

Planning Board
Village of Tarrytown
Regular Meeting
July 24, 2017 at 7:00 p.m.

PRESENT: Chairman Friedlander, Members Tedesco, and Birgy, Counsel Zalantis;
Village Engineer Pennella; Village Planner Galvin, Secretary Meszaros

Absent: Members Aukland and Raiselis

Chairman Friedlander called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES – June 26, 2017

Mr. Tedesco moved, seconded by Mr. Birgy, to approve the minutes of June 26, 2017 as submitted. All in favor. Motion carried.

Chairman Friedlander announced the following adjournment:

Peter Bartolacci – 67 Miller Avenue - Removal of railroad tie wall, construction of retaining walls with landscaping

CONTINUATION OF PUBLIC HEARING - Thomas Bottiglieri -16 White Street

Jennifer Gray, of Keane and Beane, P.C., appeared on behalf of the applicant. Ms. Gray said since they were last before the Board they submitted a revised elevation plan showing renovations to the façade and a revised landscaping plan with no further comments from Lucille Munz. She introduced Martin Henning, of Demasi Architects, PC, to go over the changes.

Mr. Henning showed the rendering of the plan that was approved by the Architectural Review Board at their meeting on July 19, 2017. He went through the changes and explained that they have dressed up the façade by introducing a cornice across the entire length to tie in the stucco section of the building. As requested, they have included the trash enclosure on the side of the building to store the 95 gallon village container with 2 recycling bins.

Dr. Friedlander asked about the existing stone on the bottom next to the stairs. Mr. Henning said it would be painted to match the existing stucco.

Mr. Birgy asked about the window manufacturer and grids. Mr. Henning said all new Andersen 200 series double-paned, with the 6 grid pattern on top and solid on bottom, will be installed. He was not sure if they were removable, but would look into it.

Mr. Birgy thanked the applicant and said it was a big improvement and it looks good.

Chairman Friedlander asked if the staff or anyone in the public had any questions. No one appeared.

Mr. Tedesco moved, seconded by Mr. Birgy, to close the Public Hearing. All in favor. Motion carried.

Mr. Tedesco read through portions of the resolution and said that a copy will be provided to the applicant and the entire resolution will be included in the minutes as follows:

Application of Thomas Bottiglieri

Property: 16 White Street (Sheet 1. 70, Block 32, Lot 13 and Zone M-1)

Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval to restore an existing structure due to fire damage with interior alterations to four existing dwelling units located at 16 White Street.
2. The Planning Board on May 22, 2017 determined this to be a Type II Action under NYS DEC 617.5 (c) (1) *“maintenance or repair involving no substantial changes in an existing structure or facility;”*
3. The Planning Board has conducted a duly noticed public hearing on May 22, 2017, and July 24, 2017 at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application including photographs of the property and a landscape plan and front elevations submitted in response to comments from the Planning Board, and received comments and recommendations from the Village Consulting Planner in a memorandum dated June 14, 2017 and from the Village Landscape Consultant in a staff report dated June 22, 2017 and July 12, 2017.
5. The Zoning Board of Appeals reviewed the Applicant’s request for variances for pre-existing nonconformities including minimum lot coverage, principal building coverage, front and rear yard setbacks, off street parking and minimum floor area for each dwelling unit at a public hearing held on June 12, 2017 and approved the requested variances on that date.
6. The Architectural Review Board reviewed the Applicant’s plans and obtained approved at its meeting held on July 19, 2017.

7. The Planning Board closed the public hearing on July 24, 2017. 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 has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan. The subject property is located on a 0.11 acre site at 16 White Street in a very visible location at the intersection of White Street, Franklin Street and Depot Plaza. The four family multi-family residence is a permitted use in the M-1 District. The structure experienced fire damage in the summer of 2016. Most of the structure is pre-existing non-conforming, built around 1909. The owner is required to apply to the Planning Board because a building permit was not filed in a timely manner after the fire. There will be no change in the footprint of the residence. The Applicant is improving the exterior to make it more aesthetically pleasing. The applicant will keep the building a four-family. The second floor will have one apartment consisting of three bedrooms, a kitchen, living, room and dining room. The first floor will have 2 units, and the ground level will have one unit. The Applicant has further developed the plan's architectural details, including material and color which were reviewed and approved by the Architectural Review Board. The left side of the residence will be covered with siding in response to comments from the Planning Board.

There will be no changes to the grading or topography of the property nor will any trees be removed. The revised landscape plan proposes new plantings in front of the building together with the trimming of the existing hedge. The new plantings in the front will include two flowering dogwood trees and six junipers (to be planted under the dogwood trees). The landscape plan also shows the location of the proposed garbage enclosure screened with shrubs (surrounded by six inkberry shrubs - Ilex Glabra). The Landscape Plan has been revised in response to the Village Landscape Consultant's comments to specify the Ilex Galbra variety as

“Shamrock” and changed the arborvitae plants to the Wichita variety of blue juniper which do not get as large.

II. Approved Plan:

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

Front Elevation Architectural Plan prepared by DeMasi Architects PC dated 6/2/17 and last revised 7/18/17. Landscape Plan prepared by Stephen Lopez, AICP, RLA dated 6/5/17 and last revised 7/11/17. The Plans are entitled as follows:

- *“Proposed Front Elevations, Proposed A, Renovation for 16 White Street, Tarrytown, NY”*
- *“Landscape Plan, 16 White Street, Tarrytown, NY”*

(the “Approved Plans”).

III. General Conditions

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

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

- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (e) All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

Specific Conditions

- a) Prior to the issuance of a building permit, the applicant shall submit a detailed plan of the garbage enclosure to the Building Inspector for his review and approval.

Mr. Tedesco moved, seconded by Mr. Birgy, to approve this application. All in favor. Motion carried.

NEW PUBLIC HEARING – Joseph Denardo – 1 Emerald Woods

Chairman Friedlander read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 24, 2017 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Joseph Denardo
83 Harriman Road
Irvington, NY 10533

For site plan approval for property located at 1 Emerald Woods, Tarrytown, New York for the construction of a new single-family residence.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.90 Block 112, Lot 15 and is located in an R60 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

Lizabeth Meszaros
Secretary

DATED: July 14, 2017

Mr. Tedesco formally declared this a Type II action, seconded by Mr. Birgy, with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Birgy, that the Board set an escrow at \$2500.00. All in favor. Motion carried.

Jim Annichiarico, of Cronin Engineering, appeared before the Board, representing the applicant. He advised the Board that they have been before the Zoning Board of Appeals and have received the variances required for their project. The Zoning Board asked them to reduce the impervious coverage, which they achieved by eliminating the walkway between the patio and rear door and reducing the width of the driveway turnaround. The amount of impervious coverage was reduced by 274 S.F.

Mr. Annichiarico described the property with a lot size of 20,226 SF, pre-existing non-conforming in the R60 zone, and not part of the Emerald Woods subdivision. The existing water and sewer utilities are in place since there was a house on this lot that was removed back in 2010. They are proposing infiltration to mitigate stormwater runoff from the roof of

the house. In addition, the landscape plan has been reviewed. Ms. Munz has added a few more comments and changes, which they will comply with.

Mr. Annichiarico asked the Board if they have any questions. He reminded the Board that the same site plan was approved for this lot in 2009.

Dr. Friedlander asked Mr. Annichiarico to go over the dimensions and setback requirements and square footage.

Mr. Annichiarico said in the R60 zone, they have a 40.5 foot front yard setback, which is 7 feet to the actual curb. The rear yard is 46 feet and the two side yard setbacks are 28.5 feet to the south and the one to the north is just over 41 feet. The size of the house is 5,048 SF of living space. He added that they meet the FAR for the R20 zone which is more restrictive than the R-60 zone.

Dr. Friedlander asked if anyone had any comments. No one appeared.

Counsel Zalantis confirmed that the applicant is agreeing to the additional foundation plantings. Mr. Annichiarico agreed.

Mr. Annichiarico showed a streetscape of the house and said the house is similar to some houses in the Emerald Woods Subdivision.

Mr. Birgy asked about windows. Mr. Denardo said they will be “Anderson 4”. Mr. Annichiarico showed the views and elevations and a map of the surrounding lots.

Dr. Friedlander asked if anyone had any comments. No one appeared.

Mr. Tedesco moved, seconded by Mr. Birgy, to close the Public Hearing. All in favor. Motion carried.

Mr. Birgy read through portions of the resolution and said that a copy will be provided to the applicant and the entire resolution will be included in the minutes as follows:

Application of Joseph Denardo
Property: 1 Emerald Woods (Sheet 1.90, Block 112, Lot 15 and Zone R-60)
Resolution to Re-Approve Previously Approved Site Plan

Background

1. The Applicant requests the Planning Board to re-approve a site plan for the construction of a single family residence previously adopted by Planning Board on March 30, 2009. The Planning Board previously approved site plan is contained within the attached Planning Board’s minutes of March 30, 2009.

2. The Applicant's submitted plans for a building permit were denied in a letter by the Village Engineer on May 5, 2017. The application's previously approved site plan in 2009 became null and void since a building permit was not obtained within 2 years of the site plan approval pursuant to 305-143 (B). The Applicant, therefore, was required to submit a new application for site plan review to the Planning Board. The Village Engineer also indicated that the application needed new approvals from the Zoning Board of Appeals for variances related to lot size, frontage and impervious coverage.

3. The Applicant made a preliminary presentation to the Planning Board on May 22, 2017 and, thereafter, the Planning Board has conducted a duly noticed public hearing on July 24, 2017 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Applicant has carefully examined the Application and received comments from the Village Consulting Planner in memoranda dated June 14, 2017 and July 12, 2017 and from the Village Landscape Consultant in a staff report dated May 18, 2017 and July 24, 2017..

5. The Planning Board on July 24, 2017 reaffirmed that the proposed action is a Type II Action under NYS DEC 617.5 (c) (9) "*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.*"

6. The Zoning Board of Appeals reviewed the Applicant's request for variances for pre-existing, non-conforming lot size, frontage and impervious coverage at a public hearing held on June 12, 2017 and closed on July 10, 2017. The Zoning Board of Appeals approved the requested variances for lot size and frontage on July 10, 2017. Additionally, the Applicant in response to comments by the Zoning Board of Appeals has reduced the impervious coverage by 274 sf or 1.10%, resulting in an impervious coverage of 2.15% instead of the allowable 3.25%. The Zoning Board of Appeals also approved the variance for this reduced impervious coverage on July 10, 2017.

7. The Planning Board closed the public hearing on July 24, 2017. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board has evaluated the previously approved site plan and 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 has reviewed the application and has been satisfied that have been no changes to the site plan and that the site plan remains consistent with the Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI.

The Planning Board has reviewed the Applicant’s site plan. The subject property is a 20,226 sf parcel in the R-60 Single Family District. The property is situated at the corner of Emerald Woods and Sheldon Avenue. The Applicant proposes to construct a 5,048 sf residence where 5,200 sf is allowable. The Planning Board approved the site plan on March 30, 2009. There have been no changes in this previously approved site plan except for the removal of the existing residence on the property. The driveway still remains but the impervious surface has been reduced with the elimination of the walkway in the rear and a portion of the proposed driveway. The same water and sewer connections are in place. In addition, drainage will be provided, there are no steep slopes on the property, and there will be minimal material removal of approximately 150 yards to put the foundation in with minimal grading. The landscape plan has been revised to reflect the recommendations of the Village Landscape Consultant in her staff report dated May 18, 2017. Additional revisions need to be made in response to the Village Landscape Consultant’s staff report dated July 24, 2017. A revised landscape plan will be required addressing these additional comments as a condition of site plan approval.

II. Approved Plan:

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

Site Development Plans for Gracemere Group LLC prepared by Cronin Engineering P.E, P.C. dated May 4, 2017 and last revised July 14, 2017 and the landscape plan prepared by Steven Coleman Environmental Consulting last revised July 20, 2017 unless otherwise noted entitled:

-SP-1.1 (Sheet 1 of 6) *Site Development Plan*

-SP-1.2 (Sheet 2 of 6) *Existing Conditions* last revised June 30, 2017

-SP-1.3 (Sheet 3 of 6) *Erosion Control Plan*

-SP-1.4 (Sheet 4 of 6) *Landscape Plan* last revised July 20, 2017

-SP-1.5 (Sheet 5 of 6) *Adjacent Properties Plan*

-SP-1.6 (Sheet 6 of 6) *Construction Details*

-*Tree Assessment and Evaluation* dated February 28, 2009 prepared by Stephen W. Coleman, Environmental Consulting, LLC

-*Streetscape Plan* prepared by Justin A. Minieri, AIA

(the “Approved Plans”).

III. General Conditions

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

i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.

ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”

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

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

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

(d)ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review as required 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.

IV.Specific Conditions:

1. Approval by the Building Inspector/Village Engineer of the onsite stormwater drainage plan. The Applicant shall design the onsite stormwater system to retain the 100 Year, 24 hour maximum extreme precipitation of 9.02” with a pre-existing CN value of 61. The stormwater design shall be accomplished without allowing for any reduction in existing impervious area in compliance with Village Code §305-50, Self-contained drainage.
2. Approval of a revised landscaping plan addressing comments by the Village Landscape Consultant in her staff report dated July 24, 2017. As requested by the Planning Board in its previous approval in 2009, the screening plan must have adequate screening for Sheldon Avenue to be approved by the Village Landscape Consultant.
3. Plantings should be native plants or non-invasive ornamentals. The Village Landscape Consultant has noted changes to include additional native species in her July 24, 2017 report.
4. If any trees which have been designated to be preserved are damaged due to site work and subsequently need to be removed, the applicant agrees to replace them in kind. If this is not possible, then planting of multiple trees approved by the Village Landscape Consultant or payment of the appraised value of the trees to the Village Replacement Fund will be required.
5. Adherence to the section of the Zoning Code dealing with the Tree Replacement Fund for the removal of trees with a 10” caliper or greater.
6. The walkways and patio will be of permeable pavers and the driveway will be of decorative permeable pavers as approved by the Village Engineer.

7. While not a condition of approval, the Planning Board recommends to Mr. Denardo that he join the Homeowners Association for Emerald Woods.

Counsel Zalantis commented that it will be changed in the resolution that it is not a condition of approval that Mr. Denardo join the Homeowner's association, it is only a recommendation.

Mr. Tedesco moved, seconded by Mr. Birgy, to approve this application with this revision. All in favor. Motion carried.

PRELIMINARY PRESENTATION – 202 Lexington Group LLC – 29 South Depot Plaza

Mr. Tedesco said, at the last meeting, the Planning Board designated the proposed action as an Unlisted Action, set an escrow at \$5,000, declared its intent to be Lead Agency and requested that the applicant submit a long EAF. Now that the Board has received and reviewed the long EAF, Mr. Tedesco moved that the Board authorize staff to circulate the Notice of Intent to be Lead Agency to all involved and interested agencies and to the Westchester County Planning Department for review under the General Municipal Law, seconded by Mr. Birgy. All in favor. Motion carried.

Mark Constantine, Attorney, representing the applicant, showed the revised preliminary plan prepared by Bruno Petrosanti, PE, the engineer for the project. Mr. Constantine said they are here to continue the presentation from last month and, for the record, Mr. Peter Ferraro, is the CEO of the New York State Self Storage Association. Since the last meeting, they have submitted comprehensive responses to the questions and concerns raised and this application was also the subject of the July 13, 2017 Planning Board Work Session. Mr. Constantine feels that they have responded to the Board's concerns and hope that the Board will consider scheduling this matter for a Public Hearing. He is happy to answer any questions.

Mr. Tedesco asked if anyone had any questions.

Mr. Birgy asked about the energy addition to the roof. Mr. Constantine said that this issue is being further considered. They will need to determine if the facility can support the panels and it also requires some number crunching. Mr. Birgy said he feels that this is something they certainly should look into with NYSERDA, especially in light of the fact that Indian Point will be closing soon. This program can actually be a net producer of electricity and NYSERDA will help the applicant through the process.

Mr. Constantine said he is not an engineer but they need to look into it to see again if panels can be supported. Mr. Tedesco requested that this information be submitted prior to the next work session.

Dr. Friedlander asked about the height and total square footage of the interior space. Mr. Constantine said the height of the building is under 24 feet. He referred to the revision of

the plan to include 500 square feet for a bike shop as suggested by the Board at the last meeting. Mr. Petrosanti came up and said the total square footage is about 40,000 S.F. and about 20,000 S.F. of this is the upper level.

Dr. Friedlander asked what the largest space is that can be rented. Mr. Petrosanti said anywhere from a 5 ft. x 5 ft. to a 20 ft. x 40 ft. container depending on the need. Mr. Galvin added that you can combine the facilities, it is a modular system.

Dr. Friedlander asked if it is designed for residential or commercial. Mr. Petrosanti said the majority will be for residential use.

Dr. Friedlander asking what they would be charging at the location for lets say a 5 x 10 container. Mr. Ferraro came up and said that he has not yet determined the marketing plan; it is like anything else supply and demand. Dr. Friedlander said he finds it hard to believe that the applicant does not know the answer. Mr. Galvin asked just for a ball park figure. Mr. Ferraro said how much he is going to charge is not relevant to the meeting.

Mr. Constantine came back and said pricing has not been determined as of yet. Mr. Ferraro returned and said it could be anywhere from \$5.00 to \$100.00 per square foot and that different markets demand different prices. Dr. Friedlander said the answer would not affect the project, it was just a question.

Mr. Tedesco moved, seconded by Mr. Birgy, to move this application forward to Public Hearing. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Dr. Friedlander, to adjourn at 7:43 pm. All in favor. Motion carried.

Liz Meszaros
Secretary