: two stories exist, three are allowed and four is proposed; the allowed height is 40', the proposed height is 48' 8", almost a 20% increase over the allowed, and if you add the clock tower the real height is 68' 8". Also, the existing floor area is 34,000 and it doubles to 68,740; the applicant doesn't show

what is allowed but I imagine the floor area would require a significant variance. He deferred to Counsel as to whether or not they should refer this application to Zoning.

Counsel Zalantis said this board will probably want to conduct the SEQRA analysis and be lead agency. She said it sounds like an unlisted action and the Zoning Board cannot take an action until a SEQRA determination is made by this board. Procedurally, once it gets the variances it would come back to this board for site plan approval. The Zoning Board and the SEQRA analysis can work in tandem.

Mr. Birgy said he like that they are doing something different with the building.

Mr. Pietrosanti said the building can be cut to make it compliant but there is one more issue and that is parking. The Village's code does not address self-storage but does address warehousing which is what has been used in other municipalities. Warehouse parking requirements are 1:1,000 s.f. For 68,000 s.f., 68 parking spaces are required. He said you have to keep in mind the warehouse storage involves large tractor trailers, where self-storage does not involve that type of vehicle. Also, with a warehouse there are many employees who receive the items and move them around. With self-storage it is just a person or two coming in, going into their storage unit and either placing or taking items and then they leave.

Ms. Raiselis said would you be limiting it to that size. Mr. Pietrosanto said we have calculated that we would need 400-500 average storage units. Based on the higher number, we would need 6.6 parking spaces for every 100 units. This is based on the larger building; but using the existing building we would need 34 spaces, which we have on the site.

Ms. Raiselis said they are trying to activate the street traffic down in the area and she would like to see some retail on the bottom level which might help with that. Mr. Pietrosanto said it is very hard to attract street traffic where that building is located.

Ms. Raiselis said they are trying to revitalize that entire area and make it more pedestrian friendly. She asked if perhaps they could come back with some idea which will add to that goal and then perhaps the parking situation could be worked out accordingly.

Mr. Aukland asked why it is a good idea for the Village to grant you variances for this use. How can we work together so that it fits in to our long-range plans? He suggested some residential in there as well.

Mr. Pietrosanto said there is no self-storage in the area; he feels his client is just trying to fill a need that is missing in the Village.

Chairman Friedlander said he assumes they did a market analysis and wondered where there is a compelling need for storage in the Village.

Peter Ferraro said he chose the Village of Tarrytown because their research showed that there is a need for self-storage. He said this will not add children to the school district nor will it increase traffic. They own several self-storage facility, two in Westchester. He said they are in a part of the Village this is in a renaissance and they will make the building look nice. They are allowed to go 40' high and they can stay within that 40' and make the building however the board wishes, with a clock tower, without a clock tower or whatever you want. Your code allows 3 stories and the only thing we are asking is to allow four stories inside the building.

Mr. Aukland said that is not trivial, you are asking for another story and what's in it for the Village. The code is the code.

Mr. Pietrosanto said they will come back with a revised plan.

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

Mr. McGarvey asked if the board would like them to come to the Staff Meeting. Chairman Friedlander said if they would like to, yes.

#### PRELIMINARY PRESENTATION – Split Development Corp. – 61 Gracemere

Mr. Tedesco prepared a packet for distribution to the board members, staff members and the applicant regarding this application. The packet contained minutes regarding this lot when the subdivision was approved. He went over the items in the packet. Mr. Tedesco said in conclusion all of the minutes indicate that there is to be a shared driveway with lots 11 and 16, but the site plans presented with this application does not show one.

Jim Anniccharico, Cronin Engineering, on behalf of the applicant stated that they understand all of the handout; however when they started the site plan approval for lot 10, the house was moved back much further on the lot than where it ended up being located. Planning-wise now, it makes much more sense to come off of Gracemere for lot 16 than it does to come through lot 11 and it makes more sense to come off of Gracemere. The main reason for that is the house located in that fashion on lot 16 will be staring into the backyard of lot 10 and into the side, front and back yards of lot 11 Planning-wise the house on lot 16 located as shown on the plan and have access from Gracemere is the best plan.

Mr. Aukland said you haven't raised anything new from what Mr. Tedesco read out and there are many more documents stating the reasons for it coming off of Emerald Woods. Mr. Tedesco agreed with Mr. Aukland and said there were many comments from the public against it coming off of Gracemere which is why the board approved the access off of Emerald Woods.

Mr. Aukland said the only thing that has changed since the original approval are the new houses on Jardim East which has increased the traffic on Gracemere making the prospect of having a driveway there worse. Mr. Anniccharicco said adding one driveway to the road would not increase the level of traffic for Gracemere. Mr. Anniccharico said a site plan was never done. Mr. Aukland said the subdivision was approved and he sees no reason to change it.

Joseph DeNardo, owner said once lot 10 was changed, lot 11 was never redesigned. Sometimes you have to take a look at a lot to see what's best for it.

Mr. McGarvey said there is a 20' easement along the lot 10 property line to get to lot 16. Mr. DeNardo said so there will be two driveways. Mr. Aukland said that is how it was approved. Mr. DeNardo said he understands that but sometimes you have to look at something to see how it works best, sometimes you have to look out of the box. He said I do have rights so I can change something. We have rights to a frontage on a street.

Mr. McGarvey said it is his opinion that the subdivision is already established and there are conditions of the subdivision one of which is that you cannot come off of lot 16 onto the service road, you have to come in through lot 11.

Mr. Anniccharico said original the driveway was shared with lot 10 and it was over lot 10 to get to lot 16 but that was changed in the planning process of lot 10. The original house on lot 10 was at the rear of the lot which allowed a house on lot 16 to be almost in line with it so it wasn't staring into lot 10's back yard. When the house got moved to save trees it was agreed by this board that it would be much better closer to the road; in my opinion it changed the site planning issues. Mr. Aukland interrupted stating that it did not change the record. Mr. Anniccharico said I understand what you are saying but I am giving you my opinion that that changed the way this lot should be looked at.

Ms. Raiselis said that configuration can work and she feels there is good reason for all of what Mr. Tedesco has pointed out. You can find a way to make it work on that side with the access as approved.

Mr. DeNardo said in application before the board you always say best planning; this is the best planning for this site. Adding a common driveway or making two driveways on the same property will harm lots 10, 11 and 16.

Mr. Birgy asked how many feet are there between the two driveways. Mr. DeNardo said about 40 feet.

Chairman Friedlander asked the dimensions between that lot and that driveway. Mr. DeNardo said about 40 feet. Mr. Aukland said you are arguing for someone else's property, that belongs to the Church. Mr. DeNardo said no, he is buying it. Chairman Friedlander asked the size of lot and the footprint of the house going on it. Mr. Anniccharico said the lot is 42,000 s.f. and the footprint of the house is 2,100 s.f.

Chairman Friedlander said where can that 5% of building or larger go on the 42,000 s.f. lot to make it work best with the approved driveway. We have to acknowledge that it is a problem and work with it. You have to show us what you can put on that footprint or on a bigger footprint if you want a bigger house. We have to take another look at it.

Mr. DeNardo said if the driveway comes off of Emerald Woods, you would have to have a garage in the basement; if it comes off Gracemere you have a garage on the first level. Why have a garage in the basement if you don't have to.

Mr. Annicchiarico said we didn't just say we are going to go against what they want. We sat down and looked at the site and came up with the best plan for this site.

Mr. Birgy suggested that they combine two lots and make it a grander/bigger estate house. Mr. DeNardo said a house of the size does not fit in with the other houses in that development; that is more like what is being done in Greystone.

Counsel Zalantis said legally a board cannot give site plan approval for something that violates the subdivision approval. You would have to come in for an amendment. Mr. Annicchiarico said whatever the process may be; we would be willing to do. Mr. DeNardo said we do have street frontage. First it was given access in one place and then move to another place and never shown.

Mr. Tedesco said when they approved lot 10 it was agreed that it would have a single driveway rather than a shared driveway conditioned on lots 11 and 16 having a shared driveway. Mr. Annicchiarico said we totally understand; but we are just asking if it can be revisited, we would like to explore that. The reason we would like to do that is because we believe planning-wise this is the best plan for that site.

Chairman Friedlander said we knew this was a problem lot from the beginning but we felt we were doing the Church a favor by approving a 16<sup>th</sup> lot; maybe that was a mistake. You should present what you would like to do and maybe we can rectify that mistake; but you should also present a plan conforming to the subdivision approval; because if you don't get what you want, at least you have something else to fall back on. We want to see the best that you can do with a lot that does not have a driveway off of Gracemere.

Ms. Raiselis said you can do this; it may not be the solution that you want, but it may be the only solution. Keep an open mind. Mr. DeNardo asked that they also keep an open mind.

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

PRELIMINARY PRESENTATION – Silverman Realty – 155 White Plains Road

Donal Walsh, on behalf of the applicant explained that this is a continuation of a discussion that they had at the staff meeting. Last August they received approval to construct a parking lot. On the master plan an access road is shown for the maintenance of the pond. We are asking to relocate that access closer to the pond where there are no protected trees as per the approved landscape plan. It would make it easier to dig out the pond by coming in at that location.

Mr. Walsh said this would not involve a curb cut. The construction vehicles gain access to the site by placing a board at the curb which allows them easy access to the site. The construction vehicles will not be coming in and out; they stay on the site while the work is being done, which will be approximately two weeks. There will be no dump truck hauling dirt off the site because the ratio is one to one for cut and fill. This access will be used one or two times a year to clean out the pond. Everything is exactly as it was planned in 2007.

Mr. McGarvey asked who owns the pond. Mr. Walsh said it is owned by Crescent Associates.

Mr. Birgy asked if it will be in writing that the pond will be maintained by the owners. Mr. Fry said it is part of the DEC regulations that ponds are the responsibility of the owner.

Mr. Walsh said this pond originally was to service a 60,000 s.f. office building. Once that was changed to a parking lot, we asked if the pond still had to be built. Our attorney said about 20% of the water has to go somewhere, so we definitely need the pond and we did it the right way so that we wouldn't have to do it again. Counsel Shumejda and Counsel Kirkpatrick did an easement that leads into it.

#### Date Change for May Meeting

Mr. Tedesco moved, seconded by Mr. Aukland to change the May 25, 2015 meeting, which is the Memorial Day Holiday, to Wednesday, May 27, 2015 at 7:00 p.m.; all in favor. Motion carried.

The board members had a discussion regarding the length of the Planning Board agendas and decided to come up with a reasonable number of applications per meeting. Chairman Friedlander will consult with others to determine that number and once determined, the public will be notified.

#### Annual Public Storm Water Management Meeting

Mr. McGarvey said it is required that we advertise, which we did, and hold a public meeting for the storm water management program. No one from the public showed but Mr. McGarvey gave the following information breakdown:

- We have had 52 onsite inspections for MS4s or SWPPPs.
- We have 38 outfalls.

- We issued 11 violations of the SWPPP.
- Currently we are mapping our catch basins by GIS. This is being done free of charge by a Pace student.
- We plan to submit our report to the DEC by May 1, 2015.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 10:45 p.m.

Dale Bellantoni  
Secretary