

Planning Board  
Village of Tarrytown  
Regular Meeting  
February 22, 2021 6:00 pm

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Birgy, Raiselis, Alternate Member Gaito, Alternate Member Mendez-Boyer, Counsel Zalantis, Village Engineer Pennella, Village Planner Galvin; Secretary Meszaros,

ABSENT: All Present

\*\*\*This meeting is being held via Zoom video conference in accordance with the Governor's Executive Order issued in response to the COVID-19 Pandemic that authorizes public meetings to be held in this manner. The public will be able to view the meeting through the Zoom application and be given the opportunity to speak during the public comment period for each application by pressing the "raise your hand" icon to speak or \*9 on their phone.\*\*\*

Dr. Friedlander called the meeting to order at 6:05 p.m.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the January 25, 2021 meeting as submitted.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes  
Member Aukland: Yes  
Member Tedesco: Yes  
Member Birgy: Yes  
Chair Friedlander: Yes

The minutes were unanimously approved 5-0.

Dr. Friedlander announced the three adjournments:

CONTINUATION OF PUBLIC HEARING

Sunrise Development, Inc. (contract vendee)  
99 White Plains Road  
Site plan approval for 85 units of Service Enriched Assisted Living/Memory Care Housing pending adoption of Zoning Amendment by the Board of Trustees.

CONTINUATION OF PUBLIC HEARING

Raining Threes LLC  
3 - 5 Carriage Trail  
Construction of a single-family home with pool and tennis court.

CONTINUATION OF PUBLIC HEARING

39-51 North Broadway Associates

39-51 North Broadway

Referral by Board of Trustees for review and recommendation of a Zoning Petition to allow for the development of a mixed-use project in the RR zone and for site plan approval for 80 residential units with retail and off-street parking pending adoption of the zoning by the Board of Trustees.

CONTINUATION OF PUBLIC HEARING– PB Tarrytown- 3 Main Street Unit A

Change of use from vacant retail to a restaurant use (Playa Bowls)

Mr. Galvin said there was a public comment letter from Heather Haggerty regarding the possibility of a loading zone on Main Street. Mr. Pennella agreed that this is in the jurisdiction of the Board of Trustees.

Dr. Friedlander asked if anyone in the public would like to speak.

Mark Fry, of 36 South Highland Avenue, Ossining, commented that loading zones will not work in that area since the delivery trucks are too large. He made other suggestions for the location of the loading zones.

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

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes

Member Aukland: Yes

Member Tedesco: Yes

Member Birgy: Yes

Chair Friedlander: Yes

All in favor. Motion carried. 5 -0

Ms. Raiselis read through portions of the Resolution and advised that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting.

RESOLUTION

VILLAGE OF TARRYTOWN PLANNING BOARD

(Adopted February 22, 2021)

**Application of PB Tarrytown, Inc. (Kevin & Theresa Mulqueen, Tenants)**

**Property: 3 Main Street (Sheet 1.40, Block 18, Lot 1 and RR Zone)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant, PB Tarrytown, Inc. (Kevin & Theresa Mulqueen, the tenants) requested site plan approval for a change of use of an existing 717 sf vacant space at 3 Main Street, Unit A to a quick service health food restaurant (Playa Bowls) in the RR Zoning District. The location is in the Main Street Historic District and on the first floor of a Village landmarked building. The application is for the interior renovations only with no change to the exterior façade. A parking variance is required from the Zoning Board of Appeals.

2. The Planning Board on January 25, 2021 determined this to be a Type II Action under NYS DEC 617.5 (c) (7) *“construction or expansion of a primary or accessory/appurtenant, non-residential structure of 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.”* Therefore, no further SEQRA review is required.

2. The Planning Board has conducted a duly noticed public hearing on January 25, 2021 and continued on February 22, 2021 at which time all those wishing to be heard were given the opportunity to be heard.

3. The Planning Board has carefully examined the Application and the Architect’s floor plans, interior elevations and parking requirements and a letter from Better Carting Services regarding waste/recycling services for Playa Bowls dated January 20, 2021, comments, and recommendations from the Consulting Village Planner in memoranda dated January 12, 2021 and February 7, 2021, and a denial letter from the Village Engineer/Building Inspector dated January 12, 2021 which they have considered.

4. The Zoning Board of Appeals reviewed the Applicant’s request for a parking variance for five parking spaces at a public hearing held on February 8, 2021. The proposed use is located in the RR district and has a parking credit of five spaces for a previous retail use but requires an additional five parking spaces per the Zoning Code. The ZBA reviewed the application for the proposed use and the denial letter from the Village Engineer/Building Inspector dated January 12, 2021 and closed the public hearing. The ZBA approved the requested variance for five parking spaces at their February 8, 2021 meeting with the condition that a contribution of \$5,000 shall be made into the Village Parking Fund in lieu of providing five on-site parking spaces pursuant to §305-63C(7)(d)(1,2) which is applicable since the property is located within the RR zoning district.

5. The Planning Board closed their public hearing on February 22, 2021. 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 and application. The vacant storefront is situated on the north side Main Street just west of its intersection with North Broadway. Previously, the storefront was a retail space (Star Jewelry). It is proposed for a quick serve health food restaurant (Playa Bowls) with inside seating. The building is in the RR zoning district and within the Main Street Historic District as well on the first floor of a Village landmarked building.

The proposed action is a change of use in an historic district requiring site plan review by the Planning Board. The vacant store front consists of 717 s.f. and includes only interior renovations. There will be no exterior façade changes. There is no cooking involved. The space has the capability to be converted into a quick serve restaurant. The Village Engineer/Building Inspector noted for the Planning Board that if the applicant wished to add cooking, this would be handled through a building permit which would require a commercial type hood with a fire suppression system but would not trigger a site plan review.

The Applicant explained that Playa Bowls is a franchise with two other locations in Westchester County in Pleasantville and Bronxville. All of their new stores have 100% LED technology and use plant-based plastics. The Applicant noted that Playa Bowls sells fruits and vegetables, oatmeal, smoothies, and food types of that nature that do not require cooking. The majority of their business is take-out.

The Village Engineer’s denial letter dated January 20, 2021 indicated that the parking for the previous retail use (Star Jewelry) required 5 spaces. The parking analysis shows that ten spaces are required for the proposed restaurant. Therefore, five additional parking spaces are required for the proposed use. The storefront is landlocked with no on-site parking feasible. Therefore, the proposed use required a parking variance for the additional five parking spaces which was approved by the Zoning Board of Appeals on February 8, 2021. The Zoning Board of Appeals required a monetary contribution of \$5,000 to be paid into the Village Parking Fund for the required five parking spaces, as is permitted by Zoning Code § 305-63(C)(7)(d).

The applicant has provided a letter regarding waste management services for the proposed restaurant. The applicant will be using a private carter (Better Carting) for waste/recycling services. Waste collections will be twice per week and recycling will be once per week. The Applicant indicated that Better Carting is the same private carter as the adjacent Lefteris and Coffee Labs. All of the businesses will have the same collection schedule to reduce the amount of traffic in the rear area. The Village Engineer/Building Inspector advised the Planning Board that the ramp in the back of these stores is owned by the Music Hall. Due to the difference in grade, it is impossible to change the ramp without lifting the parking lot. The refuse area in the back is completely enclosed and contained to eliminate liquids going down the road, which was addressed in a former site plan application. With regard to the

village refuse collection, this service is limited and provided to pre-existing businesses. The village trucks only pick up the garbage/recycling on the street and not in the back of the properties. The Applicant also indicated that their food deliveries will be twice a week using small cargo vans and not large delivery trucks. Applicant will coordinate with the adjacent businesses, Letteris and Coffee Labs, so that their deliveries are not all at the same time.

II. Approved Plan:

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

*Proposed Tenant Fit-Out for Playa Bowls, 3 Main Street, Unit A, Tarrytown, NY 10591* prepared by Tokarski & Millemann, Architects LLC dated 11/6/20 and revised 12/22/20 unless otherwise noted entitled:

- T-1 *“Title Sheet, Symbols, Key Map, Abbreviations, Index and General Conditions”* dated 11/6/20 and last revised 1/13/21.
- T-2 *“Specifications”* dated 11/6/20.
- A-1 *“Proposed Floor Plans, Demolition Plans, Schedules, Partition Types & Notes”*
- A-2 *“Reflected Ceiling Plan, Enlarged Toilet Plans, Interior Elevations, Notes, Schedules & Details”*
- A-3 *“Interior Elevations”*
- A-4 *“Interior Elevations, Details, Schedules & sanitary & Venting Plumbing Isometric”* (the “Approved Plan”).

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

IV. Specific Conditions:

- 1. Based on §305.63C(7)(d)(1,2), the Applicant is required to provide a payment fee in lieu of the five (5) required parking spaces in the amount of \$5,000 prior to the issuance of a building permit.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the site plan application .

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes  
Member Aukland: Yes  
Member Tedesco: Yes  
Member Birgy: Yes  
Chair Friedlander: Yes  
All in favor. Motion carried

The site plan was approved: 5 -0

CONTINUATION OF PUBLIC HEARING–Tarrytown Snack Mart, Inc.- 440 S. Broadway  
Expansion to existing automotive filling station to include a net increase of 776 s.f. to the existing convenience store with store front parking and other related site improvements.

Dr. Friedlander asked if anyone in the public had any comment. Mr. Ringel advised that there is no public comment on this application.

Dr. Friedlander asked if any Board Members or staff had any comment. Mr. Galvin noted that the landscaping plan has been reviewed and approved by Suzanne Nolan, the Village Landscape Architect. There were no further comments from staff.

Mr. Aukland moved, seconded by Ms. Raiselis, to close the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes  
Member Aukland: Yes  
Member Tedesco: Yes  
Member Birgy: Yes  
Chair Friedlander: Yes  
All in Favor. Motion carried. 5 -0

Mr. Aukland read through portions of the Resolution and advised that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting.

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted February 22, 2021)**

**Application of Snack Mart, Inc. (tenant)  
Property: 440 South Broadway (Sheet 1.140, Block 96, Lot 2 and Zone NS)**

**Resolution of Site Plan Approval**

**Background**

1.The Applicant requests the Planning Board to approve a site plan for the demolition of an existing 1,024 sf retail store and the construction of a new 1,800 sf convenience store in the NS (Neighborhood Shopping) zone.

2.The Planning Board on August 24, 2020 determined that the proposed action is 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 building's total proposed gross floor area consists of 1,800 sf. Therefore, no further environmental review is required.

3.The Planning Board has conducted a duly noticed public hearing on August 24, 2020 and continued the public hearing on January 25, 2021 and February 22, 2021, 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 the cover letter from JMC dated September 10, 2020 and February 4, 2021, *Tree Assessment Report* dated September 10, 2020 from Applicant's Landscape Architect, Lucille Munz, *Zoning Compliance Form*, received a Supplemental Memorandum from Development Strategies dated September 10, 2020 and a *Steep Slope Waiver Request* from JMC dated February 4, 2021, and reviewed comments from the Consulting Village Planner in memoranda dated August 11, 2020, September 14, 2020, December 15, 2020, January 12, 2021 and February 7, 2021, from the Village Landscape Consultant in her Landscape Reports dated September 11, 2020, September 29, 2020, and her final review dated February 19, 2021, a Plan Review from the Building Inspector/Village Engineer dated August 14, 2020 and denial letters dated June 18, 2020, September 21, 2020, and October 13, 2020 which they have considered.

5.The Applicant has provided a *Steep Slopes Narrative* addressing the criteria in §305-67.F(1)(b). The property consists of 23,590 sf with 2,143 sf of the site classified as steep slopes greater than 25 percent. Disturbance on the steep slope area consists of 1,709 sf or approximately 9 percent. Over 90 percent of the property remains the same.

6. The Zoning Board of Appeals opened a public hearing on November 9, 2020 and reviewed the Applicant's request for area variances for side yard and rear yard setbacks as well as a parking variance allowing 12 parking spaces where 17 spaces are required. The Zoning Board of Appeals closed the public hearing on November 9, 2020 and approved the requested area and parking variances on that date. Subsequently, the Zoning Board of Appeals opened a public hearing on January 11, 2021 for a variance to allow the state-mandated generator as an accessory structure. The Zoning Board of Appeals closed the public hearing on January 11, 2021 and approved the variance.

7. The Planning Board closed the public hearing on February 22, 2021. 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 and the waiver for steep slopes disturbance are granted subject to the conditions set forth below.

#### **I. Findings**

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant's *Narrative* dated February 4, 2021 is made part of the findings of the Planning Board and described below:

The Planning Board has reviewed and evaluated the *Steep Slopes Narrative* dated February 4, 2021 from the Applicant and the Applicant's Steep Slope Site Plan (C-020) revised February 19 2021 documenting the 1,709 square feet of steep slope disturbance. The Planning Board determines that based upon the findings and reasoning set forth below, the Application for steep slope waiver is granted.

***Neighborhood Character:*** Granting the waiver will not result in an undesirable change in the character of the neighborhood. The steep slopes are located in the rear of the property and disturbance of the slopes only affects the applicant's property.

***Alternate Feasible Method to achieve benefit sought by applicant:*** The benefit cannot be achieved by some other method feasible for the Applicant to pursue due to the steep slopes area being situated at the rear of the parcel where construction of the new convenience store is situated. The steep slopes are present in the rear of the property behind existing retaining walls. The project proposes a larger building with additional parking which necessitate the development of the site into the rear of the property.

***Impact on Other Properties:*** The steep slope disturbance will have no adverse effect or changes on the physical environmental conditions in the neighborhood. The steep slope area in proposed conditions will be stabilized by grading and vegetation to minimize erosion of these areas. Site grading techniques utilizing retaining walls are proposed in the rear of the property. The project also proposes to provide

an engineered stormwater management system which will provide water quality and quantity enhancements and is anticipated to mitigate potential adverse impacts to the site as well as to adjacent properties. The applicant has provided a sediment and erosion control plan to control sediment during construction.

***Consistency of Project with Intent of the Steep Slopes Chapter:*** The applicant states that the granting of the waiver will be consistent with the purposes, objectives or general spirit and intent of the “Visual Character and Environmentally Sensitive Areas” section of the zoning code. The project will result in a stable and maintainable condition which will provide long-term protection from soil erosion and sedimentation and the project provides an improved storm water management system which will minimize stormwater runoff, erosion, and flooding.

Finally, the property consists of 23,590 sf with 2,143 sf of the site classified as steep slopes greater than 25 percent. Disturbance on the steep slope area consists of 1,709 sf or approximately 9 percent. Over 90 percent of the property remains the same.

In addition, 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 also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village’s Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board has conducted an extensive review of the applicant’s proposal to demolish the existing retail store and construct a new 1,800 sf convenience store. The subject property consists of 23,605 sf. It is located along South Broadway in the Neighborhood Shopping (NS) zoning district south of the intersection with White Plains Road (Rte. 119). The property to the rear is owned by the NYS and is bordered by the Interstate 87/287 eastbound off ramp with chain link fence and a sound barrier. The surrounding properties on the east side of South Broadway are commercial businesses in the NS district. The Speedway gas station and Midas are located north of the site and the Honda Service Center is adjacent to the south of the property.

The property is occupied by an existing BP Gas Station with 3 pump islands containing 12 fueling stations and 1,024 sf retail store. Applicant proposes to demolish the existing retail store and construct a new 1,800 sf C-Store. This would be a net increase of 776 sf. Applicant proposes to setback the new C-Store further from the roadway to permit perpendicular parking in front of the store. The gas station will remain including the same number of fuel pumps and canopy. Based on Westchester County Health Department Inspection Report dated 4/24/19 the gas station complies with Health Department regulations. The proposed building will be a brick and glass, one-story structure with a height of 21’. The dimensions of the building are 30’ wide with a 60’ length. The building will adhere to the 100’ special setback from Broadway. There will be no changes to the existing curb cuts at the south and north end of the site. The applicant has provided a note on the site plan that garbage collection to be provided by private carter.

The current BP site is one of three remaining gas stations in Tarrytown. This site does not accommodate large trucks and is primarily an automobile destination used for gas purchases and commuter breakfasts. Applicant proposes to demolish the existing retail store and construct a new 1,800 sf C-Store. This would be a net increase of 776 sf. Approximately 300 sf will be retail space with the remainder being office and storage space. The two existing gas stations in Tarrytown have larger C-stores averaging 2,050 sf. Pervious surface coverage is now 40% (9,342 sf) – this is substantially higher than pervious coverage at the other two gas stations in the Village (1,770 sf - 9% at Shell – 372 S. Broadway; and 6,000 sf – 17% at Speedway - 386 S. Broadway).

As a result of a site visit, a *Tree Assessment Report* was prepared with a revised landscape plan. The new landscape plan shows that the total number of trees to be removed are 13 of the existing 19 trees. It is proposed to plant new 12 trees instead of 7 trees as replacements. These consist of 6 Red Maples, 3 Burr Oaks and 3 White Pines. The existing trees at the front of the property will remain and are noted for protection during construction. New trees such as Red Maple (October Glory) and shrubs will be planted on the north and south sides of the property. Burr Oaks (3) and White Pines (3) will be planted in the rear yard to replace trees proposed for removal. A row of Cedar trees is located along the south side of the site on the Honda Auto Center property.

While the applicant was prepared to shift the building to the south, they agreed with Ms. Nolan and Mr. Bartlett not to change the location of the building. Therefore, the revised site layout was similar to the original site plan with minor modifications. These minor changes included the original retaining wall design has also been modified to comply with the Village code by providing a two-tiered wall design with a maximum height of 6 feet. This two-tiered retaining wall with a height of 6' is being located at the northeast corner to create a level planting area at the top for new trees.

The property has 2,143 sf of steep slopes greater than 25% (0.05 acres) or 12% primarily in the rear yard. It is estimated that there will be 1,399 sf or 9.3% to be disturbed. Applicant has provided a *Steep Slope Narrative* requesting a steep slope waiver from the Planning Board.

Applicant received area variances including a parking variance from the ZBA on 11/9/20 and a variance to allow the state-mandated generator as an accessory structure on 1/11/21. JMC has provided a steep slopes waiver memorandum as well as stormwater compliance based on the ZBA approved siting. Applicant has provided a SWPPP dated 2/4/21 for the project since it has a soil disturbance greater than 5,000 Applicant as defined in the Village Code. The proposed drainage improvements include a variety of stormwater practices, such as a biofiltration system, subsurface detention system, and a hydrodynamic separator for water quality. After treatment for water quality and peak rate attenuation, stormwater discharges from these systems will drain to the existing stormwater infrastructure. Vegetated practices and overland discharges provide multiple opportunities for water quality enhancement in addition to the proposed stormwater management basins. The SWPPP, stormwater management and erosion and sediment control plans have been reviewed by the Village Engineer.

In response to comments from the Village Engineer, applicant has revised the previously proposed tiered wall design adjacent to the northeast corner of the proposed building. The plan has been revised to provide a single gravity block retaining wall with vegetation on the top of the wall. Additionally, boulders

are proposed on the top side of the retaining wall along the property line. The Village Landscape Consultant’s final review indicated that the landscape plan shows the removal of eleven trees which will be mitigated by the replanting of 15 exclusively native trees including red maples and red oaks plus evergreen trees. The applicant is now utilizing the White Spruce species rather than Balsam Fir per the recommendations provided in the Landscape Consultant’s review letter. The applicant has added an additional section of temporary construction fence to encircle the two existing white pines along the northern property line. The applicant has revised the landscape plan in accordance with the Village Landscape Consultant’s final review. The conclusion of the Village Landscape Consultant’s review was that the planting plan is an appropriate mitigation for the proposed removal of trees on the site.

The erosion & sediment control plan has been revised to provide additional separation from existing trees to remain adjacent to the north/south property lines and the temporary chain link fence. Additionally, the tree protection depicted on the erosion & sediment control plan has been revised in the vicinity of the property’s frontage to encompass the entire planting bed which contains two trees to remain.

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:

Civil Engineering Plans for *Tarrytown Snack Mart, Inc. (Applicant), Tarrytown BP Station, 440 South Broadway (Route 9), Village of Tarrytown, New York* prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC dated August 6, 2020 and last revised February 4, 2021, Preliminary site plan and wall elevations prepared by Civil Design Professionals dated January 15, 2021 and Lighting Plans prepared by WLS Lighting dated July 27, 2021 and last revised February 19, 2021 unless otherwise noted entitled:

*Civil Engineering Plans prepared by JMC Engineering.*

- C-000 “Cover Sheet”
- C-010 “Existing Conditions Map”
- C-020 “Slope Analysis & Tree Removal Plan”
- C-100 “Layout Plan” dated 5/26/20 and last revised 2/19/21.
- C-200 “Grading Plan”
- C-300 “Utilities Plan”
- C-400 “Erosion and Sediment Control Plan”
- C-500 “Landscaping Plan”
- C-900 “Construction Details”
- C-901 “Construction Details”
- C-902 “Construction Details”
- C-903 “Construction Details”
- C-904 “Construction Details”
- C-905 “Construction Details”
- C-906 “Construction Details” .

- C-907 “Construction Details”

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*Lighting Drawings prepared by WLS Company .*

- Sheet 1 “BP Station, Tarrytown, NY” dated 7/27/20 and last revised 1/22/21.

*Civil Design Professionals*

- “Preliminary Site Plan”
- “Preliminary Wall Elevations”

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(the “Approved Plans”).

*Stormwater Pollution Prevention Plan (SWPPP) for Tarrytown Gas Station , 440 South Broadway, Tarrytown, New York prepared by JMC Engineering dated 2/4/21.*

### III. General Conditions

1. **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.
  
2. **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.”
  
3. **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.
  
4. **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.

- 5. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- 6. 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.
- 7. Landscaping: All landscaping on the approved planting plan 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 and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the site plan application.

Dr. Friedlander asked for a roll call vote:

- Member Raiselis: Yes
- Member Aukland: Yes
- Member Tedesco: Yes
- Member Birgy: Yes
- Chair Friedlander: Yes

All in favor. Motion carried

The site plan was approved: 5 -0

CONTINUATION OF PUBLIC HEARING– Ferry Landings, Inc. – 41 Hudson View Way

Dr. Friedlander excused himself from the meeting and asked Mr. Tedesco to chair the meeting in his absence.

Mr. Tedesco asked Mr. Ringel to begin the public comment period.

PUBLIC COMMENT PERIOD

Sharon Kashen, 45 Hudson View Way, said most of comments of the last two meetings have nothing to do with the Cooney application. There have been concerns about roadways and traffic in the community when Edge on Hudson comes on line and complaints about defective construction on prior buildings, but very little about the

proposed improvements to the existing Cooney building and the park addition where a gravel pit now exists. This approval should be an easy one compared to the other projects in Hudson Harbor. The building already existed before the developer bought the land. It was always used for commercial purposes. The proposal is to beautify it and build a park next to it. She has heard that this project has dragged on too long. If that is the case, then why is it being held up by concerns that have nothing to do with this application? She asked the Board to close the public hearing and approve this application this evening.

Kevin Duignan, resident of Hudson Harbor, supports Sharon Kashen's comments. He implores the Board to move forward with the approval of the Cooney plan. The approval of the plans and the completion of the building would be a huge step forward in improving the quality of life and a dramatic improvement to the appearance of the neighborhood for all Tarrytown residents to share. Any delay in moving forward would only reward those that are least invested and least affected by the fact that the building remains in the state that it is.

Kevin Doyle, 20 Orchard Drive, respectfully disagrees with the two prior commenters. He thinks it is important to address all the issues surrounding the impact of the Cooney Building and the future development plans for the Gatehouse site. Most notably, the roads are a concern and most residents are heavily in favor of the Hudson Harbor streets being accepted by the village and maintained as public streets. All of the streets are public in nature and get a lot of use by cars and pedestrians in the entire community. With further developments contemplated for Hudson Harbor, these streets are bound to become even more public. For reasons of basic fairness, residents have bought on the assumption that the streets would be accepted by the village and it is important that this matter be analyzed holistically.

John Cooney Jr., 45 Hudson View Way, is in full support of application as presented and urges the Planning Board to close the public hearing and move the project forward. He fully supports the plan as presented, including the park. With regard to why the completion is taking so long, this building, and the parking lot have been occupied by Tappan Zee Constructors for over five years, which was approved by the village. The waterfront of Tarrytown is something that the Planning Board and Village Trustees should be very proud of and this piece should be finished as soon as possible.

George Lane, resident of Hudson Harbor, firmly believes that Mr. Cooney is correct. The completion of this project will only add to the beauty of the other projects. It has gone on long enough and he would strongly appreciate anything the Board can do to get the project commenced.

David Karel, Vice President of Hudson Harbor Lighthouse, expressed his strong support for the Cooney Building site plan application. He urges the Board, as others before him have tonight, to vote upon a resolution to enable the site plan to proceed. The owners

and residents of the Lighthouse are the most impacted by the present conditions. Right now, there is a beautiful waterfront marred by these two properties. The master plan was approved years ago, which included the Cooney Building and this park. The motives behind those who have sought to protract this project have not expressed objections to the proposed park or to the building. There is no reason not to approve it. He has asked the Board in prior communications and at prior meetings if there is no variance being sought and if this Board have any legal ability to block or otherwise deny this application. He asked if this Board has the authority to say that they want the Village of Tarrytown to engage in a litigation with regard to the propriety of any decision that makes. The pocket park was to be built 90 days after the completion of 45 Hudson View Way. That timeframe elapsed years ago. There is no reason for that park not to be built, nor for Cooney building, not to proceed. Whether or not the roads are dedicated to the village, whether or not the village is obligated to accept the offer, he would like to know if National Resources or any other entity have any obligation to provide plans for any other parts of the project other than the Cooney Building and the park, because he doesn't think so. In as much as the Master Plan has been approved, and they are not seeking a variance, he strongly urges the Board to permit the site plan to go forward.

Mark Fry, who lives in Ossining, was deeply involved with the Hudson Harbor approvals from 2001 to 2006. He is glad to see the 110 feet in width pocket park directly adjacent to the site. He objects to the proposed amendment to the park plan. He does not think making the park an irregular shape instead of a rectangular shape makes sense. He doesn't agree with the basic concept, after a master plan is approved, to substantially change it since the park was guaranteed for the people of the Village of Tarrytown. With regard to the streets, in order for them to be dedicated, they must first be brought up to village standards, with a number of encumbrances removed. He thinks that could be required as a condition of a site plan approval, because that is something that has been hanging. Those streets should never have been encumbered with those perpendicular parking spaces. The Gatehouse, of course, is not part of this application. He would love to see it completed. The developer made the decision to make a very substantial amount of money by renting that property to Tappan Zee Constructors, which was the cause of delay. This project has gone on for 16 years and is still not finished. All of that delay is not caused by the public, but rather by the developer himself. He feels it would be a big mistake for the village to rush this to completion and it is time to get the road issue resolved as a condition of this site plan approval.

Gary Friedland, resident of W. Main Street in Hudson Harbor, said the Planning Board went into Executive Session at their last work session to discuss whether the internal roads were conforming to village standards. He believes that a number of the challenges and objections at this meeting could easily be resolved if the Board answers this question now. He is surprised that this meeting started with public comments, as opposed to a presentation from the Board advising the public of the status of this critical issue. He fully supports the development of the Cooney Building and has only minor questions about it. The real issue pertains to the impact that Road E and other roads

will have, which is a part of this application. He wanted to comment on the roads tonight, but his comments were dependent upon the Board's determination of the roads. He thinks it is backwards to ask the public to comment with the threat of closing the public hearing, without telling the public, after 15 years, whether these roads will conform or not, and whether they're capable of being public. He apologizes if he doesn't understand the process but he does not think it is fair to the residents of Hudson Harbor. He has no forum to speak with the Board. Mr. Cotter, who is a repeated violator, has had the opportunity to speak countless times, but he doesn't come to meetings. Mr. Friedland feels that no one is addressing his concerns. He has sent letters to the Board and village staff, and gets no response to fundamental, simple questions. He apologizes for his tone but it is just frustrating not to get answers. His concerns are substantive. He feels he has a legal basis for his claims, including statutory provisions in the code, that he thinks may have been violated. He would like to have a forum to discuss it.

Before going to the next speaker, Mr. Tedesco said there are many concerns with the resolution of the roads and we need to decouple that issue from what is before us, which is the approval of the site plan for the Cooney Building. He wants to assure the public that the Board does not close the public hearing until the evening that they consider voting on the site plan before them and that the public hearing will not be closed this evening. The Planning Board will ask the applicant to submit a plan to the Board depicting the roads to be brought up to village standards. That plan has to be acceptable to the Planning Board and would be a condition for the granting of a certificate of occupancy for the Cooney Building. This granting of a Certificate of Occupancy for the Cooney Building doesn't have to be coupled to the site plan approval. The proposed action is covered under the SEQRA approvals and findings that have already been granted. The Village Engineer has confirmed the application as being 30,000 square feet of office and related storage. Thus, no further SEQRA review is required for this application. He may recommend later on in the evening that Planner Galvin draft site plan a resolution that will include certain conditions that we might want to add to it. Everyone should realize that we don't have to get hung up on the road issue being coupled to the site plan approval for the application. The road issue will be dealt with and made a condition to obtain a Certificate of Occupancy for the Cooney Building itself. He asked Mr. Ringel to promote the next speaker.

Ms. Raiselis said we are all in accord about the roads. She thinks the village would like the roads to be dedicated but they need to be brought up to village standards. She believes that a request was made of the applicant to provide a plan to show how this can happen but she has not seen anything yet.

Counsel Zalantis wanted to clarify that bringing the roads to village standard so they can be dedicated is going to be a potential condition of this site plan approval. This work will need to be done prior to the issuance of the Certificate of Occupancy.

Ms. Raiselis thinks that it is in both the Village's interest and the residents of Hudson Harbor to have this matter resolved now rather than kick it down the lane and she agrees that it become a condition of the site plan review. She wants the public to understand that the Board is trying to make all of this work.

Counsel Zalantis is concerned that the entire project is nearing closure. Besides the Cooney building, there is only one other area of Hudson Harbor to be developed. This needs to be addressed in the resolution in order to protect the village if the developer walks.

Mr. Birgy thinks it is important to hear from the developer what their plan is for the unfinished last segment. It would be helpful to alleviate the concern that this project will not be delayed for another 10 years. He is sympathetic to the residents of Hudson Harbor, who want the Cooney building done as soon as possible, but he thinks there is a larger responsibility the Board has to the taxpayer to ensure that the project get completed in a timely manner. There is a definite split in what the residents would like to happen.

Mr. Tedesco said if the applicant can provide a workable plan for the roads in order to bring them up to village standards for review and discussion at the work session, this would make it possible to add a condition of site plan approval that the road issue be resolved before a certificate of occupancy is issued for actual Cooney building itself.

Mr. Pennella wanted to point out the differences between the plans that were submitted on December 24 and the current submission. In response to his plan review, the applicant has removed most of the parking in the ROW on Road E. A local road could work there since there is a 30 foot paved area for vehicles to pass through. So road E from Division Street to Hudson View Way has been brought up substantially to our standards. There are other items he has discussed with the applicant's engineer like landscaped islands, etc. that also need to be addressed. He has also made some suggestions to modifying roads, which included making some roads one way, which would have to be approved by Mr. Cotter. If some areas are one way, there would be no need for the full two lanes of travel and could address some of the parking issues. So the plans have changed substantially from the first submission and we are moving forward in the right direction. He suggested that the applicant speak to update them on their progress and how they would like to handle the internal roads.

Mr. Aukland noted that he would not want to hold the Cooney application for the road issue up but we must understand that the right parking configurations must be set up.

Gary Connelly, President of the Board of Managers for the Lighthouse, speaking on behalf of the residents expressed his full support for the revised plans for the Cooney Building site plan application including the open space garden. As the neighbors who directly are contiguous to the Cooney Building, they are most impacted by this application. He wants to assure the Planning Board that they have no objections to the

open space garden in terms of its location, design and layout. This Public Hearing is regarding the Cooney Building site plan, and nothing else, and he would ask that the other Hudson Harbor residents do not speak for the almost 100 Lighthouse Condominium residents. They strongly urge the Planning Board to focus on the application before them and do not delay it any longer.

David Brittingham, Hudson Harbor resident, noted his comments to the Planning Board in the January 13th letter from he and his wife, Carolyn Summers. They strongly oppose any site plan approval for the Cooney development until all outstanding obligations of the developer have been identified and addressed, including the public road issue. It is reassuring to hear just now that the intention is to have a plan presented by the developer to bring all of the roads up to village standards prior to and as a condition to the site approval. It is not possible to comment about that plan without actually seeing it first. It is entirely possible that the resolution of the public road issues will be inextricably intertwined with how the Cooney property is developed. At the Board's prior work session, it was noted that the right-of-way concern on the eastern portion of Hudson View Way can be addressed by moving the Gatehouse property line to the north. Well, the same is true of the western part of Hudson View Way with respect to the Cooney property line being moved north as well. Any private parking encroachments on the right-or-way can be addressed by requiring the provision of alternative parking on the adjacent property. So before proceeding any further, it is important not only to have a definitive plan from the developer for resolving the public road issues, but to schedule a meeting with Hudson Harbor community representatives to discuss those issues in detail, including their proposed resolution, together with the developers remaining obligations with a timetable for completion and to answer the public's questions. We would also ask that prior to that meeting, the village make available on its website or otherwise electronically, all relevant documents, so that the public can comment in an informed way on these issues. It would also be very helpful to have a copy of the Village Attorney's report on the developers remaining obligations and we would ask that the Board provide written responses to the public's comments and questions, as was indicated at the last public meeting.

Anisha, a carriage house resident on Orchard Drive, thanked the Board. There is no disagreement that the developer has done a lot to improve the area, but she opposes moving forward of this plan, as do others tonight, who have raised a concern on the developer getting approval piece by piece on little projects that have not been addressed with open issues outstanding for years. She does have assurance from most of the Board Members today, including Ms. Raiselis, Mr. Tedesco and Counsel Zalantis. This reassurance definitely helps in that there will be a prerequisite to addressing the street issues by the developer before any further approvals are provided are offered to the developer. However, it will be good for them to see that in writing, because there have been assurances and what we, as people living in this neighborhood, have observed, there's definitely beautification, but the quality is a disgrace. There are other issues that are not the village's problem, but there are serious defects in the workmanship of these buildings. With regard to the streets, there is a

process and we had requested this in the previous meeting. The process includes the developer requesting permits, the village approving those permits and post inspection. She would like to know where the failure occurred in this process to allow the existing conditions. Somebody would have inspected and provided those approvals. Despite that today, we are saying, let's approve this next project. Yes, all of us have different needs and we are all looking selfishly at our own needs. So is she. It is the survival of the fittest. The carriage houses would be most affected by the existing street issues that are not conforming to the village standards. She requests the Board to kindly look at those defects and see what is needed to get them to conform to village standards by the developer before providing further approvals.

Peter Zeltner, resident of Orchard Drive, is very concerned about the roads and how this will impact them. The roads are used as a public thoroughfare as well as by the sanitation trucks. He does not want to belabor the point, but they need to get this matter resolved. He agrees with Anisha, Kevin and Gary Friedland have said this evening. He thanked the Board for all the work they have done to resolve this difficult situation, but again the road issue is very important to them.

Betsy Petrucci, 45 Hudson View Way, urged the Board to close the Public Hearing tonight and approve the Cooney Building application and adjacent park as presented. She supports Mr. Tedesco's comments and believes that the road issue and this site plan should be looked at as two separate issues. There is an existing application to complete a portion of the Hudson Harbor project that has been approved with the Master Plan. Certainly, it was with this knowledge that this would be done, when she and her husband purchased two and a half years ago. It has very been difficult living next to a vacant building and a vacant lot. She also pointed out that there has been no other piece of this project that she is aware of where additional conditions are being added to getting it done. With all due respect, the people who are objecting and raising concerns about the roads do not live anywhere near the Cooney Building. They live in the part of Hudson Harbor that is finished, well landscaped and not subject to any more construction noise. That's not the case with the residents who live at 45 Hudson View Way and it certainly has dragged down the value of their real estate and has had a very negative effect on the quality of life. She thinks this should be considered and urges the Board to proceed with the Cooney Building and park, and address the other issues separately, which she feels is the most prudent and fairest way to go.

Mr. Pennella wanted to clarify that they are looking at these plans very carefully. According to the plans submitted, there is no access easement to the garage at the Lighthouse. If there is no access to this garage, then tomorrow, they could decide to gate it. This is why it is important to do a thorough review to ensure that critical items are not missed and the residents of the Lighthouse are protected. We have asked the applicant to provide this information. He wants to move this project forward, but there are certain issues that have to be resolved. He is pleased that the applicant has made significant changes from the prior plans.

Dipo Ashiro, resident of Hudson Harbor, disagrees with the views to expedite this application. He takes exception that those who are raising the concerns about the roads are the least vested folks. We are all taxpayers, homeowners, residents who have children in the local public schools. He thinks it is a mischaracterization to state that the folks who are raising these questions, have no vested interest, will have the least vested interest in making sure this thing goes the right way. Secondly, he thinks the concept of decoupling the roads and approving the project that's been discussed, and then making the roads issue a precondition to the certificate of occupancy might be misguided. This is simply a question of leverage. We are dealing with a developer who says all the right things, but his words are meaningless, because he lacks integrity and has shown that over and over again. The reason why we are combining the issues is because we know that you have leverage when someone still has a lot of work to do down the road. The moment you keep approving things in a sort of incremental manner, it gives them more room to finish more and more of his project and less of a vested interest at that point, to finish the rest of it and, he might just walk away when he feels like enough money has been made. So, they do care. They know that finishing the project will add beauty to the area and they think the park will be an improvement. All of these things are true, but to elevate the concerns of Lighthouse owners above those of other residents is not right. The Board has a responsibility to hold the developer accountable to the Master Plan and to make sure the roads are brought up and accepted by the village. When you decouple issues, you only do so if they are truly independent issues that have no negative effects on others. That is not the case here. He urges all not to be myopic and short sighted in trying to approve this project, to get it expedited quickly, and to look at everything holistically to make sure that the needs of the entire residents of both the Lighthouse and Hudson Harbor are considered, so that years from now, everyone is pleased with the final resolution.

Susan Cooney, resident of Hudson Harbor, calling in to echo those opinions that have been stated that it is time to move forward with the proposed site plan application for the Cooney building and open space. Aside from the village looking out for them, which of course is appreciated, she believes that ample time has already been given for the Planning Board and the public alike with regard to asking questions and making comments specifically related to this application. Contrary to some of what has been said tonight, any other concerns such as parking roads, feelings about the developer, should not be held as collateral conditions for approval of this specific application. She feels that for the betterment and benefit of her neighbors in this building, the residents of Hudson Harbor, and the broader Tarrytown community, the application should be approved without further delay as a standalone application. She firmly supports this and thanks the Board for their time and consideration.

Penny Bednowitz, a carriage house resident, has lived here for 3 years with her husband. She is very concerned about the roads. She understands that the Lighthouse residents want the project finished as it has certainly been a very long time, but the roads need to be done in conjunction with this project. These roads need to be public roads and they need to be brought up to standards in order to be treated as public roads.

She hears the trucks go by, causing wear and tear on the roads, and the only way they are going to be taken care of will be by the DPW of the Village of Tarrytown. She would like these issues treated together to get both matters resolved. She thanked the Board for their work, which is appreciated.

Calvin Chen, President of the Board of Managers at Hudson Harbor I, thanked the Planning Board and is encouraged by Counsel Zalantis', Mr. Pennella's and Ms. Raiselis' comments. They feel the pain of their neighbors at the Lighthouse and they also want to get the project done, but they want to make sure that the streets can be handed over to the village. They all share a common goal to finish these projects and to make sure the developer fulfills his obligations. This hearing is not about relationships as there is a long history. The goal of making sure this development is completed is for everyone's benefit. He likes the suggestion that the applicant should meet with the Planning Board, and maybe have a forum.

Craig Singer, lives at Hudson Harbor with his wife, across from the subject sites, still not completed. When they moved in, they were led to believe that they could look forward to the lots being converted to a beautiful addition within several years, along with the Cooney building. He and his neighbors would have never ever conceived of the circumstances they face today. He appreciates the Board's comments and possible solutions. The residents are frustrated and impatient. He feels that this problem can be resolved through discussion and suggested that this take place with people on various sides of the issue, including Gary Friedland. Hudson Harbor is a public jewel for the village, the residents, guests, and yes, those of us who live in Hudson Harbor, now, and for generations to come. There is obvious risk, and any response to this matter based upon incomplete information, or purportedly based upon self-induced alleged urgency. The developer has had years to work this out and now is his time to step up. Mr. Cotter is a very sophisticated man, more than capable of coming up with a solution. Like all of their neighbors, all they want is to live their lives in quiet enjoyment at Hudson Harbor which is not too much to ask. Hudson Harbor is an important part of the resurgence of Tarrytown, which benefits the entire community. He recommends that decisions be made with this in mind. His neighbor's inquiries deserve thoughtful answers and serious considerations. The roads are not the only issue. He would like to know when Hudson Harbor will be finally completed, as agreed, as with what assurances. It is obvious that we have reached the exquisite moment when a full accounting is mandatory. The issue is not whether people like Joe Cotter or not, it is entirely performance oriented. Now is the time for Joe Cotter to step up and he asked Mr. Cotter what he is proposing to do here to solve our mutual issues. He recognizes the complexities involved with developers today. Ultimately, the effectiveness and the view of fairness by the village is of our utmost importance as crucial elements in the history of our village and the legacy of its leadership.

Rafael Soltren, of 45 Hudson View Way, a physician in this community for 30 years, had a written statement but has listened tonight and it is important to change your outlook as you get more information. He lives across the street from the rubble and abandoned

building. He grew up on the Lower eastside of Manhattan, watched the World Trade Center go up and the South Street burned down with the neighboring residences built. For years, he lived across the street from rubble, and a miraculously abandoned building that survived the fire. It is ironic to him that he now lives across the street from rubble in an abandoned building. He appreciates Dan Pennella's assessment about the legality and the structure of what is to be there. He has not heard a lot of comments about the Cooney Building and the people who are still suffering. He has not heard any objection to the park. He has heard a lot of comments about roads, which he thinks are important. He asked if there is no objection to the park and the Cooney Building, then why can't we resolve this difference? The roads are important, but it is not survival of the fittest. This is a community event and all of us need to get behind the project, find out what it is that is stopping it, and move on to make it better. The Gatehouse will be another project later on in future, and he may join some of the other people who have spoken out against it, once he sees the plans. For now, he wants to make this a better and safer community for all. Let's get the roads done, but in the meantime, there are 100 people who are suffering here. The opponents of this project don't realize the daily stress these people are suffering and they need to get rid of this stress.

Maria Marzan, lives across from the Cooney Building. She is asking the Planning Board to approve this project with the open garden space. She does not think that the roads should have anything to do with the site plan application before the Board. There are approximately 40 families that live here and she is getting very emotional about the fact that her neighbors are not understanding what they live through. She thought this project would be well on its way to completion once Tappan Zee Constructors vacated. That is not the case and the reality of living in an unsightly and unsafe compound for the lack of a better word has become our day to day living. The residents must enter and exit through a chain link fence, walk or drive by a gravel pit, and stare at a vacant ugly building. They have no choice. There are no sidewalks. She can't even think about the roads when they don't even have a street, with little hope of a resolution. As residents, they deserve to live in a safe and decent place. Her family urges the Planning Board to approve the building and open space site plan and deal with the roads in the future. She is not talking hypothetical here, she is talking about real life concerns. This approval will alleviate their concerns and they will work together to resolve the other issues for the benefit of all residents.

Michael (no last name given), a resident of Hudson Harbor, said that no one wants to delay this project. They just asked that the village and the developer commit to making all the roads meet the village standards and commit to taking the roads over. Rafael Soltran and Maria Marzan should have been living here in 2011. They were living in a construction zone worse than this and for a lot longer. They have suffered for Cotter's dishonesty, building and planning practices. They were told that the real estate values are going to go down. He suggested that they consider the cost of living here will go up dramatically if they own the streets and are responsible for maintaining them and the streetlights, sidewalks, curbs, and the liabilities that come with it, not to mention the Town of Greenburgh reassessment for taxes.

Paul Stone, resident of Hudson Harbor, agrees with Gary Friedland and David Brittingham about the need to get a comprehensive assessment of what is substandard with the roads. They need a definitive list from the village about what needs to be done and how the developer will address the problems, and if they are his problems. If the plans satisfactorily conformed to the village requirements at the time, something has gone awry since then; either we are applying new standards or the developer didn't build them according to plan. This needs to be addressed now and not later. He heartily agrees to not decouple these two issues, and that it is a condition that the developer address any deficiencies that are created by the developer before further construction. It will also be helpful for us to be able to access the documents either in person at Village Hall or online so that they can understand where matters stand. He thanked the Board for their important work.

Amy Jaffe, lives in the Lighthouse, expressed her full support to move along with the project for the Cooney Building and open space. She, along with her husband and neighbors, have had to contend with the eyesore of the Cooney Building and chain link fencing around the property for over two years. Finishing this project will protect their property values and the property values of everyone else living in this beautiful waterfront community. She appreciates the Board looking out for their interests with regard to the easement of the garage, but she is frustrated at the delay in approving this project and she hopes it can be approved as soon as possible.

Mike Cohen, Treasurer of the Lighthouse, said that his neighbors and fellow Board members have articulated his position extremely well, especially Dr. Soltran. They are in support of getting this project done as soon as possible. To the folks that oppose this or have some kind of nirvana fantasy of perfection, the Cooney Building is in their backyard, they see it, walk by it and live with it on a daily basis, and they have to deal with all of its residual consequences. Those folks who want perfection say they feel our pain, but they are not in pain. His residents are the ones suffering and there does not seem to be a resolution. He is surprised that all of a sudden, somehow the roads are becoming a condition of the Cooney Building certificate of occupancy. It is his understanding that the village approved all the other phases and the roads and the layouts. It's also his understanding that they do have that easement to the garage. He would appreciate an answer to this question, since here we are in the eighth or ninth inning, and this is the first time hearing that the Cooney Building is going to be a function of the roads. He wanted to know why this hasn't been discussed or mentioned in the private meetings. I guess, as other folks have pointed out, the focus has somewhat been lost and that is distressing. He almost feels that they are the forgotten residents. He asked that everyone stay on track and his specific question about the easement and whether or not in the village approved these other phases is accurate because it seems to be the sticking point.

Joyce Lannert, of Hudson Harbor, noted that several times the Planning Board has been asked to provide specific answers to questions that have been posed before and

she would like to state again that they really would like to have that. The reason for the issue with the roads is because, when they looked at the Cooney Building plan, it was blocking road E from becoming a public road and if that road was blocked, then there's no discussion about the rest of them. So they had to ensure that road E was maintaining the width that would allow it to be public. When they moved in here, as Michael Cohen pointed out, the village approved all those roads, so she why now suddenly is there a question that they might not be fitting. With regard to the Cooney Building itself, it will not only affect the people living at the Lighthouse. How the property is developed will affect everyone. The appropriate parking, density and traffic concerns matters to everyone. Also, the application was originally presented as 32,000 s.f. building which would have triggered a SEQRA review. We are now learning that they are proposing 30,000 s.f. She would like to understand how it went down to 30,000 s.f. since they live here and have not seen any demolition taking place. With regard to the number of floors, in the zoning code, it says anything over an excess of 14 feet shall be counted twice because it is so easy to add another floor after the time. She would like clarification on this as well. They don't want this segmented, piece by piece, since it could result in a total project that is not what they thought they were getting. This is why it is important to address the roads and the parking and everything all at once.

Katherine Sue Takata, a 5+ year resident of Hudson Harbor, is sympathetic to the residents of the Lighthouse but wants to express her full support for holding the developer fully accountable to bringing the roads up to village standards before any approval is granted to him. As was said earlier, let's not kick the can down the road. She is in full support of Joyce Lannert's comments.

Evelyn Marzan, 30-year resident, who currently lives in Continental Manor, has relatives who live at the Lighthouse. Every time she visits, if it is late, she has to get escorted outside because she never quite knows what is happening there. She agrees that the streets in Tarrytown should be up to code. She fully supports this application. It is not fair to the people who live at the Lighthouse who were promised that this would be completed years ago. As she walks to the RiverMarket from the Lighthouse she leaves an abandoned lot and enters into beautifully aligned streets which she feels is unfair.

Anne Cohen, Lighthouse resident, who raised her family in neighboring Irvington for 25 years, downsized and moved to Hudson Harbor after her husband passed. She is in full support of this application as presented. She is also a dog owner and has had to stop using the north entrance of our building late at night. She is an RN and when she goes to work very early in the morning she also does not feel safe walking by the empty building. In addition to being an eyesore with broken windows, stray cats, she believes that the building and the gravel pit is a safety and health issue. She would very much like to see the application move forward without further delay.

Jean Calderone, resident of Hudson Harbor, had a planned speech but said we are all fighting with each other when this is in Cotter's hands. He can easily confirm that he is going to get those roads up to standards. He is responsible for the roads not being up to standards, and he'll post a bond and to secure that he is going to take care of the work.

They don't trust Cotter and that is the problem. They are not against what the residents are saying at 45 Hudson View Way, but these residents do not know what he's done in the past and what he will do to them in the future. That's what happens. He makes promises. Ms. Ward is here but she doesn't understand why Mr. Cotter does not come to the public hearing. We must make sure that he makes a commitment to finish this project, including the Gatehouse lot. If we let him get away with it now, maybe he will just let everything sit in his control. The residents of the Lighthouse need to understand that. Thank you very much and posting the bond is critical.

#### END OF PUBLIC COMMENT

Mr. Tedesco asked if the applicant would like to speak.

Lynne Ward, with National Resources, addressed the Board and stated that in terms of some of the facts, there is a little bit of a lack of institutional memory now, because time has passed. The Planning Board and all of the previous village engineers have legally approved and accepted each site plan and all subdivisions at every step of this development. All of those approvals are available in Village Hall for everybody to look at. The development was built in accordance with those drawings, they were inspected, and approved. In regard to the roads, which are very important, they are built to village standards, it is the village's determination as to which roads will become public. The village previously did not seek to take the roads because there is a large financial obligation in terms of their ongoing maintenance and repair for many years. So the village, like many other villages in which she has worked with, decided not to take the roads, and therefore the roads were not brought up to the standards of a public road. That will be done immediately upon the village accepting the deed on the roads. There are a couple of other things that she would like to point out that have been incorrectly stated tonight. She will be happy to show the easements on the screen but they have been recorded against the deed and they are shown on the plans. Finally, as they have always done, they will do precisely what is legally required here. They will commit to the roads. They will do every requirement that is asked of them as they have done through all these years. There are a great number of people here this evening making slanderous remarks, which is really inappropriate at this stage. There are also remarks being made about the ownership here and she stated that she is a 50% owner of this development for all the women who should hear that.

Mr. Cotter thanked the Board for their time and it was confirmed that Stan Friedlander may be listening but he is not on the screen. Mr. Cotter wants to make it very clear to the residents that every phase of this project, including the roads, sewers, and sidewalks was built exactly to the approved site plan. The village engineer, at the time, accepted every road and sidewalk as a condition of the Certificate of Occupancy for each phase. Everything was built exactly to those specifications. Somewhere, approximately year six or seven into the project, the village decided that they did not want to own the roads because as they didn't want the financial obligation. Now, people are saying that the developer is somehow abrogating his responsibility, which is not

correct. He noted that they have been plowing and maintaining the roads. Frankly, they could be privatized, which maybe would solve a big problem with the concerns about Edge on Hudson. Secondly, someone made a very good point about DPW trucks. There are a host of issues, where the village was not supposed to be driving through Hudson Harbor with their garbage trucks and various other DPW vehicles. He would welcome an open forum to discuss these issues. They are very willing, open and able to sit down and try to finish this project and do it in a very harmonious manner and successfully complete it. He is hoping that Ron Tedesco and some of the Planning Board members, who do have the institutional memory, could find it within themselves to sort of reach back and piece together the history. It is very clear that they have been held to a very high standard and no one believes that the village would allow Certificate of Occupancies in various phases if the roads and sidewalks were not completed to the standards discussed. He thinks this entire issue could be resolved very quickly, with good faith by all parties, but everyone needs to acknowledge and recognize the fact that the village chose not to take the roads. What really should happen is the site plan for the Cooney Building should be approved, the village should step up and acknowledge its role in the roads and why they chose not to take them. They have been silently bearing the cost with the hope that better heads would prevail and unfortunately, COVID has prevented in person meetings. The zoom calls are impossible. It's hard to judge people's feelings. We are all trapped and he appreciates everyone's frustration. He noted for the record that he held a meeting almost a year ago with the representatives from every homeowner's association and discussed a plan because of concerns about them applying for a project with the new SAO zoning. At that meeting, every homeowner's group supported their plans for finishing the project. Somehow along the way, they have been distracted but they are very committed now and welcome an opportunity to finish the project in a good manner. It's a spectacular project and the Planning Board had a lot of input and really helped us create a better project. Now that it is near finished, Tarrytown is a jewel, and he does not apologize for the work that they have done. He would encourage the Planning Board, particularly Chairman Friedlander and Mr. Tedesco, who has one of the best memories probably around, to remember exactly what occurred in the past with the roads. He asked, "Do you think we want the roads 16 years into this? Don't you think it would have been helpful to us, for the village to take the roads five years ago, 10 years ago? It hasn't happened. Why? Because the village didn't want to spend the money."

Mr. Tedesco said that he does have a long memory of this as well as Stan Friedlander from the very get go. It seems like a century ago, when we began this whole Hudson Harbor project. He understands that the village, at one point, did not want to accept the roads as public roads, and was not interested in doing that, but let us talk about the present. He asked Mr. Cotter if he would be willing (before the next work session), to submit a plan that would depict the roads to be brought up to village standards presuming that the village is welcoming that these roads become public roads. We could then evaluate the plan to see if it works, and get it done along with a timely approval of the Cooney Building application.

Mr. Cotter advised that Dan Pennella and his engineer have looked at this and there is a need for some form or compromise or a realignment of the road systems, which may include one-way roads in certain cases. The roads were built to the standards that were required. The top course is not been put down so the crowning is open but they are open to a constructive engagement to make sure the roads work. Another alternative that was discussed was to privatize the roads, which maybe no one wants to do. That would include creating a one way that feeds to the north in front of the Cooney building and could be a very good idea for people who are concerned about traffic from Edge on Hudson. No one has really sat down and discussed any of the traffic ideas. Chairman Friedlander had all sorts of exciting ideas about walkways and connection points, but a lot of that has fallen by the wayside. It is never too late and there are some great ideas and they are open to being creative. They are prepared to sit down and discuss the roadways and alternatives for the parking lot area, which they have suggested and proposed to all our residents, and at some public meetings before COVID, and had broad support for the project. With regard to the comments about the construction defects, they did take the higher road to finish and complete the problems. No one is hiding, they are not going anywhere and want to finish the project in a positive manner. The comments on the roads with regard to getting leverage are a bit misguided. This has just basically forced the village to say they will take the roads. The site plan never changed from its original approval in terms of road widths and constructability and the sewers were in conformance with the Board of Health. He noted that this is the first time the village is considering taking the roads.

Mr. Tedesco welcomed Mr. Cotter's thoughts. If the village was interested in accepting these roads, a plan that would reconfigure property lines and make some roads one way will need to be reviewed. He thinks it might be beneficial for a special work session just devoted to dealing with roads. Mr. Cotter agreed. Ms. Ward noted that this work session shouldn't be at the cost of the Lighthouse Residents waiting while the rest of the people all have their suggestions about what should happen. Mr. Tedesco believes that the meeting will be productive and will enable the Cooney project to move forward.

Mr. Cotter said, in conclusion, after 16 years, the village has decided that they will take the roads for the first time, but it's been fun demonizing the developer for the last 10 years. Counsel Zalantis noted, for the record, that the SEQRA findings that govern this whole project contemplated that the roads and sidewalks would be developed to village standards and dedicated to the village. So that's the starting off point. She would like to move forward with a meeting to come to a resolution for everyone's benefit. Nobody's trying to delay this, but in all fairness, the village didn't have a plan that showed the entire site with the park on it, until very recently.

Ms. Ward asked if the hearing could be closed tonight and proceed to the work session. Counsel Zalantis said they are not closing the hearing tonight.

Alternative Member Mendez-Boyer thinks that the parking and the roads need to be looked at together.

Mr. Cotter agreed that it all has to be holistic. He asked Counsel Zalantis, for the record, if the village has ever requested to take the roads. Counsel Zalantis said that the roads had to be developed to village standards to be dedicated. She had not been working for the village during this entire project. Mr. Cotter thinks it would be helpful to have the same fact pattern that she research and recognize that the village chose not to take the roads. Counsel said she has researched this and has not found anything that specifically said the village did not want the roads. Mr. Cotter asked why has he been paying for snow plowing for 12 years. Counsel Zalantis asked Mr. Cotter to show her the documents. Mr. Cotter asked her to check the institutional memory of the Planning Board and Trustees. He contends that the SEQRA document said the village may take over the roads but did not require them to do so. He again asked her to try to get some institutional memory of the people who were there from the beginning. It is important that the residents understand that the village did not want them.

Mr. Tedesco said this can all be discussed at the work session.

Mr. Cotter also noted an earlier speaker with a heartwarming story about growing up in the Bronx around derelict buildings. He would like to add that, in the front of the DPW building there is a burnt-out truck along with garbage that is stored there. He wanted to know if this registers with any of the residents. It is nice to blame the developer, and as Craig Singer suggested, but we all need to work together. Spring is coming and they would love to start the work on the Cooney Building façade and landscaping. For the record, he gave the village \$300,000 for the park that the village has had for over a year. The park could have been built at any time. It is not as if he is trying to avoid paying for things. Counsel Zalantis said that the \$300,000 undertaking was given to the village in the event that the developer did not develop the park and then we had COVID. So, let's be true about what actually occurred here. The village cannot just develop the park without first enabling the developer to do it. It was only if the developer did not meet their obligation could the village draw down on that bond.

Mr. Tedesco asked the remaining Board Members to comment.

Mr. Birgy asked Ms. Ward, as the co-owner of this development, what the specific plans to develop the vacant parking lot are. He would like to see a submission so that they could start moving ahead on concurrent plans with that lot. It would be very positive for the residents and he would like to get a commitment. Ms. Ward said if she could get a commitment from the market, she would unhesitatingly proceed. Mr. Birgy said plenty of projects move forward without a commitment from the market. There is plenty of building going on in White Plains, Yonkers, New Rochelle and Bronxville. He would like a better answer than that. Ms. Ward said they have presented a plan for the Gatehouse and they are waiting to see how it goes with the Cooney building. They haven't polished the plan for the Gatehouse, but came to the village with a conceptual plan.

Counsel asked if the conceptual plan was for the 66 units. Mr. Cotter confirmed. Counsel advised that only 17 units are allowed under the SEQRA findings and 66 are proposed so therefore, the conceptual plan would trigger an entirely new SEQRA review.

Mr. Birgy said it would go a long way if they could get a commitment from the developer to continue with the original plan and original SEQRA approvals. He thinks this would be a good way to restore the trust and goodwill on the part of the developer. Ms. Ward asked specifically what he is talking about with regard to restoring trust. Mr. Birgy said if you listen to the residents of Hudson Harbor, there's a lot of questionable issues and he would like to move forward, leave the past in the past, and he would love to hear something from the developer to make everyone confident that it is going to happen.

Mr. Cotter noted, for the record, that every homeowner group supported the Gatehouse Plan because the bulk of it is similar to the market for townhouses that don't have waterfront views, that are next to a DPW, particularly post salt tax implications. It is a different world that we are in and sales reflect as such. They are open to moving forward and finishing the project and welcome some engagement, which hasn't been easy over the last couple of years. A lot of the resident's anxiety would be eliminated if they knew that the village chose not to take the roads and that it has not been them abrogating their responsibility. He thinks good information will clear the air and they are open to a work session to specifically deal with the roads and even talk about the final plan. He noted a YouTube video about the project and they would like to finish the project with the Board. It has come unstuck, but they would like to put it back together. Counsel Zalantis said there was feedback from the village after that conceptual drawing was presented saying that the project could not be done under the original SEQRA approvals. The applicant was advised to submit an application and that is where the conversation ended. There has been nothing formally submitted to the village.

Mr. Cotter said the reason Hudson Harbor is attractive and interesting to some is that the original master plan has been changed over the years. They looked at each phase at the time, and tried to come up with something unique, like the carriage houses. The original plan had 200,000 s.f. of offices in the middle. This last phase should be no different. They appreciate that this phase may require additional SEQRA. With the current market, 17 townhouses next to a DPW with no views is not going to work. And they are certainly not going to build something that will not work. That is also why changes were made in prior phases. They have always tried to come up with the right idea that makes Hudson Harbor unique, and not just run of the mill and he referred to Edge.

Mr. Tedesco suggested continuing this at the work session. Mr. Cotter said it took them two years to get a buy in from their residents. He recalled when they worked with old town, their residents wanted something that was consistent. The residents said they loved the carriage houses and the stone house, and they wanted something that is consistent that will anchor Hudson View Way as the crowning jewel. Fortunately, the

economy is still good and they would very much welcome a collaborative effort with the Board, who has always been tough, but fair, to get this finished.

Mr. Tedesco advised that they will have the secretary coordinate a zoom meeting since the village is not doing in person meetings at this time.

Mr. Birgy said with regard to the number of units allowed under the current approvals, there is no reason why you have to build 4,000 square foot townhouses. They could build 17 units along the lines of the Stone House, 1 and 2 bedrooms which could sell at \$700,000 to \$900,000, in about five minutes. He wants to know how much is enough and he would like to continue this discussion since he has concerns of what seems to be one high density project after another coming before this Board. He wants to be realistic about traffic with Edge coming on line. The rule, rather than the exception, seems to be high density project proposals. He doesn't think that the community is in much of a mood for this kind of project going forward. He would love to hear something that would keep us in line with the original proposal. It doesn't have to be 4,000 square feet, it could be 1,200 square feet, and let's see if that would be something that would be acceptable to everybody, and let's get this thing wrapped up.

Mr. Tedesco asked the remaining Board Members to comment.

Mr. Auckland absolutely understands the residents' concerns and frustration about getting this done. They've all been on hold for the duration of the construction of the Bridge. He would like to see the Cooney Building proposal approved and move forward and is ready to do that. However, it is part of the Planning Board's responsibility to make sure protections are in place for the residents and the village. If there are items needed with regard to the Cooney approval that would affect the dedication of streets or resolving the parking issues, they need to consider them before we get that approval. He wants to move ahead quickly with a review of everything which is outstanding to do with Cooney parcel and to deal directly with the unresolved issues and would ask Dan Pennella to weigh in those. The rest of the development, including the Stable Building, should be addressed in pretty short order, but he does not think they should be holding up the Cooney Building for that purpose.

Ms. Raiselis suggested inviting a few representatives from the Hudson Harbor to participate as well, because she is hearing that that there was not whole-hearted agreement about that plan that was proposed for the 65 unit Gatehouse. She would like to make sure that the Board has a broad understanding of what not only the residents feel, but what the developer feels, and what the village feels. She thinks it is important to make sure that at all these voices are heard and maybe the residents can choose a few people to do that.

Mr. Cotter said he is not sure you can do something like this on zoom.

Ms. Raiselis commented to those who are saying that the roads are bad and there are no sidewalks, if we can come to an understanding of the roads, there will be sidewalks and it will be safe for the vehicles and pedestrians, and everyone will benefit. The residents will not have to pay for those roads and their upkeep and the safety concerns will be addressed. As Mr. Pennella said earlier, they are trying to be thorough and look at this in a way that the whole community, not just the people that live next to it, but the people who walk through it, also have an equal amount of safety. She thinks the work session is a good idea and she would like for it to be multi-represented.

Mr. Cotter said they have had four months of concerns about the roads, and asked if there is any reason why the Planning Board never chose to notify the residents that the village chose not to accept the roads? Ms. Raiselis said she has no understanding that the village did not want these roads. Mr. Cotter said maybe we should check then, because we probably need some ground rules if we are going to democratize the meeting. He thinks a little bit of history as to why the village didn't take the roads, confirming that everything that was built, approved and accepted by the village engineer, should be the starting point. Otherwise they are not open to a work session if the Board is saying that they don't remember, or they have no idea. The Board has not changed much, so it's important that the residents understand where we are, and how we got here. He does not want to be in the position where somehow they didn't do their job.

Ms. Raiselis said if this whole Planning Board had changed since those decisions were made, nobody would be going back to them in their retirement asking if they could remember. Land use decisions are based upon what has been documented. It is Counsel Zalantis' responsibility to research this and she's been trying to sift through all this information to determine the legal issues.

Mr. Tedesco agreed that the history may be helpful. Mr. Cotter does not think the records are clear, which is why he thinks it would be helpful to go back and see what happened. These are not trick questions. This would provide a high level of comfort and restore the foundation moving forward. Let's get it out there that each year we have been paying \$30,000 to \$40,000 to plow the roads and that somehow we didn't want to give them to the village. This isn't true. It is important if we're going to work in good faith. He thinks that every homeowner's association should be represented equally at the work session since there has been a very overbearing position of people that have spoken on behalf of Hudson Harbor, which is not really representative. There are a lot of new people here. The residents of the later phases are just as entitled to their say. He thinks there has been some unfair representation.

Mr. Tedesco said they don't want the zoom meeting to get unworldly and unwieldy. It may be beneficial to have the initial meeting with the Board, Counsel and Staff and if things get refined to the point where they want some input for the Hudson Harbor representatives there could be a swift follow up to that.

Mr. Cotter agreed. Mr. Tedesco said that Counsel Zalantis and Dan Pennella can research this, possibly talking to past administrators if necessary, but what we have to get this started. We have to go back to a certain degree, but we also have to keep our eye forward as we go through this process. He recommended that the secretary coordinate a work session meeting.

Mr. Cotter noted at the beginning of the meeting tonight, that Mr. Tedesco felt that there is no reason to withhold the approval of the Cooney Building if it were linked to resolving the road issue prior to getting a certificate of occupancy for the building. This would give them the ability to move forward. To hold up this approval because various residents are uncomfortable is unfair to the residents in the Lighthouse Building and they will also lose another building season. He would encourage the Board to attach the roads as a condition of the certificate of occupancy so they can move forward with the approval and close the public hearing. In the meantime, they can work on the plans, get the sidewalks with landscaping and the garden. He believes that the residents will be very happy once work gets started. The zoom calls are only dividing the community. Hopefully, the community feels a little better knowing that the village is a party of this as well, and chose not to take the roads, and did accept all the work to date. He is repeating this because it's very important. He feels that the residents with strong opinions on what the developer has done was based on misinformation. He thinks approving the site plan with the certificate of occupancy condition for the roads is a nice compromise and will make everyone happy.

Mr. Tedesco said if it looks like the issues with the roads can be resolved, and we have guarantees that the work will be done that's agreed upon, the Board can decide for a draft resolution to be prepared for consideration. If this can be accomplished, he sees no reason for any undue delay on the approval and supports a timely resolution.

Alternate Member Gaito said it's been a long time coming and the project looks great. The residents seem to be split on what has to happen. This is a comprehensive project so everything including the roads has to be considered. As much as we want to move forward, we are at a juncture. He agrees with the technical and legal review so that everyone has a common understanding of the SEQRA findings and the obligations of the developer. Then, we can move on with the negotiations and approvals. Hearsay is not going to help because it will only go back and forth until we find something. In the big picture, it is a well worth a pause so we can go forward confidently in the future for the benefit of everyone, including future residents.

Mr. Birgy said to follow up on what Counsel Zalantis stated before, for the record, a lot has been said about what the Board of Trustees said, what the Village said, and what the former village engineer said. He wants to make it clear to the public that nothing should be taken as fact until documents are produced, which is what counts.

Mr. Cotter asked Mr. Birgy to get the engineering records of the engineers' inspection, every phase of the roads, the sidewalks, the sewers, that your engineers made to allow

for the certificates of occupancy of each phase, because if we're going to start questioning people's integrity, we are not prepared have a meeting until we get a full position by the Trustees as to why they didn't take the roads. So let's get that out in the open if you want to play that game. Who is at fault here? The village chose not to take the roads for 16 years. Do you think we wanted the roads?

Mr. Tedesco interrupted and said we have to get the facts in order to make the work session productive. He thinks we go through the motions of setting up the work session in anticipation that we will have the facts at the work session.

Mr. Cotter agreed and said he was pretty confident that Chairman Friedlander remembers exactly the situation because he, unlike a lot of the other Board Members, has been interested in finishing this project for over five years. Everyone's been disappointed that the Trustees chose not to take the roads because they didn't want the expense. Follow the money. Who paid for snow plowing for 10 years? And why didn't the village take the roads? Because they didn't want to do it. It's that simple. It's a shame that we have to employ the village to step up to the plate, having been castigated for six months in this whole process, but here we are, so let's get it out in the open.

Mr. Birgy agreed to get the facts. Mr. Cotter said to ask the Trustees if they ever chose to take the roads. Did they ever say please, we want to take the roads? Counsel Zalantis asked if Mr. Cotter had any document where he made an offer of dedication to the village. Mr. Cotter said the SEQRA said, the village may choose to take the roads. Counsel Zalantis said we are going around and around in circles here when we had a path forward. Mr. Cotter said he just wants the facts out if they are going to have a meeting and noted that the Cooney building needs to be approved at the next meeting in order to benefit from the spring season. It would be unfair to the residents not to approve it. Mr. Cotter agreed to the work session and will be available at the Board's convenience.

Mr. Aukland noted that he did not recall any point of which the intent was, other than that the village would take over the roads when they are at the right level. He does recall, when the Tappan Zee Constructor's came along, that they put a hold on everything since they were using the roads in a way that would never have been approved for village adoption. So now we're past that and he thinks the intent can be reopened and I'm sure Kathy when you look, you won't find a rejection by the village so much as a pause, if there's anything on record.

Mr. Cotter said he remembers it like it was yesterday and someone should speak to Michael Blau. Before the Tappan Zee constructors arrived, the village did not want the roads because of budgetary reasons. It might be useful to check with the people since there's very little documentation, but that will be the case. Mr. Aukland said there will be minutes of Board Meetings which Counsel Zalantis should find. Mr. Cotter said he would love to see them.

Mr. Tedesco asked if anyone would like to make any comment. He asked the Secretary to coordinate the work session meeting with the Board and applicant.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing.

Mr. Tedesco asked for a roll call vote:

Member Raiselis: Yes

Member Birgy: Yes

Member Aukland: Yes

Member Tedesco: Yes

All in favor. Motion carried: 4-0

Adjournment:

Ms. Raiselis moved, seconded by Mr. Birgy to adjourn the meeting at 8:43 p.m.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Member Raiselis: Yes

Member Birgy: Yes

All in favor. Motion carried: 4-0