

Planning Board  
Village of Tarrytown  
Regular Meeting  
February 26, 2018 7:00 pm

PRESENT: Members Tedesco, Aukland, Raiselis; Counsel Zalantis; Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros

ABSENT: Chairman Friedlander, Member Birgy

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence and called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES– January 22, 2018

Mr. Aukland moved, seconded by Ms. Raiselis, that the minutes of the January 22, 2018 meeting be approved as submitted. All in favor. Motion carried.

Mr. Tedesco announced the following adjournments:

- Peter Bartolacci – 67 Miller Avenue  
Removal of railroad tie wall, construction of retaining walls and landscaping of rear yard.
- Benedict Avenue Owners Corp. – 22 Glenwolde Park  
Additions and Alterations to a single family home.
- Joseph Fiore - 230 Crest Drive  
Additions and alterations to a single family home.

CONTINUATION OF PUBLIC HEARING – 202 Lexington Group, LLC- 29 S. Depot Plaza

Mark Constantine, attorney for the applicant, appeared before the Board and clarified that his client is not removing the structure for parking. Mr. Galvin said that this was part of the original project. Mr. Tedesco confirmed that it is not included in the resolution.

Mr. Tedesco said that a Negative Declaration has been issued and the required variances have been granted. He asked Mr. Constantine if he had any comments. Mr. Constantine commented that a specific condition of the draft resolution (on page 5), requires that the subdivision map be recorded in the Westchester County clerk's office before a building permit can be issued. He said that his client is not in control of this process, it is under the control of the property owner and, on this basis, he is asking the Board to remove this condition.

Mr. Tedesco deferred to Counsel Zalantis who said that site plan approval is for a lot that does not exist until a map is filed and recorded with the county. The applicant is the contract vendee and they can't purchase the property without a filed map so this should not be an issue. The filing must take place before a building permit is issued and the condition should remain in the resolution. Mr. Constantine said, as a practical matter, the cart cannot go before the horse, but as a legal matter, his client did not apply for the subdivision. He does not control the property or have control over the subdivision process. His concern is from a legal perspective and he is asking the Board to reconsider. Again, Counsel Zalantis said a building permit cannot be issued for a lot that does not legally exist without a formal subdivision map being filed. She suggested to the Board that they can table this matter until it is resolved, and continue the public hearing.

Mr. Constantine commented on a second specific condition in the resolution that requires his client be responsible for paving an area of land that they do not own, and are not in contract to buy. Mr. Tedesco asked Mr. Constantine if they want the benefit of the easement without paving it. Mr. Tedesco asked Counsel Zalantis if there are any concerns about paving the property that the railroad owns. Counsel said it was her understanding that the applicant would maintain this area and they should also have the right to maintain it, it is an area of about 2000 s.f.

Mr. Pennella said the area is about 50 feet deep and 40 feet wide. The resolution requires an asphalt overlay over the existing pavement to provide uniform pavement from the entry point to the site. This area is already paved and it was already agreed to on prior plans and at a site visit; however, the latest set of plans did not include this, so it was necessary to put this condition in the resolution.

Mr. Constantine said, with that understanding, we don't necessarily want to take on this responsibility but the practical legal issue remains that we would have to get approval from the MTA to do this and they have strict requirements and conditions that need to be met. He is not saying it can't be done, but, in fairness, from a legal prospective, this issue would have to be further clarified.

Mr. Tedesco said he is quite comfortable with the conditions in the resolution and asked the Board members how they felt. Mr. Aukland and Ms. Raiselis both agreed with the conditions. Mr. Tedesco said that there is no point to continue until these questions are resolved. We will continue the public hearing until they are.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing until these issues are resolved. All in favor. Motion carried.

Mr. Constantine asked if he could discuss the motion. Mr. Tedesco said no but he can add something if he wishes to.

Mr. Constantine said there are two conditions at issue that need to be clarified and are valid points. On prior occasions the Board has issued approvals. Mr. Tedesco said we don't issue conditional approvals without specific conditions. Mr. Constantine said he understands the Board's concerns and we would like the Board to vote on the resolution tonight subject to him and village counsel working out the language of these two specific conditions.

Mr. Aukland said he will not vote on an incomplete resolution. Ms. Raiselis said this extra time will give you the opportunity to work it out with the MTA.

Counsel Zalantis advised Mr. Constantine that his client may have those rights anyway under the existing easement and she cannot recommend the Board to approve any resolution subject to working out language of specific conditions. The Board has to agree on what the language should be.

Mr. Aukland said you have a month to work this out. We have already moved to continue the public hearing.

Mr. Constantine said if we put it off for a month, we won't be able to work it out with the MTA. He would like to speak to his client about it. Counsel Zalantis said the paving does not have to be completed right away; it is a condition of getting a certificate of occupancy.

Mr. Constantine said with regard to the Wilkey Street resolution, there were conditions subject to working out details with language to the area under the overpass. He just wants to make sure he can clarify the language with counsel. They do not want to be responsible for filing a subdivision that they have no control over or paving a piece of property that they do not own.

Mr. Tedesco said he is not comfortable with this and Mr. Constantine has raised the issues and we have responded in a meaningful and realistic way. The hearing will be continued.

Mr. Constantine asked if the public hearing is closed or is it still open.

Mr. Tedesco said the public hearing is still open.

#### CONTINUATION OF PUBLIC HEARING

#### Broadway on Hudson Estates, LLC – 11 Carriage Trail – 4 Lot Subdivision

Mr. Aukland advised the chair that he has recused himself from this application. Mr. Tedesco said there are not enough members to vote on the Negative Declaration this evening. Andy Todd, the applicant, appeared and said he is okay with Mr. Aukland voting this evening. A conversation took place with Counsel and it was determined that

Mr. Aukland must recuse himself since the basis for his recusal would be void if he unrecused himself. Mr. Todd said he has been before the Zoning Board already. He is waiting for a Negative Declaration so that the Zoning Board can vote on the variances.

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

#### CONTINUATION OF PUBLIC HEARING – My Tokyo & Cha, Inc. – 31 Main Street

Dennis Noskin, R.A., the project architect, representing the applicant, also present, said he was before this Board last month for site plan approval to convert a vacant retail space into a Sushi Restaurant. He has been to the Zoning Board and was granted parking variances for 7 parking spaces and 1 loading space. In addition, his client has secured Suburban Carting to pick up 3 times a week for waste and recycling. The garbage will be left in the front since there is not access in the rear.

Mr. Tedesco asked Mr. Pennella if he had any comments.

Mr. Pennella said if the Board approves this application, they can continue to secure the required building permits, which include installing a sprinkler system. The applicant has agreed to pay into the parking fund for 3 parking spaces.

Mr. Tedesco asked if anyone in the public had any questions. No one appeared.

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

Ms. Raiselis said that only a portion of the resolution will be read but a copy of the general and specific site plan conditions will be provided to the applicant and the entire resolution will be recorded in the minutes as follows:

#### **RESOLUTION**

#### **VILLAGE OF TARRYTOWN PLANNING BOARD**

**(Adopted February 26, 2018)**

**Application of My Tokyo & Cha, Inc.**

**Property: 31 Main Street (Sheet 1.40, Block 17, Lot 18 and Zone RR)**

#### **Resolution of Site Plan Approval**

#### **Background**

1.The Applicant requests site plan approval for a change of use converting a vacant storefront from a retail use to a restaurant (sushi restaurant).

2.The Planning Board on January 22, 2018 determined that the Project was a Type II action under SEQRA NYS DEC 617.5 (c) (7) *"construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls."* The storefront consists of approximately 779 square feet.

3.The Planning Board has conducted a duly noticed public hearing on January 22, 2018 and February 26, 2018 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated January 10, 2018 and February 13, 2018 and a denial letter from the Village Engineer dated December 26, 2017. The existing building is non-conforming and does not have any parking spaces available. The application includes only interior alterations. The Village Engineer's denial letter indicated that the applicant needs a variance for seven (7) parking spaces and one (1) loading space.

5.The Planning Board has reviewed Applicant's letter dated February 22, 2018 describing the garbage plan for the proposed restaurant. The Applicant's pick up schedule will be at a minimum of three times per week in accordance with §183-12- Operation of private refuse, waste and rubbish vehicles of the Village Code. During non-scheduled collection days, garbage will be kept in a bulk trash can in the rear yard. The rear of the property is landlocked with no alternative for collection at the rear. The Applicant has established an account with a commercial carter, SCC Suburban Carting.

5.The Zoning Board of Appeals reviewed the Applicant's request for a parking variance for seven (7) parking spaces and one (1) loading space at a public hearing held on February 12, 2018. The Zoning Board closed the public hearing on February 12, 2018 and approved the requested variance on that date.

6.The Planning Board closed the public hearing on February 26, 2018. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

### **Determination**

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

#### **I. Findings**

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant’s site plan. The vacant storefront is located on the first floor of three story building at 31 Main Street. The upper two floors are residential. The proposed storefront consists of approximately 779 square feet. The new tenant will be a sushi restaurant and will include 11 seats, a sushi bar, and a bench across the window and along the side wall. There will be a bathroom and kitchen in the back. The application only includes interior work. The property does not contain nor does it have any potential for any off-street parking spaces. The property is landlocked at the rear.

II. Approved Plan:

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

Plans by Dennis Noskin Architects, P.C. dated January 3, 2018 entitled unless otherwise noted:

- *Seating Plan, My Tokyo*
- *Title Survey of Number 31 Main Street as shown on The Official Tax Map as Tax lot 18, Block 22, Section 1.40 situated in the Village of Tarrytown, Town of Greenburgh, West. Co., N.Y. Edward G. Mihalcz, Land Surveyor LLC dated September 22, 2010.*

(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) 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. Based on §305.63, the Applicant is required to provide a payment fee in lieu of the three (3) required parking spaces in the amount of \$3,000 (\$1,000 per space) prior to the issuance of a building permit.
- 2. The Applicant's trash will be collected by a commercial carter at the curb in front of the storefront in compliance with §183 of the Village Code ("Garbage, Rubbish and Refuse").
- 3. The Applicant will be required to install a fire sprinkler system for the proposed restaurant in compliance with NYS Building Code.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the resolution. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING -  
Sisters of the Sacred Heart of Mary - 32 Warren Avenue

John Folchetti, P.E., of JR Folchetti and Associates LLC, appeared on behalf of the applicant. As discussed at the October public hearing, they will be widening the driveway to 26 feet to allow for emergency fire access, which will require demolition of the existing retaining wall, which requires site plan approval. A site visit took place with Board Members and the Village Engineer and subsequently, a tree survey and arborist report was commissioned, which was distributed to the Board. It was determined that most of the trees and vegetation in the work area are invasive species and the trees of value are not within the work area. He showed the plan identifying the diameter and species of tree.

Mr. Folchetti explained that the original plan was for two tiered walls; however, the aesthetics were a concern with regard to the trail, and in light of tree report, they are now submitting a one wall plan with 4 feet of exposed face. The slope represents 2 on 1 and there will be a need for an agreement between the applicant and the village to encroach upon the village property.

Mr. Raiselis asked Mr. Folchetti what the benefit is of having one wall with regard to invasive species. Mr. Folchetti said they are proposing to plant new trees that are native to the area and of value to be coordinated with the village landscape architect. In essence, they will vegetate the entire slope as recommended.

Mr. Tedesco is favorable of the single wall approach. He asked if anyone in the public had any comments. No one appeared.

Ms. Raiselis asked Mr. Folchetti what the benefit is of having one wall. Mr. Folchetti said it will allow trees to mature very big outside of the wall plane.

Mr. Tedesco asked the secretary to send the preliminary landscape comments from Suzanne Nolan, the village landscape architect, to Mr. Folchetti for his review.

Mr. Pennella advised the Board and he and Suzanne Nolan visited the site and she agrees with the one wall approach; she feels will bring back a better landscape. Mr. Pennella asked Mr. Folchetti if it would be possible to extend the slope out by the generator to get better plantings by the generator. Mr. Folchetti pointed to the generator on the plan and showed the 52 inch tulip tree and said, in order to extend it out, the tulip tree would have to go. Mr. Pennella said maybe the landscape consultant has an idea to protect the tree; the generator is pretty intrusive and if we could mitigate its visibility, that would be nice. Mr. Pennella said the Board of Trustees will also have to approve the encroachment onto village property. Mr. Folchetti added that the stone will match the existing Grotto at the convent.



Donna Cascone, Business and Property Manager of the site, said that the owners are concerned about maintenance and safety and they feel that the one wall faced with stone like the Grotto will also fit in more aesthetically. We were concerned with safety and maintenance with the 2 wall plan. They are also moving forward with green plan for the grounds and are demolishing the 90 Wilson Park Drive building to bring back the natural look for the trail, which includes adding more plantings behind the generator.

Mr. Aukland said that landscaping onto village land is welcomed for everyone using the trail. He thanked the applicant for this.

Mr. Folchetti confirmed that the next steps were to develop a landscape plan to be reviewed and forwarded and to go to the Board of Trustees. The Board agreed.

Mr. Tedesco asked if anyone else in the public had any comment. No one appeared.

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

#### CONTINUATION OF PUBLIC HEARING

##### M.M. Homes Land Development of PA LLC – 6 Hillside Street

Dan Collins, of Hudson Engineering, representing the applicant, presented the revised plan and advised the Board that in response to their concerns at the December meeting, they met with the Village Engineer to go over options to reduce the rock and slope disturbance. They have revised their plan which shifts the building closer into the setbacks but away from the rock and the steep slopes. They have also raised the first floor elevation to minimize the excavation of rock. There was a retaining wall which they have relocated and they have provided a second tiered wall in the back to meet grade. They have reduced the limits of disturbance by 40%, to 8,400 sf., and the steep slope disturbance was reduced 44% from 8,630 s.f. to 4,820 s.f. of steep slope. They have also reduced the amount of rock to be cut from 1,800 cubic yards to 495 cubic yards and the number of trees to be removed has been reduced from 12 to 7.

Mr. Collins said the new plan will require variances from the Zoning Board for front and side yard setbacks, but he feels that this plan is a considerable improvement to the original plan presented. He would welcome comments from the Board at this time before going to the Zoning Board.

Mr. Tedesco said that the applicant has reduced the impacts in many areas. Mr. Aukland was also pleased with the reductions and thanked Mr. Collins for the revisions.

Mr. Tedesco asked if anyone in the public had any comments. No one appeared.

Mr. Tedesco said that a landscaping and tree protection plan will be needed, a narrative of a steep slope waiver, and blasting procedures will need to be addressed.

Mr. Pennella confirmed that rock removal protocol will be needed to deal with the rock removal. He will work with the applicant on this since it is a very sensitive location as the house to the north is 25 feet away from the driveway. Mr. Tedesco said that the homeowner next door expressed his concerns about the blasting at the last meeting and he would like the neighbor's concerns addressed. Mr. Collins agreed.

Mr. Tedesco advised that the applicant may proceed to the Zoning Board for variances at this time. Mr. Collins said he didn't want to move forward until he got the Board's opinion. Mr. Aukland asked where the drop off was. Mr. Collins showed the drop off on the plan which will prevent less cutting than the original plan.

Ms. Raiselis said this is not optimal but they do have a right to build on this property. This is a unique site that needs a unique solution. Mr. Tedesco said they have made a much better plan. Mr. Collins showed the original plan which had the driveway coming in much lower. The home will now be more built into the slope.

Mr. Pennella asked if they could possibly come up another foot to minimize the amount of rock removal and take the roof line and make it a little flatter. Mr. Collins said he could probably raise it a bit and flatten the roof line.

Mr. Pennella said they will need a Denial Letter to go to Zoning if the Board is satisfied. Ms. Raiselis said the applicant's willingness to make tweaks and site the house better will allow them to go to zoning.

Mr. Tedesco again advised the applicant about the neighbor's concern with the blasting. Ms. Raiselis asked if they are going to use any of the rock for the walls. Mr. Collins said whatever can be used will be used.

Planner Galvin commented that the setbacks were in line with the existing house next door.

Ms. Raiselis said she would also like to see a streetscape so they have a good idea of how the house will look.

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

NEW PUBLIC HEARING – Peter A. Gisolfi, AIA Assoc. – 193 Wilson Park Drive

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, February 26, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Peter Gisolfi, AIA Associates  
566 Warburton Avenue  
Hastings on Hudson, NY 10706

For site plan approval for the construction of an in-ground swimming pool and patio.

The property is located at 193 Wilson Park Drive in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.10 Block 1, Lot 12 and is located in the R-30 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

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: February 16, 2018

The mailing receipts were received and the sign was posted.

Ronen Wilk, Registered Landscape Architect at Gisolfi Associates, said his client would like to construct a pool and patio in the back yard. There was a pool that has since been removed for safety reasons. He walked the site with the Building Inspector and it was determined that it would need review for disturbance of 700 sf of steep slope in order to construct the pool. The elevation is just over 300 feet which also triggers review by the Planning Board. He has submitted a narrative for a steep slope waiver and he will correct the plans to read Wilson Park Drive, rather than Avenue.

Mr. Tedesco asked if any trees will be removed on the property. Mr. Wilk said there will be no removal of trees and the existing trees will be protected.

Ms. Raiselis asked about the yard. Mr. Wilk showed existing photos of the backyard and of the old pool, which is no longer there.

Mr. Tedesco asked if stormwater has been addressed. Mr. Wilk said that stormwater has been provided and fencing will also be installed per code.

Mr. Tedesco asked the secretary to forward the landscape plan to Ms. Nolan, the village landscape architect, for her review.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2,500.00. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to continue the Public Hearing. All in favor. Motion carried.

NEW PUBLIC HEARING – Leonard Brandes, R.A. – 22 Main Street

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, February 26, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Leonard Brandes, R.A.  
2 Spencer Place  
Scarsdale, NY 10583

For site plan approval for a change of use from a laundromat to a restaurant.

The property is located at 22 Main Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 34 Lot 9 and is located 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.

Additional approval will be required from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board  
Dated: February 16, 2018

Lizabeth Meszaros  
Secretary to the Planning Board

The mailing receipts were received and the sign was posted.

Leonard Brandes, R.A., representing Mr. Gonzales were both present. Ms. Raiselis asked Mr. Gonzales how the Laundromat was working out. Mr. Gonzales said it is busy but it is not profitable between the cost of water and the parking. Leonard Brandes, R.A., introduced himself and said Mr. Gonzales is before the Board seeking site plan approval to convert the business back to a drinking and eating establishment. At the turn of the century it was a restaurant facility and it was also a restaurant and saloon from 1979 through 1988. The laundromat is necessary in a village but it is the wrong location; they feel a restaurant would serve the public much better. He presented the plan proposing 39 seats with a bar area and cabaret type seating. The windows will be changed to make it look more open and modern, but smaller to keep within the style of the building. Mr. Brandes showed elevations and discussed the new garbage removal plan which he distributed to the Board. He explained that the parking area in the rear will be used for the garbage compactor and a parking space. A driveway will be created in order to have access to the garbage and a compact space will be needed on the street in the non-metered section and the other metered space will be moved to allow for access to the driveway. Mr. Gonzales has 3 additional spaces that he will be renting: One space on John Street (in a garage), the other on Main Street on the corner of N. Washington (behind the Art Gallery in the private parking area.) Mr. Pennella said you can't take an allocated space for another use for this parking requirement. Mr. Gonzales said he will provide the other location to the Board. All of these spaces are private spaces.

Ms. Raiselis asked about the other parking spaces. Mr. Brandes feels that they should instead of 5 they should be given 9 spaces based upon the current use as a laundromat, and since they are providing 4 more, that should bring them down to 5 additional spaces. Ms. Raiselis said they are renting 4 and have been granted five so that is 10 spaces that they need since they are converting to a restaurant. It is no longer going to be a laundromat. Mr. Brandes is going to see if he can get a reduction in the number of spaces from the Zoning Board and his client is willing to buy into the village parking fund. Mr. Aukland asked how many people are employed at the laundromat. Mr. Gonzales said there are 3 employees, but all 4 employee parking spaces have been provided for in the restaurant proposal. Mr. Gonzales said they have 1 employee and potentially 2 that already live in the existing building.

Mr. Tedesco asked about the restaurant operation. Mr. Gonzales said it will be a friendly place serving lunch and dinner. He may do brunch on Saturdays and Sundays and will work with the Music Hall and have special menus for the Hall since the shows end later. They should be open until at least 1 am with a limited menu to accommodate Music Hall patrons.

Mr. Tedesco asked if anyone in the public had any comments. No one appeared.

Mr. Tedesco advised the applicant that he may proceed to the Zoning Board for parking variances.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2,500.00. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to continue the Public Hearing. All in favor. Motion carried.

PRELIMINARY PRESENTATION – Schopfer Architects, LLP – 20 Wood Court  
Tarrytown Hall Care Center – Addition to 3 story building and expansion of parking area.

Mr. Tedesco said that no action will be taken until we have a formal application and referral from the Board of Trustees for a compatible use permit. Once this happens, the applicant may return to the Planning Board and start the SEQRA process.

Bob Seigart, partner at Schopfer Architects, appeared before the Board to briefly explain the project and get some feedback from the Board. He presented the preliminary site plan and said that the nursing home facility will remain with 120 beds. The existing building is 3 stories with a walkout basement will remain with interior renovations only. The proposed addition is for an 8,900 s.f. one story structure which will be added on to house a new main entrance, a physical therapy area, a dining area and additional administrative offices. Ms. Raiselis asked if the facility currently offers physical therapy. Mr. Seigart confirmed that there is physical therapy, only for the in house residents, and it is currently located in the basement area. There will be no change in the operation of the facility, they just need more room and would like to make it more accessible.

Ms. Raiselis asked about the expansion of the parking area. Mr. Seigart said there are currently 62 spaces and it is very difficult to find parking. By code, they are required to have 1 space for every 3 beds plus 1 space for each employee. They do not expect any increase in the parking. Ms. Raiselis suggested finding out the real number of spaces that they need to avoid unnecessary paving, which the Planning Board could consider land banking some spaces. Mr. Tedesco said we have done this in the past.

Mr. Tedesco made reference to the short form EAF needs to be revised per Mr. Galvin. Mr. Galvin said that question number 1 should be “no” and 17b, should describe stormwater discharge in more detail. Mr. Seigart said they are working on an underground stormwater system; and there are no steep slopes being affected. Mr. Galvin asked that this be specified on the plan.

Mr. Tedesco advised that the tree removal plan should include the nature, size, location and health of the trees to be removed. Mr. Seigart said 5 trees will need to be removed. Mr. Galvin said they may want to develop a parking lot with trees and islands. Mr. Galvin said the standard is 1 tree per 10 spaces.

Mr. Pennella said that fire department access in the rear is critical. Currently there is no access to the back of the building so this expansion will allow access. With regard to parking spaces, it is his understanding that a lot of the parking spaces are being used by residents after hours for their use to accommodate other congested areas. Ms. Raiselis said this is a good idea and provides parking to the residents in the area.

Essentially, Mr. Aukland confirmed that there is no new burden, rather it is an improvement. Mr. Tedesco agreed and said it looks like a very positive project and an improvement for the facility and the village.

#### ADJOURNMENT

Ms. Tedesco moved, seconded by Ms. Raiselis, to adjourn at 8:35 pm. All in favor. Motion carried.

Liz Meszaros- Secretary