

Planning Board
Village of Tarrytown
Regular Meeting
April 26, 2021 6:00 pm

PRESENT: Chairman Tedesco; Members Friedlander, Aukland, Raiselis, Birgy
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.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the March 22, 2021 meeting as submitted.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. The minutes were unanimously approved: 5-0

Mr. Tedesco announced the two 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

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.

With regard to the 39-51 North Broadway application, Mr. Tedesco noted for the public's information that the applicant requested this adjournment to allow them time to provide a full written response to the comments made by the Planning Board at its April 15, 2021 staff meeting. This response will include among other things, a revised zoning petition, indicating the area that the zoning amendment would apply to.

CONTINUATION OF PUBLIC HEARING - Raining Threes LLC - 3 - 5 Carriage Trail

Andy Todd, the applicant, appeared and showed the revised updated plan. He noted that the original plan brought the driveway through lot 3, which created some disturbance and required zoning variances. The new plan has the driveway coming in from Carriage Trail and reduces the number of trees to be removed.

Mr. Galvin also advised that the driveway will be a permeable surface.

Mr. Tedesco asked if the Board Members had questions or comment.

Ms. Raiselis confirmed with Mr. Todd that this project is completely compliant with no variances.

Mr. Gaito wanted to ensure that the tennis court was located within the required setback. Mr. Todd confirmed that it is within the setback and the swimming pool will be inside the dwelling rather than on the property, which was proposed in the original plan.

Ms. Mendez Boyer was concerned about the slope from the back of the house leading to the tennis court. Mr. Todd said they will be installing steps for access. Mr. Pennella advised that all slopes cannot be greater than one on two, the maximum permitted by the code, and the applicant is compliant. Mr. Pennella advised that he has been working with the applicant and the Suzanne Nolan, the Village Landscape Architect to determine the tree deficit and there have been some iterations of the plans. The original plan had a tree deficit of 3,500 square inches. The applicant has reduced it down to 844 square inches, saving many trees. The current amount to be paid into the tree fund is calculated at \$35,813. The applicant may be able to reduce it down further and, if so, it will be re-evaluated. In response to Mr. Gaito's question about the tennis court setback, Mr. Pennella advised that the tennis court is considered an accessory structure which has a different setback requirement than from the principal structure and it does meet the accessory structure setback.

With regard to the tree deficit, Dr. Friedlander suggested that the Village Landscape Consultant review the properties that are currently being developed in this subdivision to see if there are other areas that trees might be placed in lieu of the paying into this fund. Many improvements have been made to this project and he thinks we should see what the site looks like today. It may be useful to pick up that deficit and apply that to the open spaces in the development with the use of this money in areas where the trees are needed. Mr. Pennella said he will make that suggestion to the Village Landscape Architect for the remaining open space to see if this can be done on the adjacent lots.

Mr. Tedesco asked if anyone would like to comment on this application. Mr. Ringel advised that there is no one in the public who wishes to speak.

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. 5-0

Mr. Birgy read through portions of the draft Resolution and advised that a copy will be provided to the applicant and the Resolution will be recorded in the minutes of this meeting as follows:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted April 26, 2021)**

**Application of Raining Threes LLC
(Property: 3-5 Carriage Trail (Sheet 1.271, Block 138, Lot 1.3 & 1.4 and Zone R-60))**

Resolution of Site Plan Approval

Background

1. The Applicant has submitted a site plan application for 3 Carriage Trail (lot 3) and 5 Carriage Trail (Lot 4) in the Greystone on Hudson subdivision within the R-60 zoning district. Both lots comprise a total of 4.73 acres with 3 Carriage Trail consisting of 2 acres and 5 Carriage Trail being 2.73 acres. The Applicant is requesting the approval of a site plan for the construction of a single-family residence, tennis court and indoor pool at 5 Carriage Trail (lot 4). Applicant is only proposing to build one residence on the combined 4.73 acres (206,039 sf) while leaving 3 Carriage Trail in the Greystone on Hudson subdivision undisturbed within the R-60 zoning district. The Greystone on Hudson subdivision was approved by the Planning Board on July 23, 2012.

2. The Planning Board on December 28, 2020 determined that the proposed action is a Type II Action under NYS DEC 617.5 (c) (9) *“construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.”*

3.The Planning Board has conducted a duly noticed public hearing on December 28, 2020 and continued the public hearing on April 26, 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 Applicant's Cover Letter dated December 7, 2020, Updated Narrative dated December 9, 2020, Supplemental submission dated December 18, 2020, the *Environmental Clearance Form* and received a submission with revised plans dated April 9, 2021 including a revised Tree Removal and landscape plans. The Planning Board also reviewed comments from the Consulting Village Planner in memoranda dated December 29, 2020 and April 12, 2021, from the Village Landscape Consultant in her Landscape Reports dated January 11, 2021 and final review dated April 26, 2021, denial letters from the Village Engineer dated December 14, 2020 and January 20, 2021 and a certification of the stormwater management plans by Hudson Engineering and Consulting dated December 8, 2020 which they have considered.

5.The Applicant has provided a *Steep Slopes Narrative* addressing the criteria in §305-67. The area to be occupied by the home, driveways, patios, and tennis court on lot 4 covers approximately 27 percent or 25,326 square feet of the 93,880 square feet of the steep slope area of the property, with over 70% of the steep slope area remaining. Moreover, the original plan submitted had the driveway cut through the hillside of lot 3 and connected to lot 5. Under the revised plan, the driveway enters from Carriage Trail on the level portion of lot 5 and the 2-acre lot 3 remains undisturbed.

6.The Planning Board closed the public hearing on April 26, 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 April 7, 2021 is made part of the findings of the Planning Board and described below:

Neighborhood Character: Granting the waiver will not result in an undesirable change in the character of the neighborhood. The original plan submitted had the driveway cut through the hillside of lot 3 and constructing a driveway direct from Carriage Trail onto Lot 4. This driveway would enter on the level portion of lot 5. Applicant is only proposing to build one house on the 4.73 acres (206,039 sf). This lessens the impacts considerably as the combined lots are approximately 3 ½ times the minimum sized lot allowed by code to build one house. Lot 3 with 2 acres will remain undisturbed. The proposed design has been engineered to work maximally with the land to mitigate disturbance. By being able to place a tennis court on the

lower terraced area, which we understand was the location of the original castle tennis court and create a stabilized landscape slope between the that level and that of the home above, we will be able to permanently stabilize the site perimeter, eliminate the remnants of the original castle road system on the east side, and site the home in the area which was previously excavated for the original Greystone castle. This will minimize excavation, and, thereby, eliminate the blasting into the underlying bedrock that would otherwise be required to fully excavate the foundation. The proposed design will be achieved with just some mild chipping and minor disturbance as it is designed around the pre-existing site conditions.

The proposed design initiates use of many of the same materials and takes inspiration from many of the design details of other existing homes in the Greystone community and the surrounding areas. The walls featured in areas around the tennis court will be consistent with the historical grey stone walls prevalent on South Broadway and repeated within the Greystone community. The proposed layout preserves open space and results in less disturbance and coverage than permitted as of right.

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 perimeter of the parcel. To eliminate the remnants of the old castle roads on the east side with a stable slope requires grading at a lesser slope over a longer area. Locating the driveway around the perimeter of the combined lots as proposed will serve to permanently stabilize the site and slopes from erosion and sedimentation, and to protect against possible slope failure and facilitate percolation and the absorption of runoff, slowing the flow of stormwater runoff.

Because of the terrain, construction of a home in character with the community with stabilized slopes cannot be feasibly achieved other than with a steep slope waiver. The stabilized slope to be created is consistent with the construction and siting of this estate sized lot which is approximately three and a half times the size required for a single-family home under the R-60 zoning, and approximately twenty times the size of neighboring residential properties on Tarryhill Road. Locating the home elsewhere on the site would require blasting of rock for the foundation as the proposed foundation area is that which had been previously excavated for the Greystone Castle, which would cause a disturbance to others. Locating the home elsewhere on the site would require blasting of rock for the foundation as the proposed foundation area is that which had been previously excavated for the Greystone castle, which would cause disturbance to others.

Impact on Other Properties: The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood, nor create any dangers. The existing conditions of the slope will be improved and permanently stabilized by incorporating the slope within a larger stabilized slope. The proposed development will reduce the quantity of steep slopes thereby facilitating percolation and the absorption of runoff, minimizing storm water overflow to adjacent parcels.

Consistency of Project with Intent of the Steep Slopes Chapter: The waiver will: 1) Afford a more stable and maintainable condition which will provide long-term protection from soil erosion and sedimentation; 2) Provide increased slope stability to protect against slope failures; 3) Provide

improved grading which will minimize stormwater runoff, erosion and flooding; 4) Project will improve the site's aesthetic character and surrounding property values while maintaining, if not improving, health, safety and welfare of the public in the neighborhood and

Village of Tarrytown. This site is not untouched natural slopes, as it has been continuously disturbed through the years by construction of the adjoining road and utilities, the original Greystone castle estate, pools, and roadway system.

Finally, the location of the house and tennis court as proposed maximizes open space and minimizes disturbance and impact on the community. Because of the sloping terrain with rock piles and remnants of the original castle road system located around the south and east perimeter of the lots, this perimeter area presents the most natural site for an improved and manicured landscape that allows for stabilization of the slopes, along with home placement that avoids blasting to be considerate of neighbors, and therefore the waiver is the minimum relief necessary to relieve this extraordinary hardship.

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 construct a single-family residence, and tennis court on 5 Carriage Trail (Lot 4). The Tarrytown portion of the Greystone on Hudson subdivision is zoned R-60. Lot 3 known as 3 Carriage Trail is a 2-acre lot, and 5 Carriage Trail (Lot 4) is a 2.73-acre lot for a combined total of 4.73 acres. Applicant is only proposing to build one house on the 4.73 acres (206,252 sf). This lessens the impacts considerably as the combined lots are approximately 3 ½ times the minimum sized lot allowed by code to build one house. The 2-acres (approximately 87,338 sf) of Lot 3 will remain essentially undisturbed.

Both lots are currently vacant other than a temporary trailer and arbor. They are well maintained in the flat areas closer to Carriage Trail, but much of the perimeter on the south and east sides of the combined lots are composed of steep rocky patches spanning the areas defined as steep slopes. These areas are difficult to maintain, and they are overgrown with invasive weeds, rock piles and remnants of dead trees and plant matter. Some of these steep slopes are likely man made rock piles created as a result of the construction and demolition of the original Greystone Castle that stood on 5 Carriage Trail, construction and demolition of the original Greystone Castle pool and Camp Pinsley pool that stood on 3 Carriage Trail, construction of the adjacent road and utility infrastructure, as well as the construction and demolition of the original castle road system which ran through these lots and still has remnants along the entire east and south sides.

Applicant has provided an updated plan which will not require a variance. The proposed residence on Lot 5 has been re-oriented to front on Carriage Trail. Residence complies with the front yard setback. The tennis court has now been relocated to the rear yard complying with the rear yard setback for an accessory structure. There is an indoor pool proposed within the lower level of the residence. The original plan submitted had the driveway cut through the hillside of lot 3 and connected to lot 5. Under this new plan, the driveway enters from Carriage Trail on the level portion of lot 5 and lot 3 remains undisturbed. The driveway will have a pervious surface. The proposed layout preserves open space and results in less disturbance and coverage than permitted as of right. The proposed home has been reoriented to face Carriage Trail and the tennis court has been relocated to the rear yard within the zoning compliant setback of 65'.

A review of the *Zoning Compliance Form* indicates that the application is zoning compliant. The building coverage on Lot 4 is shown as 8 percent where 10 percent is allowed. Total coverage will likewise be 8 percent with 12 percent allowed by Code. The total Floor Area Ratio (FAR) is indicated as 11,341 sf with 14,999 sf being allowed. Impervious coverage is shown as being 19,662 sf with a maximum of 22,896 sf allowed. The proposed residence will be 2 ½ stories. The proposed height is 34.' 61/2' which is higher than the 30' height in the R-60 zone. In the Planning Board's subdivision approval, the Board allowed for an increase in building height and an increase in gross area up to 15,000 square feet for the proposed residences to allow for the development of proportionally appropriate homes on the site consistent with the architectural concepts provided in the Environmental Impact Statement for the proposed development.

The Village Landscape Consultant provided a review dated January 11, 2021 on the original proposed site's landscape plan. In response, Applicant provided a revised landscape plan developed by Arborscape dated 4/9/21. The plans provide notes on special consideration for plantings on the property's slopes. The landscape plan shows a total of 86 replacement trees including 12 ornamental, 17 shade trees, 12 understory trees and 45 evergreens. The Tree Removal Plan shows that there are currently 141 living trees on the 2 combined sites. Applicant proposes to remove 46 trees that are in the footprint/grading of the house, courtyard and driveway. This will leave 95 trees saved. Applicant proposes to plant a minimum of 96 trees (2 trees for every one tree that is removed).

Applicant indicates that water, sewer, electric, gas, and telephone/internet run underground throughout Greystone and are already stubbed out to the proposed site. There are no wetlands on the property nor is it located in a flood zone or a critical environmental area. There are no variances needed for the house. In response to comments by the Village Engineer, Applicant has provided confirmation that the utility easements have been recorded.

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:

Proposed Site Plan and Floor Plans for 3 Carriage Trail and 5 Carriage Trail, Tarrytown prepared by J. Pontieri, PE, D.P.C. Engineering & Consulting (JPCE) dated December 8, 2020 and last revised April 7, 2021 and the Landscape Plans prepared by Arborscape Inc. for Greystone on Hudson, Greystone Mansion Group dated December 8, 2020 and last revised April 26, 2021 unless otherwise noted entitled:

Site Plan and Floor Plans prepared by J. Pontieri, PE, D.P.C. Engineering & Consulting

- SP 0.0 - *Site Plan Existing Conditions*
- SP 1.0 - *Site Plan with Utilities & Zoning Compliance*
- SP 1.0a - *Site Plan with Utilities & Zoning Compliance*
- SP 1.0b - *Site Plan with Utilities & Zoning Compliance*
- SP 1.1 - *Site Plan Grading/Steep Slopes & Erosion Control*
- SP 2.0 - *Site Plan Details*
- SP 2.1 - *Site Plan Details (cont'd)*
- SP 3.0 - *Site Drainage Plan*
- SP 4.0 - *Tree Removal Plan*
- A-1.0 - *Lower Floor Plan*
- A-1.1 - *First Floor Plan*
- A-1.2 - *Second Floor Plan*
- A-1.4 - *Roof Plan .*

Landscape Design prepared by Arborscape Inc.,

- *Landscape Plan*

(the “Approved Plans”).

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. Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
4. 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.
5. 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.
6. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
7. 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.
8. 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.

IV. Specific Conditions

- (1) Applicant shall provide to the Building Inspector/Village Engineer a "staging and construction plan" to identify the location of construction equipment, construction materials and debris on the site. This plan shall be submitted prior to any site disturbance or the location of construction equipment on the site.

- (2) Prior to issuance of a building permit, the Applicant shall provide compensation of \$35,813 for tree loss on the property (Lots 3 and 4 of the Greystone on Hudson subdivision) into the Village of Tarrytown Tree Fund as determined by the Village of Tarrytown Landscape consultant, in accordance with §281-13 of the Village Code, unless the applicant provides additional trees in lieu of the payment satisfactory to the Village’s landscape consultant and Village Engineer.
- (3) Prior to the issuance of a Certificate of Occupancy, the Applicant shall provide in a form satisfactory to the Village Engineer and Village Attorney, and shall be fully executed and submitted to the Building Department with proof that a modified utility easement on lot 2 in favor of lot 4 encompassing the sanitary sewer traversing Lot 2 with sufficient area to allow for servicing of the sewer with proof that the Easement has been submitted for recording in the Westchester County Clerk’s Office.
- (4) Prior to the issuance of a building permit, and/or certificate of occupancy the Applicant shall pay all outstanding fees held in escrow per code section 305-138.
- (5) Prior to the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the construction of a single-family resident on Lot 4 of the Greystone on Hudson subdivision, in a form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk’s Office.

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried.

The site plan application was approved: 5-0

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

Lynne Ward, the applicant, appeared with her project team, with the exception of Joe Cotter. Ms. Ward noted that the draft resolution has been circulated and covers a majority of the issues. They sent one brief comment back and would like the Board to vote on this application this evening.

Mr. Tedesco asked if the Board Members had questions or comments.

Mr. Birgy is concerned about the existing road conditions. He wants to make sure that the mid-layer of the macadam is not damaged prior to the top-coat being laid to ensure the longevity of the roads when the Village takes them over.

Mr. Pennella said Road E will be done before the CO is issued for the Cooney Building, not all the roads will be done at that time. If there is any damage to that binder course, then it would have to be replaced. The Board of Trustees will not accept any of the roads until they receive a recommendation from his office. He is aware of the road conditions and noted that Hudson View Way is not wearing very well since it was installed in the rain and it may be necessary to take some of it up. The Village will evaluate this when the time comes.

Mr. Birgy asked Mr. Pennella if it would be in the Village's interest to get an engineer to ensure that the roads are in the proper condition. This mid-binder was not supposed to be exposed for the long period of time that it has been. Mr. Pennella advised that density tests will be done on the pavement and whatever needs to be improved, will be done. No top coat paving will be done until inspections have taken place. If that happens, it would be unacceptable to the Village. Mr. Galvin said there is a performance bond condition in the site plan approval to ensure the completion of the roads.

Ms. Ward commented that the wearability of the roads are related to the DPW trucks that currently cut through the site and it would help if there was an agreement for these trucks to only use the exit on Division Street. Mr. Birgy commented that he has seen other large vehicles coming through that have nothing to do with Tarrytown. If you leave the binder exposed over time, the winter salt and plowing will destroy the roads. He asked Ms. Ward not to disparage the Village unless she has proof. Ms. Ward said the salt dropping from the salt shed is damaging the road and she has photos.

Mr. Birgy is talking about the roads in the entire development. Ms. Ward is talking specifically about Road E within 40 feet of the salt shed. She also noted that before any site plan approvals were granted for every phase of this development, a third-party engineer has always looked at conditions before a CO was granted, and that was done in this case.

Mr. Birgy wanted to make it clear the Village is not responsible for the condition of the roads. There are cracks all over the entire roadbeds which have been exposed for an abnormally long-time, allowing for the elements to destroy them.

Mr. Tedesco thanked Mr. Birgy for bringing this matter up. He asked Ms. Ward to submit this information to Mr. Pennella and he will follow up on this matter.

Ms. Zalantis would like to add additional text in the resolution to clarify this discussion. She proposed draft language, as follows: *"the wearing course/final pavement shall not*

be installed until permission is granted by the village after all necessary tests are completed to ensure the roads are in proper condition to allow installation of the wearing course/final pavement”.

Mr. Tedesco agreed with this language.

Ms. Raiselis wants to make sure that all the work is done within 2 years of the date of the resolution and believes it is a sufficient time to get this done. It did not seem clear to her in the resolution.

Counsel Zalantis referred to condition 5 which states that Road E has to be completed except for the installation of the wearing course/final pavement. Condition 6 allows them two years to complete the wearing course/final pavement on road E and to complete everything on Orchard Drive, Hudson View Way and Rivers Edge Drive, including the wearing course and final pavement, and also to complete the sidewalks on the easterly side of road E, because the other sidewalks have to be done before the CO per condition 5. Counsel Zalantis advised that she is providing this language as an additional requirement to make it clear to the applicant that the final pavement cannot be installed until permission is granted by the Village.

Ms. Raiselis wanted confirmation that the roads should be done April 26, 2023. Counsel said that is what is proposed in the draft resolution.

Ms. Ward said there is top course on Orchard Road and Rivers Edge Drive right now and the DPW and garbage trucks should not be using them. She is saying this in the interests of the Lighthouse residents. Counsel Zalantis said the Village trucks collect the garbage to go on the roads. Ms. Ward said that the initial agreement said the trucks were to be used for service only, not stored or parked on that side of the DPW.

Counsel Zalantis advised Ms. Ward that this matter is not relevant to this application. It is a separate issue how the Village uses that DPW site. She and Mr. Pennella have both researched and have not found any language where it says the Village has to move the salt pile or do other things. This is the Village's DPW site and they have to park the trucks on this site.

Mr. Ward said it was deeded with certain conditions and advised Counsel Zalantis to search the Village records again. Counsel Zalantis said she has reviewed the development agreement and has not found any language. She advised Ms. Ward that she would be happy to review any documents that she submits to support her statements. Ms. Ward said the bottom line is that they will be seeking to make that area look very good for all of the residents and she will provide any documentation that is required.

Mr. Pennella wanted to clarify with Ms. Ward that what he thinks she believes is the area that was deeded to the Village was not intended for the Village to use for access. He will have a discussion with the Board of Trustees on this matter and follow up.

Mr. Tedesco confirmed that the language that Counsel Zalantis proposed earlier be included in condition 6.

Mr. Aukland would like to comment on the two communications received from the public today, one from Dennis Wong, who had a comment about the miscount on the parking. He understands that this matter has been resolved but he would like clarification for the record.

Mr. Pennella has advised that the most recent set of plans indicate that the applicant has made two spaces available to the residents, in the interior of the Stonehouse building, which were being used by the developer. With regard to Orchard Drive, there will be a 50 foot right of way all the way through, so it will be accessible to the public.

Mr. Aukland noted the second communication from the Presidents of three of the Homeowner Associations with a number of points raised. He asked Mr. Pennella to comment if they have been addressed before he reads the resolution.

Mr. Pennella said he has 3 items that need to be addressed. 1. Pocket Park - He clarified that the pocket park had received a prior approval which included items that could present complications if they are installed and which are not cost saving measures. There was a water feature on the plan which could attract birds and geese. It is the Board's decision whether they want it or not. 2. Lighting - There are existing lighthouses at the beginning of the park which should shed enough light. Additional lighting in the park might be a nuisance for the residents. Again, it is a question whether the Board wants additional lights or not. He noted if the park is closed, you are not supposed to be in the park anyway, however, if it is lit up, then people have the tendency to congregate. 3 – Entrances to the pocket park – There was supposed to be 3 entrances from the public area but there really is no room to do this. There are two public accesses, one to the east and the other to the west. The other one connects to the Cooney Building, which is private. So basically, the current plans do not have the water feature, the additional lighting in the park, or the third public access. He wants to make sure the Board is aware of this to avoid any confusion in the future. He shared the screen to clarify the water feature, the 2 lights that will remain and the 2 access points. He feels that the two access points are sufficient and indicated that it is just a short walk from the two public spots with the ADA access. In lieu of the water feature, they have proposed a sculpture of some style that has yet to be selected and would require ARB approval. He showed the 2 lights which he feels will provide sufficient lighting for the park. He clarified for Ms. Raiselis that the park is open to the public, but it is going to be maintained by the developer and remain under the ownership of the Cooney Building property. The hours of operation will be from dawn until dusk. Mr. Galvin noted that condition 10 omitting any overhead lighting from the open space garden and replacing it with bollard style lighting is included in the resolution.

Mr. Aukland wanted to know why there is no access from the Cooney Building to the park. Mr. Pennella confirmed that there is access from the Cooney Building, but it is a private access. The two other accesses are for the public.

All of the Board Members agreed to the 3 items on the plans as presented by Mr. Pennella.

Mr. Birgy wanted to ensure that all the public and private areas are clearly indicated on the plans. Counsel Zalantis said that the installation of monuments will be required indicating where Village property starts and stops. Mr. Pennella said some monuments have already been installed with the subdivision. The same thing will be done here so that we can determine public and private ownership.

Mr. Birgy is concerned about the area between townhouses by the garages. Counsel noted that there will be monuments in this area. Mr. Pennella showed the area and said that it already has been deeded to the HOA. A map will have to be prepared and filed with the county which will indicate the public and private property with meets and bounds in accordance with the resolution.

Counsel Zalantis asked about the one-way street since it is not marked yet. Mr. Pennella said that decision will be made by the Board of Trustees. He is waiting to hear back from the DPW for their input. There is a provision that it could go either way and the applicant gave us an additional 5 feet for snow storage. The direction will be determined at a later date.

PUBLIC COMMENT

Dennis Wong, resident since 2016, thanked the Board for their transparency and communication with the public on sharing the plans and keeping the residents updated on the latest developments. He noted that one of the architectural plan drawings submitted shows a large portion of the parking spaces between the building that is currently used by the Yoga and Stonehouse building. That particular plot of parking spaces are designated as shown on a plan to be shared between the office tenants and the condo residents. That depiction of the plan is not accurate. Some of these spaces are actually designated for the exclusive use by the owners of the individual residence of the condo which have been dedicated, and then naturally recorded as a signed agreement between the developer when the Stonehouse first went up. The submitted plan showed six spots, whereas the agreements actually have 12 spots dedicated to the residents. He wants to make sure that these parking space allocations and the submitted plans, as recorded in the historic agreement, are something that will be reflected in the future submission plans. Otherwise, that will create a situation in violation of the signed agreements. In addition, the Board touched briefly on the two spaces in his correspondence today. Again, at the corner of the Stonehouse Building, where the Konica Minolta currently has an office base, it is shown as an indoor space, but that space currently is actually being used as an office pantry by the Konica office

folks. And this actually looks to be a fire exit door because of the lighting. So, he wants to make sure the Planning Board can confirm with the developer that this plan doesn't actually involve modifying the Stonehouse building elements to comply with the required minimum parking spaces.

Gary Friedland, resident of Hudson Harbor, thanked the Planning Board and staff for preserving the original intent of the Master Plan, and requiring that the internal roads be completed so that they can become public roads. They look forward to the Board adopting the final resolution of approval tonight. As you know, several of the boards of the Hudson Harbor Condominium Associations have submitted joint comment letters, stating their common goals, and signifying that they are unified in their efforts. The most recent letter requested that the Board consider modifications to the roadwork and a Bond be in the resolution. The Board touched upon the roadwork earlier, but he has two very simple comments or questions. First, he would like to request that the Board explain why it is not requiring the developer complete the remedial road work on the existing internal roads as a condition to the issuance of the certificate of occupancy for the Cooney Building. The Village Attorney had previously advised that would be the most effective way to ensure that the roads be completed and would eliminate the risk of non-performance. The subs who performed the road work are different than the subs who will be performing the bulk of the building construction work for the applicant, so, there is no apparent reason that the work could not be completed. And, more importantly, this work would not cause any delays in the completion of the building construction, and not in any way negatively impact the residents of the Lighthouse Condominium. The second point is a technical one. It is especially important if the roads aren't completed, before the issuance of a certificate of occupancy, they strongly recommend that the Board follow the approach that many other municipalities in the county have adopted which is to require that the applicant post a letter of credit rather than a performance bond. As explained in the comment letter, most municipalities recognize that a letter of credit issued by a bank is much easier to enforce and collect. If the developer doesn't complete the work, the letter of credit will better protect the residents of Hudson harbor as well as the Village as a whole. Again, thank you for striving to protect all of the residents of Hudson Harbor, who after all have the same interests as the Village as a whole.

Paul Stone, who lives at 2 Orchard Drive, thank the Board on this matter. He commented that the attitude of this applicant is just astounding. He finds it remarkable that Ms. Ward point fingers at the Village, accusing the Village of some kind of problem, when she is asking for a project to be approved. He submits that the Board should not approve another phase of the Master Plan, when this developer has not completed what they needed to do beforehand. They have not fulfilled their commitments, so they should not be allowed to proceed with something else. If the Board is going to allow them to post a bond, it should be posted now, before they get the certificate of occupancy, and it should be for a substantial sum, and the work should be prosecuted promptly.

END OF PUBLIC COMMENT

Ms. Raiselis would like to address the remarks that were made about requiring a letter of credit as opposed to a bond.

Counsel Zalantis advised if the applicant is willing to give a letter of credit that is fine too. Ms. Raiselis asked Counsel if a letter of credit is better for this municipality. She wants to know what is best for the Village, not the applicant.

Counsel Zalantis said that the applicant has an incentive to bring the roads up to Village standards so they don't have to keep maintaining them. It is up to this Board to decide whether it wants a letter of credit or a performance bond.

Ms. Raiselis asked Counsel, based on Gary Friedland's statement, if it is easier for the municipality to collect on a letter of credit than a performance bond and, if so, wouldn't that make it better for the Village.

Counsel Zalantis said quite frankly, the Village is not going to do the work to bring these roads to Village standards. It is different from the park situation where the Village did require a letter of credit. These roads are going to have to be brought to Village road standards by the developer and she thinks a performance bond would be sufficient

Mr. Tedesco asked Dr. Friedlander if he had any thoughts on this.

Dr. Friedlander wanted to clarify that what Counsel is saying is if the developer does not meet the standards, then the Village will not take the roads and they will remain private. If that is the case, then that is a concern of residents who expected to have public roads. As a Planning Board, they decided that they also wanted the development to be an open community, not a gated community, and have public roads. He asked Counsel if she is saying that if the developer, if he wants to, does not have to meet those standards, and can keep them private, even though it will cost him money, or is there a better way of doing it?

Counsel Zalantis advised that a performance bond is a third party essentially guaranteeing that the applicant is going to do what they have agreed to. So, it is not just the Village imposing this, there is a third party guaranteeing it. A letter of credit is a sum of money that they would have to file like they did with the park. So, in either case, it is a guarantee. With a letter of credit, it is not so easy to draw down on and force the applicant to do the work. A performance bond is a third party, a bank or insurance company, guaranteeing that the applicant is going to do the work.

To clarify for the public, Dr. Friedlander asked Counsel if they refuse to do the work, then the Village would have to collect on the performance bond and use that money to bring the roads to Village standards. Again, Counsel Zalantis said the applicant has an incentive to do the work. The performance bond is the guarantee by a third party, essentially, insurance for the Village that they are going to complete this work.

Mr. Birgy said it seems that we're going down a road again where the onus is shifted from the developer onto the Village. It means that the Village may have to potentially argue with the bond company and the applicant could litigate this saying it is unfair. He thinks this is the wrong way to approach this matter and the Board should put the onus on the developer now and make it iron clad that they have to do the road work. A million things could happen; the developer could file for bankruptcy. The Village doesn't want to be in the business of building those roads up to our standards, they want the developer to do it, and we want it to be ironclad. He thinks the Village is setting themselves up for a potential problem when we have the ability right now to enforce what we need to do to make sure the developer follows through. He is strongly suggesting that the Board do that.

Counsel Zalantis understands Mr. Birgy's concerns since that was her first inclination as well. She wanted everything done prior to the issuance of the CO for the Cooney building but her understanding now is that it is not feasible to do this within that same period of time due to the work that is involved. She is not an engineer nor is she a developer. Perhaps the applicant can weigh in on this because it is more complicated or maybe Mr. Pennella can comment.

Mr. Pennella said if this was a brand-new development, a performance bond would be provided to ensure that the infrastructure is built. This Board has done this for other developments. The performance bond is an insurance policy. Unfortunately, that's the risk that we take as a village, no matter what. The applicant has done a lot for the Village. They have donated money and have built a lot of facilities which is why there may not have been a bond requirement in a prior approval. That is the past. The bottom line is that if they do not do the work, the Village will have to pull the bond and build the roads. He does not think there is another way around this. The letter of credit represents that there is sufficient money in the account to do the work. This work is to be completed within a short period of time, not 10 years, so he feels it is appropriate. He asked the applicant to comment.

Ms. Ward said that this is standard practice that they do with many municipalities and they will put up the bond.

Mr. Birgy said this project is 15 years in the making which is a long time. He does not want the onus put on the Village. We are looking at an incomplete project and a loss of taxpayer money. He is not trying to be vindictive but there is a history here and why repeat a situation that will potentially leave the Village holding the bag.

Ms. Ward noted that Mr. Pennella raised a point that one of the reasons that there weren't bonds is because there were millions of dollars spent on an aquatic center, a Village Hall, affordable housing, donated land, and the RiverWalk. The project may have gone on for a long period of time but all of the community benefits happened right up front initially and these are benefits that many of the people partake of.

Mr. Birgy is not going to go into a history class here but there were promises made and Ms. Ward is very quick to fault the Village for things that she says the Village did, but the tax structure of this project was changed unilaterally by the applicant when there was a prior agreement for a different tax structure.

Mr. Tedesco intervened and said he hears the concerns but we have all worked extraordinarily hard together on this particular application. We are looking forward to the completion of Hudson Harbor, with hopefully the same kind of cooperation and spirit. He feels that the performance bond is a reasonable way to deal with the roads and a reasonable way to proceed at this point and that the Board should move forward with the resolution.

Ms. Raiselis would like to confirm with Mr. Pennella that his is comfortable with the two-year period that the applicant is required to complete the work in the conditions.

Mr. Pennella said that he has worked very hard with Counsel Zalantis and the applicant and he feels requiring the bond is the most reasonable solution. The bond will protect the Village. This developer has been around for 15 years which says something in and of itself. He believes that the applicant wants to move forward to finish the last piece of this project as well. He is comfortable with the bond. It is customary and no different than any other project.

Ms. Raiselis asked Mr. Pennella if he is going to be able to do what he needs to do to get all the work completed with the applicant. Mr. Pennella said that two years is not a lot of time. There are also regulatory compliances and permits required and it takes time to file the deeds, but he feels that 2 years should be enough time to finish the work.

Mr. Birgy would like to see additional wording in the resolution saying that the developer will work diligently that the work would begin immediately and that Mr. Pennella will monitor the work to ensure that the applicant is proceeding with due diligence. This would assure the Village taxpayers that this work will not fall on the Village. And, if the work does not begin in a reasonable manner, along with a schedule, then the CO can be held up. He thinks this is fair. He is just asking the applicant to act in good faith and the Village will act in good faith.

Ms. Ward reminded Mr. Birgy that the work starts after permits are given.

Mr. Birgy feels it is not unreasonable to say that work has to be done in a diligent manner and if it doesn't, then the Village has other recourses.

Counsel Zalantis said it is reasonable. She clarified that the road E work has to be done prior to the CO, and the two-year period does not tie into the CO. The other roads and the finishing course is also two years and that doesn't link to the CO at all. She will work on the language which will be read when we get to condition 6 so that the Board can discuss it.

Dr. Friedlander asked Mr. Pennella if it is reasonable to ask the applicant to agree to a timeline of when he plans to do the other road work other than road E, which is conditioned to the CO for the Cooney Building. If we can require a timeline, monitored by Mr. Pennella, then everyone would be satisfied. He would like a timeline indicating when each phase of the work will be done. This way, at the end of the two years, there will be a sense of what has been done and what is left to do.

Mr. Pennella said that some kind of schedule can be included in the resolution.

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried: 5-0

Mr. Aukland will read a portion of the resolution, but a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval resolution will be recorded in the minutes of this meeting.

**DRAFT RESOLUTION
 VILLAGE OF TARRYTOWN PLANNING BOARD
 (Adopted April 26, 2021)**

**Application of Ferry Landings LLC
 Property: 41 Hudson View Way (Sheet 1.140, Block 4, Lot 13 and WGBD Zone)**

Resolution of Amended Site Plan Approval

Background

1. The Applicant (Ferry Landings LLC) requested amended site plan approval for the additions and alterations to the existing Cooney Building at 41 Hudson View Way to provide for 30,000 square feet of office and storage space and related site improvements in the WGBD zone. The current application amends the site plan from the previous uses for office, residential and retail. Applicant's site plan now shows the complete property parcel including the Cooney Building site and the public park (Open Space Garden). The Site Plan notes that the "Public Park property to be conveyed to the Village of Tarrytown".

(This should be further noted that the Open Space Garden received conceptual site plan approval dated 9/8/15). Applicant now indicates 68 parking spaces being required and provided for the Cooney Building's proposed uses.

2.The Planning Board has confirmed that the application for the Cooney building is 30,000 sf of office and related space. This falls under the existing amended Findings statement issued on February 9, 2010 and is consistent with Master Plan #5. Therefore, no further SEQRA review is required.

3.The Planning Board has conducted a duly noticed public hearing on December 28, 2020 and continued on January 25, 2021, February 22, 2021, March 23, 2021 and April 26, 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 and the Applicant's set of plans including civil, architectural and landscape plans, Applicant's *Cooney Building Site Plan Response to Planning Board Work Session (2/17/20)*, *HH Parking Analysis Plan (3/7/13)*, *HH Parking Allocation (12/11/12)*, *HH Number of Units Constructed a/o 7/1/20*, Applicant's *Summary of Site Plan Revisions (2/5/2, 3/11/21)*, *HH Lighthouse Access Easement*, and has received comments and recommendations from the Village Consulting Planner in memoranda dated 12/29/20, 1/12/21, 2/7/21, 3/9/21, and 4/13/21, comments from the Village's Landscape Consultant in an email dated 3/28/21, from the Building Inspector/Village Engineer in Plan Reviews dated 1/5/21, 1/8/21, 3/11/21, and 3/22/21 and denial letter dated 8/17/21 and 12/14/20 and received additional written and public comment including *a Joint Comment Letter dated 4/3/21 and 4/16/21 from the Hudson Harbor Condominium Associations* (Hudson Harbor 1, Lookout North and South) which has been made part of the public record which they have considered.

5 . The Planning Board also conducted a special work session on March 4, 2021 with the Applicant, Applicant's Engineer (Chazin Companies) and the Village Engineer on the internal roads at Hudson Harbor. Discussion focused on the width of the roads, sidewalk connectivity, parking, and property lot line changes. The consensus was to dedicate as many on the interior roads in the development as possible as public roads. Applicant's Engineer developed a revised plan in response to the discussions at the Special work session to reflect the proposed changes to the development's internal road system and sidewalk connectivity.

6.The Planning Board closed their public hearing on April 26, 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 also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resource 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 reviewed the Applicant's amended site plan and application for the existing Cooney Building. The amended proposal is for office and ancillary storage uses. The amended plan includes a total of 30,000 gsf of office and storage on three floors. The total square footage consists of 23,398 for office space and 6,602 for storage space. Under this amendment, residential and retail uses would no longer be permitted for the Cooney Building. Under this amendment, residential and retail uses would no longer be permitted for the Cooney Building. Applicant's site plan was revised to include the complete property parcel including the Cooney building site and the public park (Office Space Garden). Plan notes that the "Public Park property to be conveyed to the Village of Tarrytown". (It should be further noted that the Open Space Garden received conceptual site plan approval by Planning Board in 9/8/15.) While applicant has indicated that 68 parking spaces are required by the office and storage renovations at the Cooney Building, the plans have been revised to increase the number of parking spaces within the Cooney lot from 68 to 70 spaces. These additional two parking spaces shall be located adjacent to the Open Space Garden and dedicated to the Village for public use.

The access easement to 45 Hudson View Way has been added to the site plan. Additional revisions include 1) the addition of landscaping to the Cooney Building parking lot; 2) addition of sidewalks on the western side of Road "E" including crosswalks; 3) the reconfiguration of sidewalks and a landscaped buffer along the northern side of the Cooney Building to be more pedestrian-friendly; 4) the property line along the southern side of the Cooney Lot has been pushed back 5-ft to create 50-ft ROW on Hudson View Way. Landscape plan shows the proposed park layout and proposed landscaping. Foundation plantings are proposed to be installed around the Cooney Building with nine (9) Red Maples along Road "E". A total of 38 deciduous trees will be planted on the Cooney property including Red Maple, Serviceberry, Dogwood, Black Tupelo, American Linden and Scarlet Oak. Access points to the proposed park have been provided to include access from the Riverwalk, and from the Cooney Building. Village Landscape Consultant will need to provide final review of the proposed park and Cooney Building. The Applicant was required to file a \$300,000 letter of credit to ensure the Open Space Garden's construction, which has been filed, and which the Village has the right to draw upon to design and construct the Open Space Garden if the Applicant fails to do so.

The Planning Board held a special meeting with the Applicant, Applicant's Engineer, and the Village Engineer on the internal roads at Hudson Harbor. The purpose was to determine which of the interior roads in the development could be dedicated as public roads. The Board's goal in consultation with the Village Engineer was to dedicate as many of the interior roads as possible as public roads. The Planning Board made the following recommendations with the Village Engineer. Orchard Drive - Village Engineer indicated that he would be satisfied with the reduction of the r-o-w from 60' to 50' on Orchard Drive with pavement width of 30' which would be the standard for a two-way local road. Sidewalks would be continuous crossing driveways with concrete drop curbs. The r-o-w on Orchard Drive will have to be adjusted to the east and require a license agreement with the Village for the encroachment of the wall for the Clubhouse that will be in the r-o-w. The fire hydrant in the same location will have to be relocated.

All jogs on Orchard Drive will need to be eliminated for compliance with §263-13 (*Widths of rights of way; improvements*). Hudson View Way - Property lines are shown as being shifted out 5' to the north. This would move the driveways out of the Village r-o-w. Hudson River Way has a 50' r-o-w with 26' pavement. Landscaping with street trees can easily be added on the north side. Hudson View Way would be two-way similar to Orchard Drive. Rivers Edge Drive - Two-way travel lanes on the southern portion of Rivers Edge Drive are problematic, there is not enough area for a turnaround prior to the one-way segment for the vehicles travelling north. Rivers Edge Drive has a 60' r-o-w with existing driveways on both sides. The concept would be to reduce the road to a 30' r-o-w with 24' pavement width and area for sidewalk. The road would be one-way. The benefit of this concept would be limiting traffic flow and it would be better operationally in terms of Village snowplowing. Input from the Tarrytown Department of Public Works and Police Department will have to be considered in determining the direction of travel. At this point for the approval of the Cooney Building site plan, it is not necessary to determine the direction. Since, the roads have not been dedicated to the Village and are under the ownership of the developer, the Board may want to consider the implementation of the one-way road as a trial. However, the plans will have to show that there is sufficient r-o-w for future road acceptance by the Village. All jogs on Rivers Edge Drive will need to be eliminated for compliance with §263-13. The roadway between Phases 1C and 2C has a limited available right-of-way road width for a one-way road and, therefore, will have to remain as a private road. **Road E - This road was designed to have a 40' r-o-w which should be increased to 50' with pavement width of 26'.** The future sidewalks on the easterly side of Road "E" will be temporarily striped, but will be fully installed on the west side and along Hudson View Way to provide connectivity to Orchard Drive and West Main Street.

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:

Site Development Plans prepared for Hudson Harbor – Phase 4 Cooney Building, Village of Tarrytown, Westchester County, New York prepared by The Chazen Companies for Ferry Landings LLC dated 8/26/20 and last revised 4/23/21 *and Landscape Plan for Cooney Office Building* prepared by IQ Landscape Architects dated 2/4/21 and revised 3/5/21 and *Architectural Plans for Cooney Office Building* prepared by Lessard Design Inc. P.C. dated 12/22/20 and revised 4/9/21 unless otherwise noted entitled:

Civil Engineering Plans prepared by The Chazen Companies

- T500 "Title Sheet"
- C111 "Preliminary Subdivision Plan"
- C112 "Preliminary Subdivision Plan"
- C113 "Preliminary Easement Plan Across Lot 7B and 7C"
- C115 "Construction Phasing Plan")
- C120 "Demolition Plan"
- C130 "Site Plan"
- C140 "Grading & Drainage Plan"
- C150 "Erosion & Sediment Control Plan"

- C160 *“Utility Plan”*
- C170 *“Road E Profile”*
- C510 *“Site Details”*
- C540 *“Storm Sewer Details”* dated 2/4/21.
- C550 *“Erosion & Sediment Control Details & Notes”* dated 2/4/21.

Landscape Plan prepared by Lessard Design Inc. P.C.

- L-1 *“Landscape Plan”* dated 2/4/21 and revised 3/5/21

Architectural Plans prepared by Lessard Design Inc. P.C.

- A.01 *“Cover Sheet”*
- A.02 *“Hudson Harbor Illustrative Site Plan”*
- A.03 *“Hudson Harbor Parking Distribution”*
- A.04 *“Hudson Harbor Parking Distribution Tabulation”*
- A.05 *“Floor Plan”*
- A.06 *“Floor Plans”*
- A.07 *“ Buildings Sections”*
- A.08 *“Building Elevations.”*
- A.09 *“Building Elevations.”*
- A10 *“Material Board”*
- A11 *“Perspective Rendering”*

(the “Approved Plans”).

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved

building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (e) Consultant Fees: The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (f) 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.
- (g) 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.

IV. Specific Conditions

- (1) The Applicant shall undertake and perform the work set forth in Approved Plans for Road E, Hudson View Way, Orchard Drive and Rivers Edge Drive so that: (a) Road E, Hudson View Way and Orchard Drive shall have a 50 foot right of way; and (b) Rivers Edge Drive shall have a 30-foot right of way and shall be a one-way street. Applicant shall submit a plat (based upon the Approved Plans) to the Village Engineer for review and approval prior to filing and upon approval by the Village Engineer of said plat, the Applicant shall file and record the plat in the Office of the Westchester County Clerk prior to the issuance of any certificate of occupancy for the Cooney Building (hereinafter “CO”) or temporary nonrenewable certificate of occupancy not to exceed 90-days for the Cooney Building (hereinafter “TCO”). To bring Road E, Hudson View Way, Orchard Drive and Rivers Edge Drive to Village road standards and to comply with Village Code Chapters 263 and 305 so as to be eligible for dedication to the Village as public roads, Applicant shall perform such work including but not limited to, modifying the width of the rights of way and pavement, sidewalk connectivity, parking, reconfiguration of property lot lines, installing curbing, relocating water mains/hydrants, installing signage, striping and performing such other work that the Village Engineer may reasonably require to comply with Village standards

and to comply with Village Code Chapters 263 and 305 (collectively, “Road Standards”). The Applicant acknowledges that the Village shall have no obligation whatsoever to accept for dedication roads or infrastructure not improved to Road Standards to the satisfaction of the Village Engineer.

- (2) Parking count letter date April 26, 2021 from Applicant’s representative Lessard Design, Inc. P.C. was provided confirming that there are 772 parking spaces constructed and available as set forth in Lessard Design Inc. plans dated April 9, 2021 (A.03 and A.04) which includes the parking spaces reallocated from Orchard Drive. Such parking spaces must be designated and confirmed prior to the issuance of any TCO or CO. Any parking spaces that are within the proposed Village ROW cannot be allocated for private use.
- (3) Prior to the issuance of any TCO or CO for the Cooney Building, Applicant shall install survey monuments setting the ROW areas in accordance with Village Code § 263-15(F)
- (4) The Applicant shall provide a proposed license agreement in a form acceptable to the Planning Board attorney allowing for the encroachment within the ROW of Orchard Street of masonry stone walls for Lot 4 and Lot 5A as indicated in cross-hatching on the Chazen plan, Sheet C112. The license agreement is subject to review and approval by the Village Board of Trustees. The license agreement must be entered into by the parties and filed with the Village Clerk prior to the issuance of any TCO or CO for the Cooney Building.
- (5) Prior to the issuance of any TCO or CO for the Cooney Building., the Applicant shall:
 - (a) complete the necessary work to bring Road E to Road Standards to the satisfaction of the Village Engineer with the exception of the placement of the wearing course/final pavement for Road E; (b) complete installation of sidewalks on the west side of Road E and along the north side of Hudson View Way; and (c) install at its sole cost and expense drainage improvements outside the right of way (of Road E) to prevent ponding of water on property owned or utilized by the Village of Tarrytown to the satisfaction of the Village Engineer.

Counsel Zalantis added language to Condition 6 to address the earlier discussion of the Board which she read aloud as follows:

Applicant shall work diligently and in a reasonably continual manner to complete the following within two years from the date of this resolution a) install the wearing course/final payment on road E; b) complete the necessary work to bring Orchard Drive,

Hudson View Way and Rivers Edge Drive to road standards to the satisfaction of the village Engineer including the installation of the wearing course/ final payment for said roads; and c) complete the sidewalks on the easterly side of road e which sidewalks in the interim can be temporarily striped. Applicant shall provide a performance bond or other similar security to ensure completion of the work required by this paragraph in an amount to be determined by the Village Engineer, which performance bond shall be filed with the Village prior to the issuance of the Certificate of Occupancy for the Cooney Building and shall remain in effect until the aforementioned work is completed. Prior to the issuance of the building permit for the Cooney building, the applicant shall submit to the Village Engineer a detailed construction schedule for the work provided in this paragraph to be completed in accordance with the timeframe in this paragraph, which construction schedule must be approved by the Village Engineer. The wearing course/slash final pavement shall not be installed until permission is granted by the Village and shall not be installed until after all necessary tests are completed as required by the Village so as to ensure that the roads are in proper conditions to allow installation of the wearing course/final pavement.

- ~~(6) Within two years from the date of this resolution, Applicant shall: (a) install the wearing course/final pavement on Road E; (b) complete the necessary work to bring Orchard Drive, Hudson View Way and Rivers Edge Drive to Road Standards to the satisfaction of the Village Engineer, including the installation of the wearing course/final pavement for said roads; and (c) complete the sidewalks on the easterly side of Road E, which sidewalks in the interim can be temporarily striped. Applicant shall provide a Performance Bond or other similar security to ensure completion of the work required by this paragraph in an amount to be determined by the Village Engineer, which Performance Bond shall be filed with the Village prior to the issuance of a CO for the Cooney Building and shall remain in effect until the aforementioned work is completed.~~
- (7) Prior to issuance of a Building Permit for the Cooney Building, Applicant will provide a construction phasing plan for the site work (for both the Cooney Building and required road improvement work to bring Road E, Orchard Drive, Hudson View Way and Rivers Edge Drive to Road Standards), which construction phasing plan must ensure and maintain accessibility to all buildings. Construction access for the Cooney Building must be solely via Road E. Notwithstanding the foregoing, access to the Village's DPW Site must be maintained at all times.
- (8) Prior to the issuance of the Building Permit for the Cooney Building, Applicant shall submit to the Planning Board Attorney for review the required restrictive covenant/easement for the Open Space Garden ("OSG") in a form acceptable to the Planning Board Attorney providing that OSG shall be maintained at the sole cost and expense by Applicant and providing for use and access by the public of

the OSG in accordance with and as further detailed in Subdivision and Site Plan Resolution dated September 8, 2015 (see specific conditions “f” and “g”). The hours of the OSC shall be consistent with the Village’s other parks (which parks are closed from dusk to dawn).

- (9) Prior to the issuance of any TCO or CO for the Cooney Building, the restrictive covenant/easement referenced above shall be filed with the Office of the Westchester County Clerk and proof of recording provided to the Village.
- (10) Prior to the issuance of a Building Permit for the OSC, the Applicant shall submit a revised plan for the OSC: (a) omitting any water feature; (b) omitting any overhead lighting from the OSC and replacing it with bollard style lighting; and (c) eliminating one of the three public access points, to the satisfaction of the Village Engineer. The Building Permit for the OSG’s construction shall be issued separately by the Building Department from the Building Permit for the Cooney Building. Construction of the OSG shall begin as soon as possible, but must be completed prior to the issuance of the CO for the Cooney Building.
- (11) The relevant condominium associations for Lots 7A, 7B and 7C have consented to grant easements to the Village allowing for public access, ingress and egress over the area depicted in hatching on Chazen plan,, Sheet C113 and referred to as public access easement 7B1. Prior to the issuance of the Building Permit, the Applicant shall provide at its sole cost and expense: (a) a metes and bounds legal description of public access easement 7B1; (b) a proposed easement for 7B1 consistent with this resolution to be entered into by the homeowners association of Lots 7A, 7B and 7C and the Village, which form shall be subject to review and approval by the Planning Board Attorney; (c) any other necessary documents to effectuate the conveyance and recording of the easement agreement (including PREP documents); and (d) reimburse the Village for any fees associated with recording the easement agreement. Prior to the issuance of the CO, the easement burdening Lots 7A, 7B and 7C and benefiting the Village and granting public access, egress and ingress over 7B1 shall be filed in the Office of the Westchester County Clerk and proof of recording provided to the Village.
- (12) Prior to the issuance of a Building Permit for the Cooney Building, the Applicant shall pay any outstanding charges related to and/or concerning infrastructure associated with the overall development of Ferry Landing and/or Hudson Harbor, including but not limited to, charges for work performed by MTS Infrastructure LLC performed on or about October 7 and 8, 2020. After the issuance of the building permit, Applicant shall continue to pay any outstanding charges related to and/or concerning infrastructure associated with the overall development of Ferry Landing and/or Hudson Harbor until such time as Road E, Orchard Drive,

Hudson View Way and Rivers Edge Drive are accepted for dedication by the Village.

Before voting on the application, Ms. Raiselis wanted to ensure that the sidewalk crossings at the driveways are continuous with stamping across the areas to make it clear that the pedestrian has priority over the person pulling out of the private driveway. This is a safety issue since there are a lot of people that walk in the area. Ms. Ward agrees that the pedestrian has priority and does not want any accidents either. Counsel asked Chris Bielkiewicz to show this area on the plan. Ms. Ward said that many survey related notes will adding time to the filings and may cause delays. Ms. Mendez Boyer said the conditions were stated earlier and it should not be a surprise. Ms. Ward agrees but also does not want to jeopardize the construction this year. Mr. Aukland suggested that a new condition be added to address this. Mr. Birgy has concerns about the striping fading away and said as long as it is permanent, he has no objection. Mr. Pennella said the property owner is responsible for maintaining this sidewalk area and driveway up to the curb. They typically stamp it with a color. Mr. Pennella said since there is confusion, a new condition #13 should be sufficient to include that all sidewalk crossings must be constructed of concrete in accordance with Village road standards, which was his original intention, and which was already indicated on the plans.

Ms. Mendez Boyer wanted confirmation that the Rivers Edge Drive future public access easement is on the plans since it is not in the text. Chris Bielkiewicz showed sheet C - 113 and the area in question. Mr. Pennella said that the purpose of the maps is to show the easements. Survey maps will be prepared for filing purposes. He confirmed that the easement is on the plans and it does not have to be in the text. 50 feet is currently owned by the developer, who will transfer this property to the HOA. The Village will own 30 feet of it. Counsel Zalantis agreed that it does not have to be addressed in the text and was satisfied that HOA consent is not required for this easement.

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried.

The site plan application was approved: 5-0

Mr. Tedesco thanked the Board for their additional suggestions made this evening, as well as staff and the applicant who have all worked very hard together on this

application and, very importantly, the members of the public that provided comments and suggestions through letters and comments at prior public hearings. He hopes that the spirit of cooperation will continue as we move toward the completion of the Hudson Harbor Development. He will recommend that this project get an award through WMPF.

Ms. Ward agreed and thanked the Chairman for his masterful job of obtaining a consensus.

NEW PUBLIC HEARING – Jozef Debiec – 35 South Broadway

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Order 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m. on Monday, April 26, 2021**, to hear and consider an application by:

Jozef Debiec
200 South Broadway
Tarrytown, NY 10591

For site plan approval for the change of use to a professional medical office.

The property is located at 35 South Broadway, Tarrytown, NY and is shown on the Tax Maps as Sheet 1.70, Block 35, Lot 1 and is located in the RR zoning district.

Please visit <https://www.tarrytowngov.com/home/events/32761>

for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

Public Written Comments will be received in advance of the meeting no later than 12 Noon on Friday, April 23, 2021 by email to: meszaros@tarrytowngov.com or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

Documents relating to applications will be provided in advance of the meeting by emailing meszaros@tarrytowngov.com or by calling 914-631-1487.

Additional approval will be required from the Architectural Review Board.

All interested parties are invited to join the meeting and be heard.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: April 16, 2021

The mailing receipts were received and the property sign was posted.

John Hughes, Attorney, appeared on behalf of the applicant, Dr. Debeic.

Mr. Hughes briefly described the history of the property. It was used by the Junior League for many years and conveyed to Dr. Debeic in 2019. It had been vacant for a short period prior to the purchase. Dr. Debeic is proposing to use the basement and first floor as a professional medical office for pain management. The 2nd and 3rd floors will be renovated into a 3 bedroom apartment. He showed the site plan which included stormwater improvements to the parking lot with the required parking, including a handicapped space and some landscaping. In response to a question at the staff meeting, he confirmed that Dr. Debeic has contracted with a firm for the collection of any medical waste on site. In May of 2020, Mr. Hughes advised that the required zoning variances from the Zoning Board were approved. He showed the 16 spaces with the ADA compliant space. He noted that the parking spaces are slightly bigger than normal to accommodate his patients, who require additional room due to their medical condition. The landscaping has been added and he believes it has been reviewed by the Village Landscape Architect.

Mr. Tedesco asked Mr. Pennella to comment on the stormwater plan.

Mr. Pennella advised that the stormwater plan is designed for a 25-year storm and these improvements will reduce the amount of runoff that currently comes from the property. The pavement has been removed from the triangular islands and the area will be permeable to allow for the planting of trees and for water to perk into the ground. There will be tree wells along East Elizabeth to accommodate the trees.

Mr. Tedesco commented that the landscaping plan looks nice. Ms. Raiselis is also pleased that the property is getting some attention since it has been suffering for a while.

Mr. Birgy noted that this building was built circa 1842. He would like to find out if this building has any historic significance from the Historical Society. He thinks it is a beautiful example of a French Empire Victorian home and has a very prominent location on Broadway. He would like to make sure that it receives some special attention with regard to the restoration of the exterior since there are many features that look quite original to the building. If it was indeed built in 1842, he thinks it is quite remarkable that the features have held up so well as it has. It would be a great opportunity to make the building even better.

Mr. Hughes will be happy to write to the Historical Society to ask for their input and of course this will be before the Architectural Review Board for their review.

Mr. Tedesco thanked Mr. Birgy and said that it is a beautiful building and even if it can't get historical designation, it is worth having the architecture do its justice if there are any changes to the facade at all.

Ms. Mendez-Boyer commented that the existing gate is amazing and looks very historic and original. She suggested that the ramp be considered when integrating it into the historic gate.

Mr. Aukland thanked Mr. Hughes for providing information about the removal of the medical waste and wanted to confirm that there will not be any overnight care at the office. Mr. Hughes advised that only outpatient care will be provided with no overnight care.

Mr. Tedesco asked if anyone in the public would like to comment on this application.

PUBLIC COMMENT

Mark Fry, of Ossining, NY, agrees with Mr. Birgy and Ms. Mendez Boyer that this is an historic structure of some importance and he is very pleased that the applicant is willing to preserve it.

Jack Jolly, 68 Main Street, a member of the Christ Church, wanted to let Dr. Debeic that they will work together as they have in the past and looks forward to getting along as neighbors.

Clarice Pollack, of South Broadway, a patient of Dr. Debeic and future neighbor, looks forward to the improvements that Dr. Debeic is making to this parcel of land. His move from 200 South Broadway up to 35 South Broadway is going to be a beautiful improvement for this Village.

END OF PUBLIC COMMENT

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. 5- 0

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted April 26, 2021)**

**Application of Jozef Debiec, MD
Property: 35 South Broadway (Sheet 1.70, Block 35, Lot 1 and RR Zone)**

**Resolution of Site Plan Approval
Background**

1. The Applicant requested site plan approval for the change of use to a professional medical office at the basement and first floor level of the building located at 35 South Broadway in the RR zoning District. The building's second and third floors have formerly been residential. There is no expansion to the building's footprint.
2. The Planning Board on April 26, 2021 determined this to be a Type II Action under NYS DEC 617.5 (c)(2) *"replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes"* and, therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on April 26, 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 the Applicant's Attorney dated February 16, 2021, architect's plans last revised January 16, 2020, the Environmental Clearance and Zoning Compliance Forms, pictures of the premises and a survey of the premises dated June 17, 2019. The Planning Board also reviewed Hudson Engineering & Consulting's *Stormwater Management Plan & Drainage Analysis*, and *Proposed Drainage Improvement Plan* (for the Parking Lot) dated April 6, 2020 and last revised April 23, 2021 as well as the *Planting Plan* by Daniel Sherman, landscape architect dated April 23, 2021. The Planning Board received comments and recommendations from the Consulting Village Planner in a memorandum dated April 12, 2020, final landscape approval in a report from the Village Landscape dated April 26, 2021 and denial letters from the Building Inspector/Village Engineer dated January 10, 2020 and January 23, 2020 which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant's request for area variances for the property's parking lot at a public hearing held on May 11, 2021. The requested area variances were for front yard setbacks along John and West Elizabeth Streets, side yard setbacks and not installing raised planting beds in the parking lot. The ZBA closed the public hearing and approved the requested variances for the parking lot.

6. The Planning Board closed their public hearing on April 28, 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.

V. 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 subject property is 9,152 sf in the RR zoning district. The property is located at the northwest corner of South Broadway and West Elizabeth Street. It contains a 4,670-sf three-story brick building with a basement. The front of the building faces South Broadway with an existing parking lot at the rear. There is an existing municipal parking adjacent to the north. At one time, the parking lot to the rear had been leased to the Village for public parking. Christ Episcopal Church is opposite on the south side of West Elizabeth Street.

The building has been occupied by the Junior League of Westchester for a number of years including their offices and a retail shop for sale of clothing. It was acquired by Dr. Debiec in September of 2019. He is proposing to upgrade the exterior of the building and renovate and alter the interior for his medical offices in the basement and on the first floor and renovate the second and third floors for one apartment with three bedrooms. The building's second and third floors have formerly been residential. There is no expansion to the building's footprint.

The Applicant has provided an updated parking lot plan showing 16 parking spaces where there were formerly 15 spaces. The parking lot includes one ADA handicapped space closest to the building with a handicapped ramp being installed at the front of the building. The parking lot has a 2' strip along West Elizabeth Street and the north side of the parking lot. These two landscaped strips include a ground cover, ninebark shrubs and the addition of two swamp white oak trees on the south side. These trees will be planted in 4' x 4' tree pits. There are two landscaped islands in the parking lot, each will contain an American Linden tree. Landscaping continues along the building's small stone retaining wall fronting on West Elizabeth Street. This area is proposed to be planted with a ninebark shrub, five weigela shrubs, maintaining the large existing Rose of Sharon and continue with ten boxwoods which will wrap around the front of the building forming a hedge. Finally, the proposed landscaping includes a hydrangea plant at the northeast corner of the building facing South Broadway.

The Village Landscape Consultant provided a positive review of the Applicant's *Planting Plan* commenting that (4) native canopy trees have been added in the parking lot in planting areas prepared by removing existing asphalt pavement on the north and east portions of the lot and by carving out portions of the inside of the sidewalk along West Elizabeth Street to expand the rooting area for two of the trees. The streetscape along West Elizabeth Street will be enhanced by a hedge of native ninebark

that will soften the visual impact of the parking lot. A ninebark hedge will also be planted on the north side of the parking lot. This will provide additional visual relief from the municipal parking area to the north. Overall, the planting plan consists primarily of native plants, with some non-natives concentrated at the entrance to the building. None of the plants are recognized as being invasive in the Lower Hudson area and all have some degree of deer tolerance. The native plants consist of (2) American Lindens and (2) Swamp White Oaks. The addition of these trees will increase and diversify the tree canopy in the area.

Hudson Engineering has provided a Stormwater Management Plan and Drainage Analysis as well as a Drainage Improvement Plan. The stormwater runoff from the parking lot is proposed to be conveyed via a comprehensive drainage system to twelve (12) Cultec units set in the parking lot. The system is designed to fully accept (no release) the entire stormwater runoff volume for the 25-year storm event from the watershed and ex-filtrate the runoff.

VI. 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:

Architectural Plans by Homayoon Saghafi, R.A. prepared for the *Restoration of Existing Building 35 South Broadway, Tarrytown, New York* dated December 23, 2019 and last revised January 16, 2020, Stormwater Management and Drainage Improvement Plans prepared by Hudson Engineering & Consulting (HEC) for *Proposed Drainage Improvements for 35 South Broadway* dated 4/6/20 and last revised 4/23/21 and *Planting Plan* prepared by Daniel Sherman dated April 23, 2021 unless otherwise noted entitled:

Architectural Plans prepared by Homayoon, R.A.

- A-101 “Notes and Site Plan”
- A-102 “Floor Plans, details and Schedules”
- A-103 “Elevations”

Stormwater Management Plans and Proposed Drainage Improvements prepared by HEC.

- C-1 “Proposed Drainage Improvements, Site Plan”
- C-2 “Proposed Drainage Improvements, Stormwater Management Plan”
- C-3 “Proposed Additions and Alterations, Details”

Landscape Plan prepared by Daniel Sherman, Landscape Architect

- L-1 “Planting Plan”
- *Survey of Premises at 35 South Broadway, Property, Village of Tarrytown, Town of Greenburg, Westchester County, State of New York*, Surveyed by Vincent Teutonico, Licensed Land Surveyor, dated June 17, 2019.

(the “Approved Plans”).

VII. 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. **Force and Effect:** No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
4. **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.
5. **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.
6. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
7. **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.

8. 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.

VIII. Special Conditions:

1. Prior to the issuance of a certificate of occupancy, the existing sidewalk and curbing that is in poor and unsafe condition along West Elizabeth shall be replaced by the applicant to comply with Village standards and to the satisfaction of the Village Engineer.

Mr. Tedesco moved, seconded by Ms. Raiselis, to approve this application.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried: 5-0

Adjournment:

Mr. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 8:15 p.m.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried: 5-0

Liz Meszaros – Secretary