

Planning Board  
Village of Tarrytown  
Regular Meeting  
Village Hall – 1 Depot Plaza

\*Tuesday, December 27, 2022 7 pm \*(in observance of Christmas and Hanukkah on 12/26/22)

PRESENT: Members Gaito, Mendez-Boyer and Alternate Member Mezey; Counsel Zalantis; Village Engineer Pennella; Secretary Meszaros

ABSENT: Chair Raiselis, Members Friedlander and Aukland; Village Planner Galvin

Mr. Gaito chaired the meeting in Ms. Raiselis' absence and called the meeting to order at 7:02 p.m. He announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed in advance of the meeting.

APPROVAL OF MINUTES - November 28, 2022

The November 28, 2022 minutes will be considered when there is a quorum of members present.

CONTINUATION OF PUBLIC HEARING – First Korean Methodist Church of NY – 500 S Broadway

Joseph Riina, RA, the project architect, with Site Design Consultants, appeared before the Board and briefly presented and explained the seven (7) conceptual parking plan options they have submitted over the past couple of months. Option 1 has parking in back of the church with a looped driveway going through the properties owned by the church, with internal parking area in the rear and an ADA ramp with walkway to access the congregation area. Option 2 eliminates the looped driveway through the residential properties and continues through the existing driveway out to Walter Street, maintaining the internal parking area and ADA ramp with access. Option 3 is the same plan as option 2 except that the entire rear parking area is proposed to be some type of a pervious surface with angled parking on Lakeview Drive with access to the ADA ramp. Option 4, which is the applicant's preferred option, focuses on the front of the site with the existing parking converted to 12 stacked parking spaces along Walter Street. A 20" wide driveway is proposed across the front of the church with an additional 5 parking spaces on the side of the church to include an ADA parking space adjacent to the ramp; the internal parking in the rear is eliminated. Option 5 has 10 stacked parking spaces on Walter Street and includes 11 parking spaces proposed in front of the church with an asphalt walk leading to ADA ramp access; the internal rear parking is eliminated. Option 6 is similar to Option 5, except there is no stacked parking on Walter Street; 6 spaces are provided on Walter Street with 10 spaces in the front of the church. Option 7 proposes 17 stacked parking

spaces off of Walter Street, pushed a little further off of Walter Street with no encroachment on the sidewalk with walkway access to the ramp on the side of the church; the internal rear parking is eliminated.

Mr. Gaito asked Mr. Riina why option 4 is their preferred option. Mr. Riina commented that it brings the ADA spot adjacent to the ramp which is more accessible and convenient and provides a shorter walk to the chapel for elderly or disabled parishioners.

Ms. Mendez-Boyer confirmed with Mr. Riina that option 4 still has the stacked parking on Walter Street. Ms. Mezey confirmed with Mr. Riina that access to the spaces would be created in front of the church where there is an open lawn area. Mr. Riina said the existing sidewalk is rarely used. He advised Ms. Mezey that landscaping could help to screen the proposed parking area. Ms. Mendez-Boyer asked Mr. Pennella about the possibility of creating a curb cut on South Broadway for access to the parking area rather than having to create a parallel driveway along Broadway in front of the church. Mr. Pennella said it was unlikely that NYS would approve a curb cut in this area since they have difficulty with traffic backing up in this area on Broadway. He clarified the differences between option 4 and option 7 and noted that 17 spaces are proposed in option 4 and 15 spaces are proposed in option 7. The applicant will pick up 2 additional spaces with option 4, but that plan would involve a wetland study with remediation. He believes that the parking layout for option 4 can be tweaked to make the 5 proposed parking spaces on the side of the church more perpendicular to Route 9 rather than angled. He commented that the purpose of the meeting tonight is to determine what option the applicant would like to move forward with taking the comments from the Board and the public into consideration.

Mr. Riina confirmed with Mr. Gaito that his client's preference is option 4.

Ms. Mendez-Boyer stated that she prefers option 7. She thinks that the cars should park east to west so that there is only one curb cut on Walter Street and not the entire sidewalk. Their original request was for 11 spaces in the center. She would like to stick with the original parking request and work from there. If 17 spaces can work well she feels that option 7 is the best plan with the least disturbance since it will eliminate the spaces in the front of the church with spaces on one end only.

Mr. Riina said it is matter of bringing the access for the handicapped spot closer to the ramp. Option 4 provides for a side door which is level to the chapel area which is why they prefer this option. There is no access in the back of the church to get to the chapel area. You have to step down and there is no way to get form that level up to the chapel. Option 4 brings individuals directly to the ramp, especially during inclement weather.

Mr. Gaito said if the building levels are part of this process, he suggested adding spot elevations to the plan to understand the transitions. There may be another ramp option to 7 if the elevations are indicated. He would like to see the elevations shown on the plan. He agrees with Ms. Mendez- Boyer that the building looks nice in the front and the new road

becomes a long structure which would involve screening, more upkeep, and he also has concerns about the visual impact from the street. Mr. Riina confirmed that there is an existing wide curb cut on Walter Street for 8 cars. Mr. Gaito asked how the tandem spots would work. Mr. Riina said someone will monitor the parking for the ADA spot. Otherwise, it will be first come, first serve, and when services are over, parishioners would have to wait for each car to leave. Mr. Gaito asked about the existing shuttles that the church uses. Mr. Riina confirmed with the Pastor that the shuttles bring parishioners up from Yonkers, drop them off for services, and park on the street.

Ms. Mendez-Boyer commented that the cost of building a road and maintaining it would be just as costly of adding a ramp closer to where the parking is for option 7. She suggested turning the cars around 90 degrees to make it easier to come in. It may work better by orienting the cars east/west instead of north/south. Mr. Riina believes that they would lose a lot of spaces with that suggestion.

Mr. Gaito asked if the driveway behind the church off of Walter Street is being used. Mr. Riina said the driveway is used for service deliveries.

Mr. Gaito asked if anyone in the public wished to comment on this application.

#### PUBLIC COMMENT PERIOD

Adam Balkin, who lives at 1 Glenwolde Park, at the corner of Lakeview and Willow next to the back of the church, stated that anything proposed on his side would be a problem for drainage since this is wetland area. He is glad that they are proposing the parking spaces in the front of the church. He noted that flooding is an issue and he would ask the Board to ensure that there is a plan to absorb the water.

Adam Miller, who lives at 22 Glenwolde Park, also behind the church, stated that Option 7 seems like a much better plan. The neighbors want to work with each other. He noted that there did not seem to be any parking issues during the Christmas services. He took a photo which he will email to the secretary and seems like there is enough parking already. He asked if the surface area will be increased in option 7.

Mr. Riina confirmed that they will be doubling the asphalt area because they will be stacking the cars.

Mr. Miller stated that his basement flooded during Hurricane Ida. He is concerned that any more added pavement will lead to water flooding issues. Everything proposed seems to be evolving in the right direction. He also noted that this meeting is being held during the holiday and he wanted the Board to know that not everyone is here tonight, they may be out of town and unable to attend this evening, but there are more concerned neighbors.

#### END OF PUBLIC COMMENT

Ms. Mezey asked Mr. Pennella if he had any comments on the plan options. Mr. Pennella noted that with option 4, they will be creating a driveway on an existing curb cut which goes to the stop sign and they will be shifting the vehicles to the east. Landscaping will be needed. With regard to stormwater, a detention system will be built to discharge across Broadway into Sheldon Brook which is the opposite direction of the neighboring homes. This option will require a few setback variances from the Zoning Board.

Mr. Gaito said we have heard comments from the Board, Mr. Pennella and the public. We cannot move forward with landscaping and stormwater until a plan option is decided. Mr. Riina said he is looking for direction from the Board tonight which will satisfy the Board and his client. He would like to close the public hearing which has been opened for a while. Mr. Gaito said the public hearing cannot be closed. In terms of direction, you can review the options and give us a decision before the next work session or the next meeting.

Mr. Pennella confirmed with Ms. Mendez-Boyer that the church property does not have an historic designation. Ms. Mendez-Boyer commented that a design decision has to be made at this time. The applicant has to decide whether they want a road in front of the church for just a few extra spaces. She believes that from an architectural perspective, having a roadway in front of the church is a little odd.

Mr. Riina returned to the podium and advised that the Pastor has just indicated to him that he will agree to go with Option 7 if they can move ahead and get the necessary approvals/studies and close the public hearing.

Counsel Zalantis advised that the public hearing cannot be closed. There is additional information needed to complete the SEQRA process in order to be in a position to issue a Negative Declaration on this action.

Mr. Gaito agreed and asked the applicant to submit the option 7 plan, to include the neighboring homes, landscaping, spot elevations, the ramping elements, and the existing vs. proposed curb cuts. Ms. Medez- Boyer added that the applicant should also include the existing parking area vs. the new area and show contours indicating that the drainage will be directed toward Broadway.

Mr. Pennella added that there is an existing sidewalk in the front of the church which leads to nowhere and is not used. The elimination of this sidewalk should be considered. Mr. Gaito noted that the existing vs. proposed impervious coverage will also be shown on the plans to address Mr. Miller's earlier comment regarding flooding concerns.

Mr. Gaito moved, seconded by Ms. Mezey, to continue the public hearing.  
All in favor. Motion carried. 3-0

CONTINUATION OF PUBLIC HEARING – Joseph DeNardo – 1 Emerald Woods

Jim Annicchiarico, PE, the project Engineer, appeared before the Board and presented the plan. He advised that they have received the requested variances from the Zoning Board on December 12, 2022 and are returning to complete the site plan approval process with this Board. They have provided a revised landscape plan and will work with Suzanne Nolan to satisfy her recommendations for tree protection, as indicated in her most recent report dated December 22, 2022. He advised that he is in the process of preparing revised drawings for review by Mr. Pennella to address the stormwater, drainage, and water and sewer connection comments in his memorandum dated December 21, 2022. With regard to the utilities, they should be able to connect to the water and sewer mains on Sheldon Avenue, not on Emerald Woods. He asked the Board if the Public Hearing could be closed this evening in anticipation of the final plan submission sometime next week.

Mr. Gaito advised that the public hearing will remain open pending submission and review and approval of the revised plans. Mr. Annicchiarico respectfully asked why the hearing could not be closed. Counsel Zalantis said there is still additional information that must be submitted, which cannot be accepted if the public hearing is closed.

Mr. Gaito asked if anyone in the public wished to comment. No one appeared.

Mr. Gaito moved, seconded by Ms. Mezey, to continue the public hearing next month. All in favor. Motion carried. 3-0

NEW PUBLIC HEARING - 5 High Street Restoration LLC – 5 High Street

Mr. Gaito read a portion of the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Tuesday, December 27, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

5 High Street Restoration LLC  
 114 Pearl Street  
 Port Chester, NY 10573

For site plan approval for the construction of a 594 s.f. second story addition with interior renovations to an existing single-family residence.

The property is located at 5 High Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 116, Lot 9 and is located in an R 7.5 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.

Additional approval is required from the Zoning Board and the Architectural Review Board.

By Order of the Planning Board  
Lizabeth Meszaros  
Secretary to the Planning Board  
Dated: December 16, 2022

The mailing receipts were received and the sign was posted.

Luigi DeMasi, RA, the project architect, appeared before the Board and presented the site plan. They are seeking to build a second story dormer addition on top of the existing footprint of the home. The dormer will be expanded to add on 2 bedrooms with a bathroom in the back. It will not be as large as the first floor and built on top of the existing structure, with no added impervious coverage. The garage on the rear side of the property, next to 7 High Street, will be restored on the outside only with no interior renovations proposed. In response to a neighbor's concern and at the recommendation of Ms. Nolan, the Village Landscape Architect, the large Spruce tree located on the right side of the garage bordering the property at 7 High Street will be protected with mulch and plywood during the exterior renovation period.

Mr. Gaito asked if anyone in the public would like to comment.

Mary Jane Driscoll, who resides next door at 7 High Street, was very concerned about protecting the large Spruce tree and she is pleased that it is on the record that the tree will be protected during the exterior renovation to the garage.

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to close the public hearing. All in favor. Motion carried. 3-0

Ms. Mendez-Boyer read through portions of the draft Resolution. A copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted December 27, 2022)**

**Application of 5 High Street Restoration LLC  
Property: 5 High Street (Sheet 1.190, Block 116, Lot 9 and Zone R-7.5)**

## **Resolution of Site Plan Approval**

### **Background**

1. The Applicant and owner of the property, 5 High Street Restoration LLC, requested site plan approval for the construction of a second story addition of 594 sf to an existing 938 sf residence at 5 High Street in the R-7.5 district. The lot is 100' x 50' with 5,000 sf. The addition will be over the first floor and will not expand the footprint of the residence. The existing residence is two-bedroom which will be expanded to 3 bedrooms. The new residence with the second floor will be 2 stories or 21.3' where 2 ½ stories and 30' is allowed. There is an existing detached garage in the northeast portion of the rear yard. An asphalt driveway is on the east side of the property leading to the garage.

2. The Planning Board determined on December 27, 2022, that the proposed action was a Type II Action under NYS DEC 617.5 (c) (12) *“construction, expansion or placement of minor accessory/ appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”*

3. The Planning Board has conducted a duly noticed public hearing on December 27, 2022, 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 *Cover Letter from the Applicant* describing the project dated October 24, 2022, the set of plans, including elevations, demolition plans, floor plans for first and second floors, location of steep slopes, the two FAR drawings, *Zoning Compliance Form* and *Environmental Clearance Form*, and photographs of subject property and residence, surrounding properties and streetscape in front. The Planning Board also reviewed a letter from the Architect dated October 26, 2022, in which he described the second story as being constructed above the first floor which will not expand the footprint, and that there is no encroachment into or disturbance of any steep slopes with no steep slope waiver being required. The Planning Board also received comments and recommendations from the Consulting Village Planner in a memorandum dated December 12, 2022, from the Village Landscape Consultant in a staff review dated December 20, 2022 and final review with no recommendations dated December 22, 2022, and a denial letter from the Building Inspector/ Village Engineer dated October 11, 2022, which the Planning Board has considered.

5. The Applicant appeared before the Zoning Board of Appeals on December 12, 2022, seeking a front yard setback variance of 8.9' where 20' is required and 11.1' is proposed and a variance of 4.1' for each side yard setback where 10' is required and 5.9' is being provided. The ZBA reviewed the two area variances at a public hearing held on December 12, 2022. The Zoning Board of Appeals approved the requested area variances on December 12, 2022.

6. The Planning Board closed the public hearing on December 27, 2022. 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 also determined that the second-floor construction was being constructed vertically over the first floor and would not expand the footprint of the existing structure. Therefore, there was no encroachment into or disturbance of the steep slopes and a steep slope waiver was not required.

Applicant’s proposed project is located on a 5,000-sf developed property located in the R-7.5 district. The 1-story single-family residence has 50’ of frontage on High Street. The property is one parcel to the east of Front Street which is a dead-end street. The property backs down to Embree Street to the north. The Project proposes to construct a second story addition of 594 sf to an existing 938 sf residence. The lot is 100’ x 50’ with 5,000 sf. The addition will be over the first floor and will not expand the footprint of the residence. The existing residence is two-bedroom which will be expanded to 3 bedrooms. The new residence with the second floor will be 2 stories or 21.3’ where 2 ½ stories and 30’ is allowed. There is no change to impervious surface on the lot. There is an existing detached garage in the northeast portion of the rear yard. An asphalt driveway is on the east side of the property leading to the garage. There is no demolition planned for the garage. There is no indication on the plans that any trees are being removed. The application is appearing before the Planning Board for site plan review since there is a FAR increase of 63% which is over the 50% threshold.

Applicant has revised the Site Plan (SP1) in response to comments from the Village Engineer and the Village Landscape Consultant. Revised Site Plan now indicates that no work is being done to the garage other than roofing and siding replacement if any. A note has been added to the Site Plan indicating that a 4 “ layer of wood chips with plywood overlay will be installed within the tree drip line where work is being performed on the garage. Additionally, no materials storage shall occur within the dripline of existing trees. The Site Plan also indicates that no additional impervious area is created from the second story addition. The Village Landscape Consultant reviewed the final revised plans and approved the changes.

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:

-Plans prepared by Demasi Architects PC for Addition/Renovation for 5 High Street, Tarrytown, New York dated 2/28/22 and last revised 9/13/22, unless otherwise noted.

- Drawing SP1 of 1 *“Site Plan”* dated 9/13/22 and last revised 12/20/22
- Drawing 1 of 6 *“Elevations”*
- Drawing 2 of 6 *“Demolition”*
- Drawing 3 of 6 *“Proposed Basement & 1<sup>st</sup> Floor Plans”*
- Drawing 4 of 6 *“2<sup>nd</sup> Floor Plan”*
- Drawing 5 of 6 *‘Elevations”*
- Drawing 6 of 6 *“Sections”*
- Drawing 1 of 2 *“FAR Drawing 1”* dated 9/12/22

- Drawing 2 of 2                   “FAR Drawing 2” dated 9/12/22  
       (the “Approved Plans”).

III.           General Conditions

- (a) Requirement to Obtain Approvals: 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.
- (b) Changes to Approved Plans: 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.”
- (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.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to approve this site plan application.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Alt. Member Mezey	Yes
Acting Chair Gaito:	Yes
All in favor. Motion carried.	3-0

ADJOURNMENT

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to adjourn the meeting at 7:44 p.m.  
 All in favor. Motion carried. 3-0

Liz Meszaros, Secretary