

Planning Board
Village of Tarrytown
Regular Meeting 7 pm
June 26, 2023

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

ABSENT: All members present

Ms. Raiselis called the meeting to order at 7:00 p.m. She announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to lmesaros@tarrytowngov.com or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed to the Board and the applicant in advance of the meeting.

APPROVAL OF MINUTES - April 24, 2023

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to approve the minutes of the April 24, 2023 meeting, as submitted.

The secretary recorded the vote:

Member Gaito:	Yes
Member Aukland:	Yes (excluding 00 Browning Lane application minutes)
Member Mendez-Boyer	Yes
Member Mezey:	Yes
Chair Raiselis:	Abstain
Member Friedlander:	Abstain
All in favor. Motion carried. 4 - 2	

APPROVAL OF MINUTES - May 22, 2023

Dr. Friedlander moved, seconded by Mr. Gaito, to approve the minutes of the May 22, 2023 meeting, as submitted.

The secretary recorded the vote:

Member Gaito:	Yes
Member Aukland:	Yes
Member Mendez-Boyer	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
All in favor. Motion carried. 5- 0	

Ms. Raiselis announced the following adjournment:

First Korean Methodist Church of NY - 500 South Broadway

Site plan approval for the construction of a parking lot with related stormwater and site improvements to include ingress and egress access from properties located at 14 and 18 Walter Street, respectively.

CONTINUATION OF PUBLIC HEARING – Gracemere Partners, LLC –23 Browning Lane (Lot 1)

Member Aukland has recused himself from this application and left the meeting room for this portion of the meeting.

Brandon Zappi, P.E., appeared on behalf of Gracemere Partners, LLC. He advised that they have received two comment memos, one from the village landscaping consultant and the other from the village engineering consultant, Hahn Engineering and have revised their plans to address all of these comments. With regard to the landscaping comments, they hired an arborist to verify the species and size of the trees and assess the tree conditions. A tree schedule has also been updated on the plans. They revised the stormwater system to avoid having to take down two Evergreen trees, and have added some additional sediment erosion control measures where the existing driveway will be removed to avoid erosion coming from that area. With regard to the stormwater comments, this plan is outside of the watershed boundary that was evaluated in the original subdivision SWPPP, and this lot has no material impact on the SWPPP addendum. There is a net reduction in impervious surface, but they are still proposing an underground stormwater infiltration system as good practice even though it is not required.

Mr. Zappi advised that they have also addressed other items that were conditions of the resolution of approval. They hired a wetland scientist and geologist to assess the condition of the pond and provided a report. The scientist concluded that dredging will not be required for many decades from now, factoring in the amount of years that the pond has existed and the accumulation of sediment at the bottom. They hired a structural engineering firm to assess the condition of the headwall. Generally, the wall is in decent shape; only minor repairs are required which they are happy to facilitate. They met with the Tarrytown Fire Chief to discuss the intersection design of Gracemere and Gracemere Lake Drive, also a condition of approval. The Chief approves of the plan for the intersection design as noted. There are some other conditions of approval that are forthcoming, but they are not required to be addressed at this time in the process; some can be addressed at the time of building permit issuance and some can be addressed at the time of site clearing. At this point, they do not have any other outstanding comments that would be a prerequisite for holding up site plan approval for this lot. They would like to move forward to the ARB and get the home demolished.

Ms. Raiselis appreciates the work that the applicant has done so far. There are a few items that still need to be addressed and completed and until that work is complete, it is the Board's understanding, through advice of Counsel and through their discussions that this is not yet a separate lot. The Board cannot review this application to completion until it is officially and legally a separate lot. She noted that there are not that many items left to do. They are happy to review but they cannot vote on this application at this time.

Counsel Zalantis advised that this lot was created as part of the subdivision. The subdivision was granted subject to conditions. Those conditions have not been fulfilled. Until the conditions are fulfilled, this lot is not a separate lot, and the Planning Board cannot grant site plan approval. She referred to the "Chart of Conditions" with a status update received from the applicant and noted that the applicant has made progress but there are still plans that need to be submitted for review. Brandon Zappi said that is not what the resolution says. Counsel Zalantis said the resolution references plans that the applicant must submit as a condition of approval. She advised that she and Mr. Pennella had a very good conversation with the applicant's attorney and she was surprised to get an email from that attorney this Saturday saying that he is no longer representing the applicant. She thought they were making progress. They understood what needed to be done and now it seems like we are walking backwards. She is disappointed that, after meeting with this attorney, and setting a pathway to proceed, that the attorney is not here to guide the applicant through this process, because it appears that some guidance is needed. Jim Zappi disagreed. Brandon Zappi commented that he is confused about how they have gotten this far in the process and they are not ready for site plan approval. Counsel Zalantis interjected and referred to the "Chart of Conditions". She advised that the subdivision was not a final subdivision plat, it was a conditional subdivision plat. Until some of the conditions, as noted, are satisfied, the lots do not exist and the Planning Board cannot grant site plan approval on a lot that does not exist because the applicant has not yet satisfied conditions of the conditional subdivision approval.

Playing devil's advocate, Brandon Zappi said that some of the conditions cannot be satisfied until land clearing begins, which requires site plan approval, so how do they go about that? Counsel Zalantis said the conditions that need to be satisfied are outlined in the "Chart of Conditions". Where it says, submit plans, plans need to be submitted, reviewed and approved by the Planning Board, and, where it says to submit a bond, a bond needs to be submitted.

Ms. Raiselis said the Board is happy to review the application. It was the Board's understanding that the applicant was going to work parallel with this application to fulfill the subdivision conditions and when completed, they could vote on this application. If the applicant could pull the last strings together, they could probably get this done in the next month and a half.

Jim Zappi advised that the bond was issued. He has developed land for 40 years in Westchester County. He is not an attorney, but an engineer, and he has filed numerous subdivision maps. He advised that, in accordance with the village law, prior to a village endorsing a map, recreation fees, affordable housing, and a bond all need to be in hand. His company bought a filed subdivision map, and there are several ownerships, so when you say it is not a separate lot, he disagrees, and most of the zoning attorneys in Westchester County would also disagree. They would like to push this along to the next step as they are working out these details. Ms. Raiselis believes they are saying the same thing. Jim Zappi said no, the Board's position is that this is not a separate lot but there was a closing and there is a title on this lot. The Board is being advised by village counsel that it is not a separate lot. If that is the case, he would like to know how it got a clear title.

Counsel Zalantis advised that the applicant purchased a conditional subdivision plat and in 99% of the cases, Mr. Zappi would be correct because all of the conditions would have been fulfilled prior to the filing of the plat. But, in this case, if you look at page four of the final plat, the final approval was subject to a whole host of conditions. She advised the applicant that he should have done is due diligence prior to purchasing the subdivision and then he would have known what conditions were open.

Mr. Zappi advised that they did their due diligence but someone in the village failed to pull the bond or have it renewed. Counsel Zalantis advised Mr. Zappi that this may be his interpretation, but it was not the interpretation of Christian DiPalermo, who claimed to be representing him last week when he asked for a meeting. She and Dan Pennella spent 2 hours meeting with Mr. DiPalermo and reviewed what needed to be done. Jim Zappi said he has no knowledge of this attorney and does not know who he is. Counsel Zalantis said that is strange since Mr. DiPalermo said he was representing you. Brian Zappi came up and advised that Mr. DiPalermo was instructed to set up a meeting with them and Rich Slingerland, the Village Administrator. He advised that the meeting never happened and no meeting was ever authorized by us for Mr. DiPalermo to speak of these conditions. None of that was supposed to have happened. He was simply supposed to facilitate a meeting with Rich Slingerland. Counsel Zalantis said Rich Slingerland will not be meeting with you. Brian Zappi said that was his only purpose and it didn't happen, so Mr. DiPalermo is no longer representing them.

Jim Zappi asked Counsel Zalantis what the outcome of the meeting was. Counsel Zalantis advised that they had a productive conversation on what was specifically needed to advance this application so that the applicant could be in a position to get site plan approval. She advised Jim Zappi to speak with him for more detail. Jim Zappi said he doesn't represent us.

Counsel Zalantis said she is happy to go through it again but it seems like a waste of time and energy to reiterate what was already said. We went through every single

condition. It is very disappointing to get an email this Saturday before the Planning Board meeting, from Mr. DiPalermo, saying that he is no longer representing the applicant.

Brian Zappi said we have been actively involved with the process this entire time and for Counsel to think that a meeting should have been held without us being present is... Counsel Zalantis interjected and said she was contacted by an attorney representing the applicant who asked for the meeting. Brian Zappi said he would like to see that email.

Brandon Zappi wanted to clarify with the Board, that, on advice from Counsel Zalantis, the Board believes that this is not a separate lot, and this application will not be advanced due to conditions relating to other lots. Counsel Zalantis said that is not correct. She advised that there are conditions of the subdivision approval that have not been fulfilled. As a result, this Board cannot grant site plan approval because the conditions of the subdivision approval are still open. Until all the open conditions of the subdivision approval have been satisfied, as outlined in the "Chart of Conditions", the Planning Board cannot proceed with site plan approval on this lot because this lot is part of the subdivision that has open conditions. She advised the applicant again, that if they want to take the time to go through how they can get to a point to satisfy the open conditions, and what conditions need to be satisfied, which have been made clear, both in writing, and in the conversation with their attorney, she is happy to do it.

Brandon Zappi asked if the most recent submission has been reviewed in terms of addressing the two memos. Counsel Zalantis said the untimely submission has not been reviewed in detail. It was received on June 20, 2023, but just skimming through it now, it appears that the applicant is still resisting the items in blue, which require that plans be submitted. For example, on condition 6, they are still insisting that this was done rather than submitting the plan to be reviewed and approved. Brandon Zappi said we have a plan to be approved. Counsel Zalantis said it is not the subdivision plan, they submitted a plan for the one lot that shows the landscaping which is not what the subdivision condition states.

Ms. Raiselis asked Counsel Zalantis if it possible for her to arrange another meeting with the applicant. She is aware that this has been done multiple times. We have done it here twice before, but it seems that we need to come to a meeting of the minds and perhaps we can get a short list of what needs to be done to move forward.

Counsel Zalantis said she would agree to meeting but the applicant will need to come with their attorney who is giving them the advice that they don't need to comply with the

subdivision conditions. This way, both parties are represented by Counsel and it is very clear what is being stated.

Jim Zappi asked when the village law states that you have to have a performance bond before endorsing the map, how does it work? Ms. Raiselis advised Mr. Zappi that she would like this discussion to be continued at the meeting which will be scheduled. Jim Zappi said we are not going to get anywhere with a meeting. He has been doing this a long time, longer than Counsel Zalantis. Most zoning attorneys and their counsel believe that when a performance bond is not renewed, subsequent buyers get caught up. The whole purpose of a Performance Bond is to protect the subsequent owner. This is village law and he is not making it up.

Ms. Raiselis believes that this is something that needs to be discussed between the lawyers. It is not up to the Board to speak about the bond. She would like a meeting so that both parties can come to a resolution, or not, but we can't keep going over the same issues in a public session.

Brandon Zappi said they have submitted additional material for review which he referred to earlier. He feels like they are hitting a road block with Counsel Zalantis because some of the items have specific time triggers to when they have to be completed. He does not understand why they are being held up on this one lot when some of the items can be completed before the issuance of a building permit, not before individual site plan approval.

Counsel Zalantis asked Brandon Zappi how he gets around the fact that the subdivision conditions specifically say certain plans need to be approved by the Planning Board and staff that have not yet been submitted or approved by the Planning Board and staff. Putting aside the issue of the bond, the plans for the whole entire subdivision in the conditions have not been submitted, let alone approved. The plans that are noted in the conditional resolution have a date earlier than the actual resolution date so it is not referring to those plans, when it says plans need to be submitted. Mr. Galvin recalls that the applicant had indicated that they would be providing these plans for review last month. Counsel Zalantis added that, when she met with their attorney (Mr. DiPalermo), he seemed to understand that the plans (like the original Cronin plans) needed to be updated and submitted for review and approval. Then there is the DOH approval and the bond question.

Mr. Zappi advised that he is still waiting for the village to sign off on the Department of Health plans. Counsel Zalantis said that Mr. Pennella can speak to that but there was a lengthy conversation with the attorney about that and what was submitted and it is not sufficient. Jim Zappi said that is not what his counsel thinks. Counsel Zalantis said she

does not know who this counsel is that Mr. Zappi is speaking of because it was not the person who she actually met with last week. Mr. Zappi said he doesn't know the guy she met with.

Mr. Gaito suggested that they speak with the attorney that Counsel Zalantis met with last week since it seemed to be productive and perhaps he could guide them in the process so that they can move forward.

Ms. Raiselis said it seems like there are six essential items that need to be done and updated. If we can be clear in this proposed tentative meeting what they are and get them resolved, then we can proceed with this lot and move on to the other lots.

Brandon Zappi said they are working on those outstanding items, which pertain to the other lots down the street and the creation of a new roadway. Ms. Raiselis believes that these items need to be satisfied in order for the subdivision to be finalized. Counsel Zalantis said these conditions pertain to all the lots and you cannot separate the lots out. Brandon Zappi does not believe that is what the Subdivision Plat Resolution says. There was a brief discussion and Counsel Zalantis advised again that there are conditions that refer to the entire subdivision that have to be met. Jim Zappi asked what the 6 items are. Counsel Zalantis said we are not going to go through this again. Ms. Raiselis asked if a meeting can take place to move forward so the next time they meet in July, some of the items will be addressed, and maybe by August we can get this done. Jim Zappi said that sounds logical and normally he would agree to this, but when you want to pick and choose what part of the Resolution and law to follow, unless Counsel Zalantis can tell me something different, it may take more than two lawyers.

Ms. Raiselis does not want to keep meeting and arguing. He asked Jim Zappi what he would propose to resolve these matters. Mr. Zappi said unless they discuss something different than what was previously proposed, under village law, certain triggers have to be done before a map is filed, so the onus is on the Village, not the applicant. The recreation fee was not collected and there is no bond issued, so these matters may be above them. He also does not want to waste his time or the Board's time.

Ms. Raiselis agreed and said this matter may be resolved in a mutually beneficial way, or it may be adjourned, until something else happens. Jim Zappi thanked the Board and the applicants left the meeting room.

Ms. Raiselis acknowledged an email from Linda Viertel, which included photos that are not so pertinent to this application, about a broken pillar in the area on private property, which hopefully will get resolved. The public hearing will remain opened.

Ms. Raiselis asked the Board if they had further comment.

Ms. Mendez-Boyer is thankful to the Planning Board for their clarity and also providing a parallel path for the applicant. She hopes that they take advantage of this.

Dr. Friedlander asked if there has been any written response to the “Chart of Conditions” that had to be met that Counsel Zalantis prepared. Counsel Zalantis advised that the applicant and Board went over each condition at the public hearing that Mr. Gaito chaired, and it was discussed at the last work session. This is the first written response received in this packet. The applicant has annotated their responses in red.

Mr. Gaito said there was some verbal understanding at the meeting. Mr. Galvin advised that the applicant was going to work on getting the conditions resolved. Dr. Friedlander asked if the bond is the major issue. Counsel Zalantis said the bond is an issue. The recreation fees also have not been paid, but the applicant believes they have been paid. The subdivision plans have not been provided, which the applicant previously said they were going to provide.

Mr. Pennella advised that the last submission specific to this lot has not been reviewed by any of the consultants but will be forwarded for review.

Counsel Zalantis added that, to the extent that the applicant has submitted items specific to the subdivision conditions, we will review them, and it seems that they have made some progress. However, the applicant is still saying that they do not need to comply with some of the conditions.

Ms. Raiselis asked Counsel if it is possible for her to reach out and request a meeting. Counsel Zalantis is happy to send an email but would prefer meeting with their counsel representing them. Mr. Gaito feels that the applicant should be contacting the village. Ms. Raiselis agrees but she wants to make one last gesture and reach out to them.

Dr. Friedlander asked if there is a subdivision if the conditions have not been met. Counsel Zalantis advised that a conditional subdivision plat has been filed. The applicant purchased a conditional subdivision with outstanding conditions that need to be satisfied in order for this to become a subdivision. Counsel Zalantis would like to have one Planning Board member present for this meeting with their counsel. She cannot meet this week, but is available the following week. Ms. Raiselis wants to give it one last effort and if they can't meet requirements, so be it.

Ms. Mendez Boyer commented that the length of time that someone does something is not the same as the quality of work.

Ms. Raiselis asked if anyone in the public wished to comment on this application.

Mary Bushman Kelly, 103 Gracemere Road, advised the Board of a recent event in the neighborhood where a Paraco tank truck failed to turn on its emergency break resulting in destruction of a stone pillar. She is not sure if it is premature to address whose responsibility it is right now since there seems to be more substantial issues at this time. Ms. Raiselis noted that the Board has seen the pictures. She is not sure if this is a Planning Board issue since this is a piece of private property, but appreciates Ms. Bushman Kelly's comment.

Mr. Gaito moved, seconded by Dr. Friedlander, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4 -0

Member Aukland returned to the meeting room.

CONTINUATION OF PUBLIC HEARING – Hudson Harbor Station LLC– 29 S Depot Plaza
Site plan approval for the construction of a transit-oriented development consisting of 88 residential units with 1,200 s.f. of retail space and covered parking (on Lot 38) with additional exterior parking on applicant's property (Lot 37) and on adjacent MTA Property, with related site improvements.

Ms. Raiselis advised that this application has been re-noticed to address the increase in the retail space, and the proposed parking on MTA property. She added that the Village of Tarrytown, Zoning Board of Appeals, and the MTA, have been added as Involved Agencies in the matter. (Notice of Intent for Lead Agency was re-circulated on June 21, 2023)

George Distefano appeared, representing the applicant, Hudson Harbor Station, LLC. He introduced Daniel Pennessi, ESQ., the project attorney, David Lombardi and Lucille Munz, with JMC Site Development Consultants, the project design engineers and landscape architects, and John Canning, the project traffic consultant, with the firm of Kimley Horn. Mr. Distefano presented their latest submission as well as some updates to the plan for the re-development of 29 South Depot Plaza.

Mr. Distefano briefly went over a PowerPoint Presentation (attached as "Exhibit A" to these minutes), and noted the major points and changes that they have made to the site plan since the last submission. They have added pedestrian circulation through the site with north/south access connecting to the main station building, village hall and Main

Street and the potential future development to the south, and east/west access connections that connect to the Franklin Courts and to the train platform. In order to create a new activated node at the heart of the site, he showed the mobility hub which will provide a bike and scooter share for commuters, residents and the public. Caddy corner to that is a common plaza, which is carved out of the corner of the building to activate the community space and art space, which has been increased to 1200 s.f. They believe that this area is the most public facing which is why they have concentrated most of the activity in this area.

Dave Lombardi, Sr. Project Manager with JMC, briefly showed the updates to the site plan. They are no longer proposing any parking on the commuter lot to the north. They have reduced the spaces on the adjacent lot 37 to 13 spaces to accommodate the mobility hub. They are proposing 33 parking spaces on the MTA lot. They have shown a landscaped island on the west side of the MTA lot and landscaping around the small parking lot in north east corner. They have also eliminated the parallel parking along the front of the building, and the perpendicular parking that was along the driveway area has been replaced by a sidewalk leading into the center of the site and the MTA platform.

Ms. Raiselis asked what the total parking count is as a result of the changes. Mr. Lombardi said the total parking is 98 spaces: 52 spaces are on the first floor of the building, 33 proposed on the MTA lot and 13 spaces proposed on Lot 37. Ms. Raiselis asked if they have an agreement with the MTA for the parking spaces. Mr. Distefano advised that they have had productive meetings with the MTA staff and they are excited about the proposal and the idea to transform the station area in general. They don't have an agreement in place yet but they will be working to enter into an agreement for those 33 parking spaces and the improvements on the MTA lot.

He noted that the parking requirement for the TOD is 1.05 spaces per unit and one space for 300 square feet of retail. To summarize, there are 52 spaces plus 21 tandem spaces under the building, 33 on the MTA lot and 13 on Lot 37, which is a total of 119 but only 98 are required. He noted that the 21 tandem spaces under the building, highlighted in yellow are not part of the parking requirement for zoning. They are offered as additional rental spaces.

Dr. Friedlander asked if any parking is proposed on the north or south side of the building. Mr. Lombardi said they are only 14 feet off of property line on the north side. The village lot is north of that, and to the south there is not enough space to provide parking. They included a landscape buffer to screen the building from the industrial site to the south as well as a fence.

Lucille Munz, Sr. Landscape Architect with JMC, came up and briefly went over the landscaping plan. The distance between the building and industrial site is about 60 feet. They are proposing Sweetgums on the south side which is native and grows tall to 30 or 40 feet. They are deciduous but with the fencing, it will provide sufficient screening. Where there are overhead electrical wires, they will use redbuds so not to compete with the wires. Along the north and east side of the building, they will use armstrong maples, also columnar, which will grow to 30 to 40 feet. Where the MTA and the smaller lots are, they are proposing red sunset Maples. Certain other areas will be screened with taylor junipers, which get to 25 feet tall, and Green Giant Arborvitae. The lower plantings will consist of prairie drop seagrass and others, as identified in the plan. The total number of plantings are about 45 trees, 500 perennials, and another 60 shrubs. Given the real estate, they believe it is quite fair and generous.

Planner Galvin confirmed that there are 52 spaces and 21 tandem spaces under the building, which is a total of 73 spaces. 21 of these spaces are not included in the required parking count, which is 98 spaces.

Mr. Distefano also noted that they have proposed two raised crosswalks. The first is at the main east/west connector to help slow down the car and truck traffic coming to the site. The other is further south on site to have the same impact as coming north and those are each coupled with signage to help slow down traffic.

Ms. Mezey asked if there was a plan for the Art Space. Mr. Distefano said they would like to create an art program and could possibly offer reduced rents, somewhere in the range of 10% to 15%, to those who would pledge to showcase art in the space for a certain period of time throughout the year. It could also be opened up to local artists to come in and display art and be potentially sold. Ms. Mezey commented that it could be similar to a Maker's studio.

Mr. Distefano briefly showed the architectural plans and the area that he feels creates a sense of space in the front of the building. He showed the community space, the plaza, the entry lobby, the mobility hub and access to the platform. He also showed the entire southern portion of the building which is comprised of utility rooms, trash rooms, and covered parking.

Mr. Gaito would like to see a better plan showing clearer dimensions of the width of the plaza, the turning corner and sidewalk area, etc. Mr. Distefano noted that the width of the sidewalk is 8 feet wide for the ramp going up to the platform and it is about 7 feet from the edge of the property line. In total, there is about 14 to 15 feet in front of the plaza and the dimensions are roughly 24 by 24 feet below the covered building.

Mr. Gaito asked if there is a drop off area for an uber, cab, etc. Mr. Distefano said they are not currently showing a dedicated drop-off zone. They can utilize the parking lot and the crosswalks and potentially, the striped loading space could be used. For moving in/out purposes, they will use the loading space that they will be renting from MTA and either of the other two crosswalks coming across the site.

Ms. Raiselis asked if they need the entire width in the MTA lot because it seems like a lot of asphalt. Mr. Distefano said they need to study this further and there may be an opportunity for a landscape buffer. They may be able to pull the road down a bit but they need to see exactly where the 60-foot width of the parking lot lands.

Dr. Friedlander asked what the area is east where the striped parking lot ends. Mr. Distefano said this is a gravel area owned by the MTA which will be improved with new asphalt and striping.

Ms. Raiselis asked Mr. Distefano about the connection to Franklin Courts. Again, Mr. Distefano said this has to be worked out more. They have been in conversations with Franklin Courts and they are aware that they will be providing an entry point but the specifics have not been fully developed. They are very excited about providing their residents direct access to the train platform.

Dr. Friedlander asked to elaborate more on the MTA spaces and the distance between the Franklin Courts. Mr. Distefano said the MTA said the final layout would include spaces for their employees in addition to the spaces they will lease. The MTA also have employees that need pedestrian access to the tracks as well. The spaces further north on their site would be used primarily for their employee parking. Ms. Raiselis asked that they show and label what portion of the MTA will be used by MTA and by their tenants.

Ms. Mendez-Boyer would like to see a full picture of what the site looks like with Franklin Courts shown with their site. She believes they are headed in the right direction.

Ms. Raiselis would also like to see a separate pedestrian circulation plan as required for site plan approval.

Mr. Distefano said the residential floor plan hasn't changed with the exception of some increase setbacks on the facade that have been incorporated. The fourth floor, which is primarily residential also includes an amenity terrace that they wanted to call out more explicitly this time. It is located in the northwest corner of the building because they feel this is the most prominent facade that faces towards the train station. They feel that the terrace helps bring down the scale of the building from the northern view of the project and the most prominent facade for the village and the train station.

They feel that the more populated area of the village is to the north side of our site. The train station building, the village hall, and connections up to Main Street in downtown Tarrytown. They see the northern face as the front facade and more important, the front facing piece of the project, which is one of the reasons why they located this terrace here.

Ms. Raiselis said that the terrace area is not facing the village up the hill. It is facing the river. To clarify, Mr. Distefano said they see this area with the most visible traffic and pedestrian movement in particular, but they are also taking advantage of the river view. Ms. Raiselis said she does not have a problem with it but if you are trying to break up the façade from people walking down the hill, they are not going to see it. Dr. Friedlander asked if it would be better if the amenity area was on the north side. Mr. Distefano said they are also trying to take advantage of the river view.

Mr. Distefano noted that they have introduced more material variation around the façade to give it more of a residential feel. They have also reduced the width of the windows and have introduced some brick headers across the façade above the windows. They have introduced substantial landscaping around the project to help soften the building. They have also added a few canopies and some horizontal middle panel facades to break down the scale of the building and the larger swaths of the metal panel make it look like a collection of buildings rather than a singular building. Another option would be to use a much lighter panel if the Board thought that the project was reading too dark and heavy. This would give it some relief, particularly over garage entry, to make it almost feel like a breezeway. Ms. Raiselis asked if the reveal over the garage was still 18 inches. Mr. Distefano said yes and they have been grappling with this since they initially submitted the application. The original plan had units on Lot 37. They have eliminated the units on this lot and thus the rentable square footage. Since they are no longer proposing those units, they are trying to reduce the bulk of the building with certain material. They feel using the lighter material helps to break it up a bit more. Ms. Raiselis asked why they chose the brick and metal rather than just a lighter brick or brick design. Mr. Distefano said that they like the contrast between the brick and metal panel. They think it offers different looks and reflectivity and different lighting conditions and makes the difference between the two portions of the building more impactful than if it were all brick. If there is a desire to look at ways of implementing brick into the portions, they will do that. Ms. Raiselis asked the applicant to provide samples of the material.

Mr. Distefano showed the elevations and the two bulkheads that were previously proposed. They have been looking for solutions and they believe there was an exception in the code that they can apply for this building type that would allow for

egress access to the roof since it's strictly maintenance through a roof hatch rather than a full stair. They also been looking at specific elevators that could reduce the required overrun by 2 feet which would be completely screened by the parapet wall. He showed the proposed solar panels and the condenser units which have been pushed all the way to the center of the roof and not visible from anywhere around the building. He noted the height of the building indicating a maximum height of 48 feet. The additional two feet is an extension of the parapet wall, as well as any of the solar panels, condenser units and bulkheads, which fall within the 10% that they believe is allowed by code. The current submission is showing more solar panels than the 10%, but they believe they have a plan to reduce that to fall within that 10% figure. He showed the section cutting through the elevator and stair core and the small roof hatch sitting below the parapet, and the Art Space with the sidewalk and elevated lobby. He noted that the community Art Space ceiling height will be about 12 feet. The rest of the ground floor will be raised roughly 4 feet to be above the future 100-year floodplain.

Ms. Raiselis suggested that, since the roof can be seen from up the hill, it may be nice to put some greenery that would show from the north side and also screen the solar panels. Mr. Gaito agreed and said it is common practice to mix the greenery in, and, from a distance it looks all mixed together.

Ms. Mendez-Boyer believes that all the sides of the building are important because all the facades can be seen from various locations. She loves the first section and would like to see it repeated on all sides in order to break up the massing. Perhaps adding amenities, not just in the one corner. She also would not want to walk 360 feet to get to the elevator if she lived there. She suggested providing more expensive apartments on the upper floors to offset the costs of the added amenities. Mr. Distefano said they will review this suggestion.

Mr. Pennella requested updated plans so that he can revise the denial letter. The June 9th submission differs from what is being presented tonight. He needs to review these plans in order to determine the required Land Use reviews with regard to the building height, which according to the presentation, is now 2 feet above the 48 feet.

Mr. Gaito commented that this building will be in a prominent location in the village, next to the train station and near the river. Everyone is going to see it. He would like to see more improvements perhaps to the top floor, and also have some architectural features added that everyone can be proud of and at the same time be financially successful for the applicant. Ms. Mendez-Boyer noted that they are very close in their design. Mr. Distefano said that they will look at these suggestions.

John Canning, PE, with Kimley Horn, the project traffic engineer, came up and responded to the Board's request to review the current traffic conditions in the station area plaza, which is a very busy area and somewhat confusing at times. He showed that the striping has deteriorated and the reconfiguration of the parking area is now more of a drop-off/pick-up area. They are proposing to restripe the area and paint the islands to the way they were intended and a short westbound left lane as you come down from Franklin Street to provide more direction and definition. The applicant will make these recommendations, should the MTA approve it. He does not feel that these changes will impact the traffic conditions, but will improve the area. Mr. Aukland believes that this area is owned by the MTA but the Police Chief should weigh in on this. Mr. Pennella said part of the Village Hall property is also on the MTA property. Mr. Canning will look into this matter and report back to the Board.

Mr. Galvin would like Mr. Canning to add an addendum to his traffic study to reflect the additional square footage for the retail space and the traffic impacts as a result of this added space. Mr. Canning will provide a supplemental memo to the Board to address the traffic impacts as a result of the additional retail space.

Mr. Aukland is concerned about the safety of this project and access to the tracks at the south end. Mr. Distefano said they have not had that discussion yet with the MTA, but did show them the crosswalk plans and buffered sidewalks for pedestrian safety. Both Mr. Aukland and Ms. Raiselis would like this safety issue addressed with the MTA.

Ms. Mendez-Boyer noted that the noise from the trains will have to be insulated. Mr. Distefano said they are working on a plan for this. Ms. Raiselis commented that if it were a passive building, it would not be a problem.

Mr. Gaito said reducing the spaces in the front helped with the circulation plan and general safety.

Ms. Raiselis asked if anyone in the public wished to comment.

Peter Bartolacci, 67 Miller Avenue, commented that the landscaping proposed for this project is too monochrome and more suitable to an industrial setting. He advised the Board to think about who they are dealing with and referenced, "Road E" and noted that it has been twenty years and there is still a vacant lot. He is also confused about the height of the building proposed. George DeStefano advised Mr. Bartolacci that the building height is 48 feet and there will be 2 additional feet to accommodate the elevator shaft. Mr. Bartolacci said that they are still not zoning compliant then. Mr. Distefano said there is an exception in the code that allows for this.

Mr. Pennella advised that the original application required a height variance for 7 feet. The plans were revised and that set required a variance of 8 feet. The plan presented this evening is not the same that was provided to the Board. He requested updated

plans to determine the height variance based upon the presentation this evening. The code allows for 48 feet. There is also a variance for the planted islands unless the islands can be added to the plan.

Mr. Bartolacci does not want this 360-foot building to be a giant monolith that just gets dropped in. He would like the Board to keep pushing the applicant to find more ways to break up the 360 feet. He hopes that the Board will also do a balloon test for the height. He asked if they are planning to have an independent traffic study done. Ms. Raiselis said they have not determined that as of yet as they are just at the beginning of this process. Mr. Bartolacci thinks that the applicant's traffic study should be reviewed. Ten additional trips at rush hour seems unrealistic to him for this proposal, but he may be wrong. He is also concerned about the Edge on Hudson traffic impact. He advised that, in 2016, 3000 cars went by his house. The traffic did decrease during COVID but more people are parking on his street now and more and more people are starting to commute again. Also, he believes that it is not a question IF American Independent becomes residential, it is a question of WHEN it becomes residential. He would like the Board to consider the negative impacts to the other neighborhoods as a result of this project, and future projects. He also feels that the applicant should be offering more out of this project than just sidewalks. He would like to know if the project is compliant with the setbacks; 360 feet is a very long building and once they start building a foundation you can't take it back. He ended by asking the Board if they really want to be responsible for changing the viewscape of Tarrytown.

Daniel Pannessi, Attorney representing the applicant, thanked the Board for their time and noted that they have made a lot of headway and revised plans will be submitted. He noted that this was the first public comment on this application and he respectfully asked that the Board close the public hearing this evening. Ms. Raiselis denied this request.

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5 -0

NEW PUBLIC HEARING – Theodora Pouloutides - 59 N Washington Street

Ms. Raiselis read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, June 26, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York to consider an application by:

Theodora Pouloutides
6 Bracken Road
Ossining, NY 10562

To request an additional (2) year extension to the site plan approval permitting a fifth dwelling unit in the basement of an existing residence. Site plan approval for this application was originally granted by the Planning Board on August 24, 2020. Subsequently, the Planning Board granted a one (1) year extension to this approval on June 27, 2022, which will expire on June 27, 2023. The applicant is requesting an additional (2) year extension of this site plan approval, which, if granted, would expire on June 27, 2025.

The property is located at 59 N. Washington Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 12, Lot 3, and is located in the M-1.5 Zoning District.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: June 16, 2023

The mailing receipts were received and the sign was posted.

Max Mahalek, attorney with Cuddy & Feder, appeared on behalf of applicant to request a two-year extension to legalize the dwelling unit in the basement. He advised the Board that his client is making progress with this application. In December of 2022, an electrical inspection was completed. Just recently, the applicant filed for a building permit and was advised that a height variance was needed from New York State as part of the building permit application. He advised that this variance request was filed with the state on May 31, 2023 and they are waiting to hear back. The state can take a while to approve variances, which is the reason for the extension request. In the meantime, sprinkler drawings and a backflow application have been submitted. It should also be noted that the ZBA granted an extension to the approved variances for this application, which will expire this December.

Mr. Pennella advised the Board that the original denial letter issued back in 2020, stated that a height variance would be required from the state as part of the approval process for the 5th unit. An electrical permit has been filed to ensure the safety of the unit.

Ms. Raiselis has concerns that it took the applicant 3 years to file for a height variance request with the state, when they were aware that it was needed back in 2020.

Mr. Mahalek said the applicant has been working diligently to get this variance filed. Ms. Raiselis does not feel that 3 years is working diligently. This is not a huge project. Mr. Mahalek said he will work hard to push that the building permit application is completed and respectfully requests this extension.

Ms. Raiselis asked the Board if they have any questions. Mr. Aukland confirmed with Mr. Pennella that there have been no changes in the code or village procedures since the granting of this approval should they extend it.

Ms. Raiselis feels that a discussion took place at the work session and the Board felt that the applicant needs incentive to get this project completed. She is willing to grant a six-month extension.

Mr. Mahalek respectfully asked the Board to consider a one-year extension at the very least to allow them time to receive the variance from New York State. He has control over the other village filings, but he cannot control when the state will issue the signed document. He offered this to the Board for consideration.

Mr. Pennella advised the Board that this is a routine variance and it should be reviewed relatively quick. He believes that a six-month extension is adequate. Mr. Galvin noted that Mr. Pennella has been advised that New York State has received the applicant's request.

Mr. Mahalek clarified that the applicant will be able to continue to submit the remaining documents while they wait for the variance determination from New York State.

Mr. Pennella has advised the state that he has no objection to granting the variance. It typically takes 2 to 3 weeks for the state to respond to the applicant after the Building Department has commented.

Based on this information, Ms. Raiselis confirmed that she would like to consider a six-month extension to this approval.

Ms. Mendez-Boyer asked if the applicant can work parallel with the building department while waiting for this variance request.

Mr. Pennella confirmed that the applicant can certainly submit any other documents while waiting for confirmation from the state.

The Board had no comment or questions.

There was no one in the public who wished to speak on this matter.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to close the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 5 -0

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

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted June 26, 2023)

Application of Theodora Pouloutides

Property: 59 North Washington Street (Sheet 1.40, Block 12, Lot 3, and M-1.5 Zone)

Resolution for 2nd Extension of Site Plan Approval

Background

1. The Applicant has requested an additional two-year extension of the Site Plan approval originally granted by the Planning Board on August 24, 2020, and extended for one-year on June 27, 2022. The site plan approval permitted the legalization of a fifth dwelling unit in the basement of an existing residence at 59 North Washington Street in the M-1.5 (Multi-Family) District. The current extension is scheduled to expire on June 26, 2023.
2. The Planning Board determined the proposed action to be an unlisted action under SEQRA and assumed lead agency status on April 27, 2020, and issued a Negative Declaration for the proposed unlisted action on May 27, 2020. There have been no changes to the approved plans.
3. The Planning Board has conducted a duly noticed public hearing on June 26, 2023, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Applicant's Attorney from Cuddy & Feder has indicated in a letter dated June 7, 2023, described the progress that the Applicant has made in obtaining a building permit since receiving its Site Plan approval in August 2020. In accordance with the June 27, 2022 Site Plan approval extension, the Applicant obtained its electrical permit in December 2022. That same month, the required electrical work was completed and was inspected as confirmed by the electrical inspection certificate of compliance that the applicant has provided in his submission request for an extension. The Applicant recently attempted to submit its application for the building permit but was advised by the Village Building Department that an area variance would need to be obtained from the New York State Department of State ("NYS DOS"). The Village Building Department advised that the ceiling height variance in the basement must be granted by the NYS DOS prior to the Building Department's review of the drawings and issuance of the requested building permit. The Application for the NYSDOS variance was submitted on May 31, 2023, and confirmed by the Village Engineer. The Applicant is requesting this extension to allow time to secure the requested variance from NYSDOS. If the variance is approved, Applicant would be able to submit the application for Building Department review of the drawings including the required sprinkler system and secure a building permit. The Planning Board has carefully considered the Applicant's letter, the work session memorandum from the Consulting Village Planner dated 6/13/23 and reviewed the limited nature of the remaining work with the Village Engineer/Building Inspector, which the Planning Board has considered.

5. The Planning Board closed their public hearing on June 26, 2023. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board has considered that there have been no changes made to the approved plans, the recent submission of the variance application to NYSDOS on May 31, 2023, and the limited amount of remaining work to be completed. Based on these factors, the Planning Board determines that the site plan extension is granted for a period of 6 months from the expiration of the current site plan to expire on December 26, 2023.

The Planning Board approval is granted subject to the following general conditions and specific conditions set forth below:

I. General Conditions

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

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

- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions

- a) The Applicant shall receive an approved variance from the NYSDOS for ceiling height variance in the basement and submit the application for a building permit from the Village Building Department.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes

Chair Raiselis: Yes
Member Friedlander: Yes
Member Gaito: Yes
All in favor. Motion carried. 5 - 0

NEW PUBLIC HEARING – Benjamin and Julie Green – 25 Rosehill Avenue

Ms. Raiselis read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, June 26, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York to consider an application by:

Benjamin and Julie Green
25 Rosehill Avenue
Tarrytown, NY 10591

For site plan approval for the construction of terraced retaining walls, a swimming pool, patio, walkways, steps, with landscaping and stormwater improvements.

The property is located at 25 Rosehill Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.80, Block 49, Lot 6 and is located in the R-10 Zoning District.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required by the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board
Dated: June 16, 2023

The mailing receipts were received and the signs were posted.

David Verespy, Landscape Architect, appeared before the Board and presented the site plan. The existing site is .64 acres (28,000 square feet). The first two thirds of the property consist of the driveway, garage, home and open lawn area. The remaining third consists of a wooded area. They are proposing to construct terraced retaining walls to create a level area for a pool, patio with added walkways and landscaping.

They are proposing the removal of 21 trees most of which are Norway maples and older Evergreen trees that have past their useful life. This property is located in an area of steep slopes so basically any new construction would impact the steep slopes.

He showed the terraced area which is sloped and susceptible to erosion. The yard will be leveled off with 3 retaining walls with plantings in between each of the levels. The walls are 6 feet or under. The bottom two walls will be segmented to mimic existing walls in the area. The upper wall will be a poured concrete wall. The pool will be 16 ft. x 32 ft. There will be a pergola and vegetable garden to the left of the pool with some patio area. As you look down the property, the project will not be seen from Neperan Road and Altamont Avenue. He briefly showed the considerable landscape plan which includes plantings between the terraces with a number of native species and ornamental shrubs such as Hydrangeas are proposed. Along the property they will be planting different varieties of Finman shrubs and some Green Giant Arborvitae to provide screening from the lower areas.

David A. Goessl, PE, presented the site plan. He described the property as an oversized lot in the R-10 zone. A slope analysis determined that the rear of the yard is all within the 30% steep slope zone. The side yard setback is where they are proposing contractor access and staging is within the 15% slope range. They have prepared a stormwater management plan to mitigate surface water runoff from the increase in impervious coverage, which is approximately 18,000 square feet. They coupled the stormwater management plan at with a system to manage seasonal pool draw down. The design is consistent with Chapter 258 of the village code, along with the New York State, DEC stormwater design manual, latest edition. They will be providing infiltration; the first set along the right side of the property and the second set in the open lawn area adjacent to the pool. A third set is also installed to handle the seasonal draw down which is located beneath the lower terraced wall. The modeling is consistent with a 25-year, 24-hour storm event. A field soil analysis was conducted back in April. The final average percolation rate was 15 minutes per inch which they have doubled for their analysis to 30 minutes per inch. They have provided a full set of erosion control measures including property owner and contractor certifications to ensure that all precautionary measures are met during construction, post construction and upon completion of the project. Construction access will pass through the right-side setback; access will be through the driveway and continue to the right through the detached garage and the primary residence. There are also areas of open space for onsite storage and tree protection and silt fencing will be installed. The proposed improvements to this property will be very similar to other properties in the neighborhood which have terraced back yards with pool and patios and referenced 28

Rosehill Avenue. The construction will take place in phases. The first phase will consist of the demolition and removal of some of the landscape features, old stone wall, some remnants of patios, and the removal of the invasive Norway maples and overgrown Evergreen trees. Phase two will prepare the property to install a level pad for access for mobilization of materials and equipment. The first landscaped wall will be phased in initially and then contractor access will move to the rear yard for construction of the modular Redi-Rock walls. They will then work up slope to complete the upper plateau and the construction of the pool, followed by stormwater, final landscape and restoration.

Ms. Raiselis asked Mr. Pennella to comment on this application.

Mr. Pennella said a variance will be needed from the Zoning Board for a 2.7% coverage to allow this project to move forward. Major walls are proposed. A slope stability analysis will need to be reviewed by an engineering consultant. Dr. Friedlander asked why they are proposing different materials for the wall construction. Mr. Verespy advised that it is part of the design for the lower walls to be Redi-Rock, which are large segmented retaining walls. The stacking creates toe holds. The concrete wall is needed to support the pool walls.

Mr. Gaito asked if any part of the yard is level. Mr. Verespy showed pictures of a small garden area, but for the most part the property is on a slope. Mr. Goessl noted that they are working with the grade to install the pool so that the deep end is where it naturally falls off.

Mr. Aukland asked if there will be any blasting. Mr. Verespy said there will be no blasting with the Redi-Rock wall which is designed to work above the existing grade. The pool is already above the existing grade. The project will require approximately 600 cubic yards of fill coming into the site.

Ms. Mendez-Boyer wanted to know why the pool was placed over the rock and not on the other side. Mr. Verespy said the most of the pool profile will be built above the existing grade so they will not be impacting the rock. The rock in this area is ledge rock and can be scratched if needed.

Ms. Raiselis would like more information about the Redi-Rock design. She would like a geotechnical report to allow the Board to understand the design and stability. She believes that this is a very big ask for a steep slope waiver. This property is located in a critical corner and, if the pool should fail, water goes down into the village. She is also

concerned about the removal of all of the trees and noted that there is flora and fauna on the property as well. They will be conducting a site visit at some point before the next meeting. Mr. Verespy showed the area of trees that will be removed and the ones that will remain. He noted that they submitted a topographical survey which showed the proposed trees to be removed. He also showed the existing Oak tree but did not survey all the way to the bottom of the property because they are not touching that area.

Ms. Raiselis would also like a streetscape of what will be seen from Neperan and Altamont, walking up and from the perspective of the neighboring homes. Mr. Verespy advised that they will take photos from certain vantage points and sketch in what they might see. He also noted that preliminary engineering designs were performed by two different design firms but they will provide a geotechnical report. Ms. Raiselis advised that this information is needed because the Planning Board will be reviewing the Geotechnical report as part of the site plan approval.

There were no additional questions from the Board.

There was no one in the audience who would like to comment on this application.

Mr. Aukland moved, seconded by Dr. Friedlander, to continue the public hearing, pending a Zoning Board of Appeal determination.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5 -0

NEW PUBLIC HEARING – National Trust for Historic Preservation – 635 S Broadway

Ms. Raiselis read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, June 26, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Krystyn Hastings Silver
National Trust for Historic Preservation
d/b/a Lyndhurst
635 South Broadway
Tarrytown, NY 10591

for site plan approval for the reconstruction of a viewing platform and the placement of a condenser unit at Lyndhurst Mansion.

The property is located at 635 South Broadway, Tarrytown, NY and is shown on the tax maps as Sheet 1.221, Block 129, Lots 3, 9 and 10 and is in the HC (Historic Commons) Zoning District.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By order of the Planning Board.

Lizabeth Meszaros
Secretary to the Planning Board

DATED: June 16, 2023

The mailing receipts were received and the signs were posted.

Krystyn Silver, Assistant Director of Lyndhurst, appeared before the Board. The purpose of this application is to receive approval for steep slope waivers for two proposed projects. The first project involves the placement of an air conditioner/heat pump unit to accommodate the tours that take place on the second floor of the Mansion and the second project involves the re-creation of an historic viewing platform/treehouse.

They spent a significant amount of time exploring options for the placement of the condenser unit and have determined that this location is the best location to place the unit as outlined in their submission. They will screen the unit as indicated on the landscaping plan.

The recreation of the historic landscape feature, the viewing platform, has a very specific location on the property as documented on site maps and the photos submitted with the application, since 1905. They have followed the original placement, layout, number of stairs, and railing which places it inside the steep slope. The location was historically chosen because it commanded a clear view of the Hudson River. They would like to bring this experience back for visitors to the site.

Ms. Silver advised that she has been before the Architectural Review Board and has received approval subject to receiving approval from this Board. From there, she will need to apply to SHPO, for their final review and approval of the plans, for both projects.

Mr. Galvin commented that their Landscape Architect, Mark Stoner, had some questions regarding to the protection of the Linden tree. He referred to Ms. Nolan's memo and noted that there is a condition in the resolution that based upon the nature of the projects that a

final planting plan and schedule for both the A/C condenser and for the elevated viewing platform shall be provided to the Village Engineer/Village Building Inspector and shall conform to Ms. Nolan's landscaping review dated June 26, 2023. Ms. Silver is pleased to work with Ms. Nolan as she has with past projects.

There was no one in the public who wished to comment on this application.

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 5 -0

Mr. Aukland noted that the public hearing notice included all three lots of the Lyndhurst property, but both projects proposed are on Lot 3. Planner Galvin confirmed that the work will take place on Lot 3. Secretary Meszaros noted that public hearing notices include the entire property for notification purposes to abutting property owners.

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted June 26, 2023)**

**Application of National Trust for Historic Preservation/dba Lyndhurst
Property: 635 South Broadway (Sheet 1. 221, Block 129, Lot 3 and Zone H-C)**

Resolution of Amended Site Plan Approval

Background

1. The National Trust for Historic Preservation dba Lyndhurst ("Applicant") requests site plan approval and a steep slope waiver for the relocation of an A/C condenser unit from the roof of the mansion to a ground location and the restoration of an historic viewing platform at the Lyndhurst Mansion at 635 South Broadway. The first project is the relocation of

an air conditioner/heat pump unit and replacement to an area behind the mansion. The intent of this project is to remove the humidity from the mansion and make it tolerable for visitors in the summer heat. The second project is the restoration of an historic elevated viewing platform behind the mansion. The concept is to mimic the location, style, and features of the historic tree house built in 1905 by Helen Gould.

2. The Planning Board on June 26, 2023, determined that both projects are Type II Actions 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 or fire codes."* *The replacement of the A/C condenser unit is an update of the air conditioning for the historic mansion. The elevated viewing platform completes Lyndhurst's previously restored historical circulation path connecting the mansion to the bowling alley and the river.*

3. The Planning Board has conducted a duly noticed public hearing on June 26, 2023, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully reviewed the application, and cover letter from the Applicant's Engineer dated June 6, 2023, *Zoning Compliance Form and Environmental Clearance Form, landscape and site plans, Survey and Topographical Survey*, and the Project Explanations provided by Krystyn Hastings-Silver (the Assistant Director of Lyndhurst), *Project Explanation for Mansion Air Conditioning Replacement and for the Mansion Viewing Platform dated March 31, 2023, including photographs of the site and period photographs showing the historic location and commentary, and Copies of the current Preservation Covenant with NYS and Lyndhurst Landscape Restoration (Exhibit C) Maintenance & Construction Actions Exempt from OPRHR Review*, received comments and recommendations from the Village Consulting Planner in memorandum dated June 13, 2023, from the Village Landscape Consultant in a review on both projects dated June 26, 2023, and from the Village Engineer/Building Inspector in a Denial Letter dated May 23, 2023, which the Planning Board has considered.

5. The Planning Board reviewed the *Narrative on Steep Slopes* dated June 6, 2023, prepared by Krystyn Hastings-Silver. The Planning Board had previously provided a waiver for steep slopes disturbance regarding the installation of the historic circulation path. The elevated viewing platform completes Lyndhurst's previously restored historical circulation path connecting the mansion to the bowling alley and the river. This addition of the elevated viewing platform is in conformity with the Board's previous finding that the "adaptive reuse of an historic, ecological or scenic resource and said reuse is necessary to ensure the integrity and continued protection of the resource".

6. The Architectural Review Board reviewed and approved both projects on May 17, 2023, pending Planning Board approval.

7. The Planning Board closed the public hearing on June 26, 2023. 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) (a) which refers to the action's public benefit and involves the "adaptive reuse of an historic, ecological or scenic resource and said reuse is necessary to ensure the integrity and continued protection of the resource" (refer to Applicant's Narrative dated May 17, 2017, described below).

The Applicant also addressed the criteria under 305-67(F) (1) (b) for steep slope disturbance 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 March 31, 2023, is made part of the findings of the Planning Board and described below:

Mansion Air Conditioner/Heat Pump:

Adaptive reuse of an historic resource and said reuse is necessary to ensure the integrity and continued protection of the resource. The new A/C condenser unit will allow Lyndhurst to continue offering complete mansion tours and protect all historic objects on display and in storage within the Mansion. This unit will also provide heat when needed. Without the ability to cool the second floor Lyndhurst may begin to lose visitors during the summer season. This would ultimately harm our revenue stream from tours.

Neighborhood Character: Granting this waiver will produce a desirable change in the character of the neighborhood, not an undesirable one. The area in question is not visible from the street. The A/C unit will be screened by the steep slope with only 3' being visible above grade. It will be further screened by a restored historic planting area.

Alternate Feasible Method to achieve benefit sought by applicant: The benefit cannot be achieved by some other methods. In sizing the condenser unit, it was learned that the unit must be located within 250' of the building, or its efficiency will be lost. Other alternative locations were explored, such as placing the unit in an underground vault, but that would void the warranty. The roof was also considered; however, it was felt that the size of the unit would be too visible and negatively impact the historic fabric of the Mansion. An added challenge to the roof would have been creating safe contractor access from a new roof hatch onto a sloped metal roof. This would have required the

construction of railings, a level platform, and something to screen them from view. For these reasons, roof placement was not an option. Given these constraints, it was recognized that placement downslope behind the Mansion would be the best location. The steep slope will help screen the new condenser unit so that only three feet of it will be visible above grade. A former tree grove that screened the historic laundry drying yard will be restored and help screen the unit.

Impact on Other Properties: The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions of the neighborhood. The proposed planting screen will restore some integrity to a steep slope area currently maintained as a lawn. The area is not visible from surrounding properties.

Consistency of Project with Intent of the Steep Slopes Chapter: The Applicant states that granting the steep slope waiver shall afford a more stable and maintainable condition which will provide long term protection from soil erosion; provide increased slope stability and protect against slope failures; reduce storm water runoff within the site; will improve the site's historic and scenic value not only for residents of Tarrytown but to all New Yorkers and visitors to the site; and will maintain sufficient protection of the public health, safety and general welfare of the Village of Tarrytown and its residents.

Elevated Viewing Platform:

Adaptive reuse of an historic resource and said reuse is necessary to ensure the integrity and continued protection of the resource. The recreation of this c1905 landscape feature is the final outdoor parlor to be restored on the circulation path that takes visitors through a series of historic seating areas and their plantings. As a historic resource, it is necessary to be able to attract new and diverse audiences to our campus. We must continue to restore and improve our landscape to attract visitors who see the Lyndhurst grounds as a destination, separate from a mansion experience.

Neighborhood Character: Granting this waiver will not be materially detrimental or injurious to other properties, endanger public safety or impair the steep slope area. The scope of work is to build a 20' x 20' raised platform that matches the historic viewing platform as closely as possible. It requires approximately 30 piers for the stairs and platform. Once the construction is complete, a ground cover will be planted. This ground cover will cover the steep slope around and under the structure, creating a no-mow area on this steep slope. Over time, additional trees and shrubs will be planted to anchor this platform in the landscape using a combination of historic and native plants to be determined. These new plantings will improve the beauty of this location and stabilize the steep slope.

Alternate Feasible Method to achieve benefit sought by applicant: The recreation of this historic landscape feature has a very specific location at Lyndhurst, as documented on site

maps and in photographs since 1905. We have followed the original placement, layout, number of stairs, and railing pattern, which places it inside the steep slope. This location was historically chosen because it commanded a clear view of the Hudson River and Palisades. We want to bring this experience back for visitors to the site. Lyndhurst provides exceptional outdoor recreational experiences, and this project would recreate a unique feature not seen anywhere else in the County.

Impact on Other Properties: The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions of the neighborhood. The proposed planting screen will restore some integrity to a steep slope area currently maintained as a lawn. It is the restoration of the final outdoor room and will complete Lyndhurst's previously restored historical circulation path connecting the mansion to the bowling alley and the river.

Consistency of Project with Intent of the Steep Slopes Chapter: The Applicant states that granting the steep slope waiver shall afford a more stable and maintainable condition which will provide long term protection from soil erosion; provide increased slope stability and protect against slope failures; reduce storm water runoff within the site; will improve the site's historic and scenic value not only for residents of Tarrytown but to all New Yorkers and visitors to the site; and will maintain sufficient protection of the public health, safety and general welfare of the Village of Tarrytown and its residents.

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 reviewed the Applicant's site plans for the requested two projects. The first project is the relocation and replacement of A/C condenser for the mansion. Lyndhurst installed air conditioning for the mansion in 2005. However, it was expensive to run, did not perform as designed, and was abandoned. Once the museum restored the observation tower, this abandoned HVAC service was capped and selectively demolished to allow for tours.

Lyndhurst is now seeking to reactivate the current ductwork and install a new heat pump system. It will provide not only cooling but also heating. Because the Tower is now open for tours, placing the AC unit on the roof is not an option. Other roof locations were explored, as were below-grade vaults. Roof placement would be too visible and have a negative impact on the historic fabric of the roof.

The area selected for the location of the concrete pad for the 10-ton condenser unit is just outside the drip line of trees by the laundry building. The unit would be placed within the slope of the hill so that only approximately 3' will be visible above grade. The unit would be screened with trees that match the current historic landscape. The

concrete pad has been sized to receive a future 8-ton unit which would be required to cool and heat the mansion's first floor. The refrigerant line will go up the hill and under the deck into a chase. This chase will bring the line directly to the second floor without any additional penetration needed inside the mansion.

The raised viewing platform first appears on a map of Lyndhurst in April of 1905 and remains until the early 1960s. It was removed prior to the site opening of the mansion as a museum in 1964. Constructed of wood and painted green to match the other outdoor seating areas, this platform was built around a Birch tree that no longer remains. The current plan calls for the recreation of the viewing platform with a ground cover. The deck and stairs will consist of 645 sf. Lyndhurst intends to raise funds to hire a landscape architect to incorporate both historic plantings that remain at Lyndhurst, as well as native plants. The trees, shrubs and other plantings at Lyndhurst are considered part of our collection. This structure should be sited and built in the landscape, so that we can better understand how to screen it in a manner that is faithful to the historic evidence but reflects current best practices for natives and pollinator gardens.

The Village Landscape Consultant provided a review for both projects dated June 26, 2023. Regarding the screening for the AC condenser, she recommended the replacement of the Norway Spruce with native evergreens such as *Thuja occidentalis* 'Elegantissima', *Elegantissima* Arborvitae, or other similar natives. For the elevated viewing platform, construction fencing should completely enclose the work area in order to provide additional protection of the root zone of the 54" Linden uphill of the construction area. The construction fencing can be continued along contour 111 to fully enclose the tree. Note should also be added to the drawing indicating that no construction staging, storage, or circulation is permitted within the root zones of existing trees.

This viewing platform is meant to be enjoyed during the day, when the site is open to the public. However, a provision for lighting has been added within the railing system to illuminate the deck and stairs. Lighting will be hidden and simply provide a measure of safety. The deck will be constructed primarily with pressure treated lumber, with a wire rail system in place for safety and minimal visibility. The project will require minimal regrading in the area on the approach to the deck, to accommodate the design, and make for a smooth transition when accessing the deck from the rear. This will bring the feel of the historic "treehouse" built for Helen Gould over one hundred years ago, back to the premises in the location that it previously existed.

II. Approved Plan:

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

Plans for 635 South Broadway, Irvington, NY 10533 prepared by NYC Energy Consultants Inc. 3/23/23 and last revised 3/30/23 unless otherwise noted:

- M-100.00 *"Site Plan, HVAC Notes, Symbols and Abbreviations"*
- M-101.00 *"HVAC Basement Floor Installation Plan"*
- M-102.00 *"HVAC First and Second Floor Installation Part Plan"*
- M-103.00 *"HVAC Third Installation Part Plan and Details"*
- M-104.00 *"Mechanical Schedule, Details and Specifications"*
- M-105.00 *"Retaining Walk Layout and Concrete Pad Design"*
- M-106.00 *"Chain Link Fence"*

Plans for *Proposed Viewing Platform* prepared by Gregory Caccioppoli for National Trust for Historic Preservation and Lyndhurst, 635 South Broadway, Tarrytown, Westchester County, New York dated 3/24/23 unless otherwise noted:

- Sheet 1 of 7 *"Title Sheet"*
- Sheet 2 of 7 *"Existing and Proposed Conditions Plan"*
- Sheet 3 of 7 *"Site Plan and Zoning Plan"*
- Sheet 4 of 7 *"Sediment and Erosion Control Plan"*
- Sheet 5 of 7 *"Steep Slope Plan"*
- Sheet 6 of 7 *"Deck Framing Plan"*
- Sheet 7 of 7 *"Elevations Plan"*
- Gallery AC – Site Equipment *"Site Plan and Conceptual Rendering"* dated 6/15/23
- Gallery AC – *"Treehouse Preliminary Planting Plan"* dated 6/15/23

(the "Approved Plans").

III. General Conditions

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

- i. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how

the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."

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

IV. Specific Conditions:

- (a) Proposed final planting plan and schedule for both the A/C condenser and for the elevated viewing platform shall be provided to the Village Engineer/Village Building Inspector. Such plans shall be in conformity with the Village Landscape Consultant landscaping review dated June 26, 2023.

Dr. Friedlander noted that the resolution indicates that the property address as 635 South Broadway, Irvington, NY, rather than Tarrytown, NY. Mr. Galvin advised that the plans

prepared by NYC Energy Consultants have an Irvington, NY address and should remain as is for approval purposes. For the record, the property is located in the Village of Tarrytown and not the Village of Irvington.

Mr. Aukland moved, seconded by Dr. Friedlander, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5 -0

ADJOURNMENT

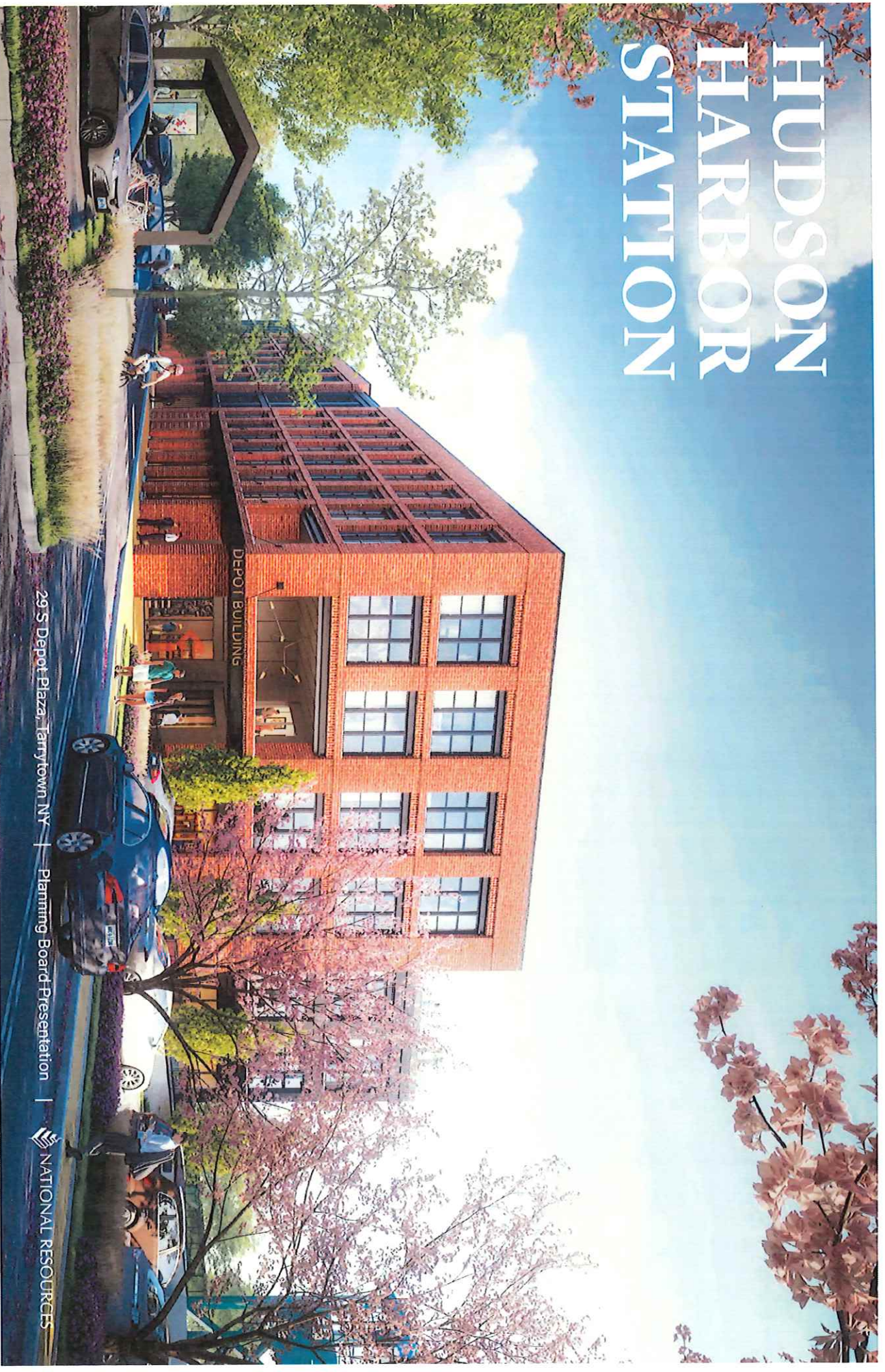
Ms. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 9:45 p.m.

All in favor. Motion carried. 5-0

Liz Meszaros – Secretary

EXHIBIT A
Hudson Harbor Station – LLC
29 S Depot Plaza Presentation
June 26, 2023

HUDSON HARBOR STATION



29 S Depot Plaza, Tarrytown, NY | Planning Board Presentation | NATIONAL RESOURCES

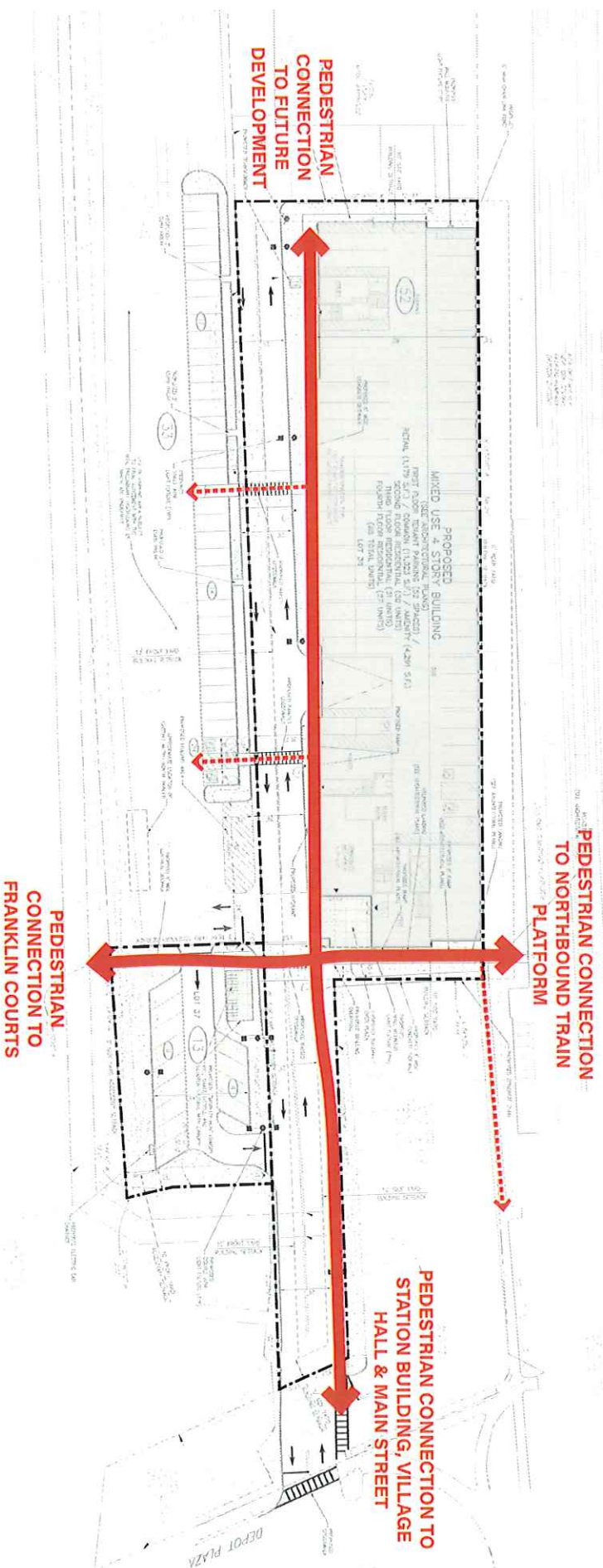
June 26, 2023 - P.B. Presentation & Meeting

Agenda

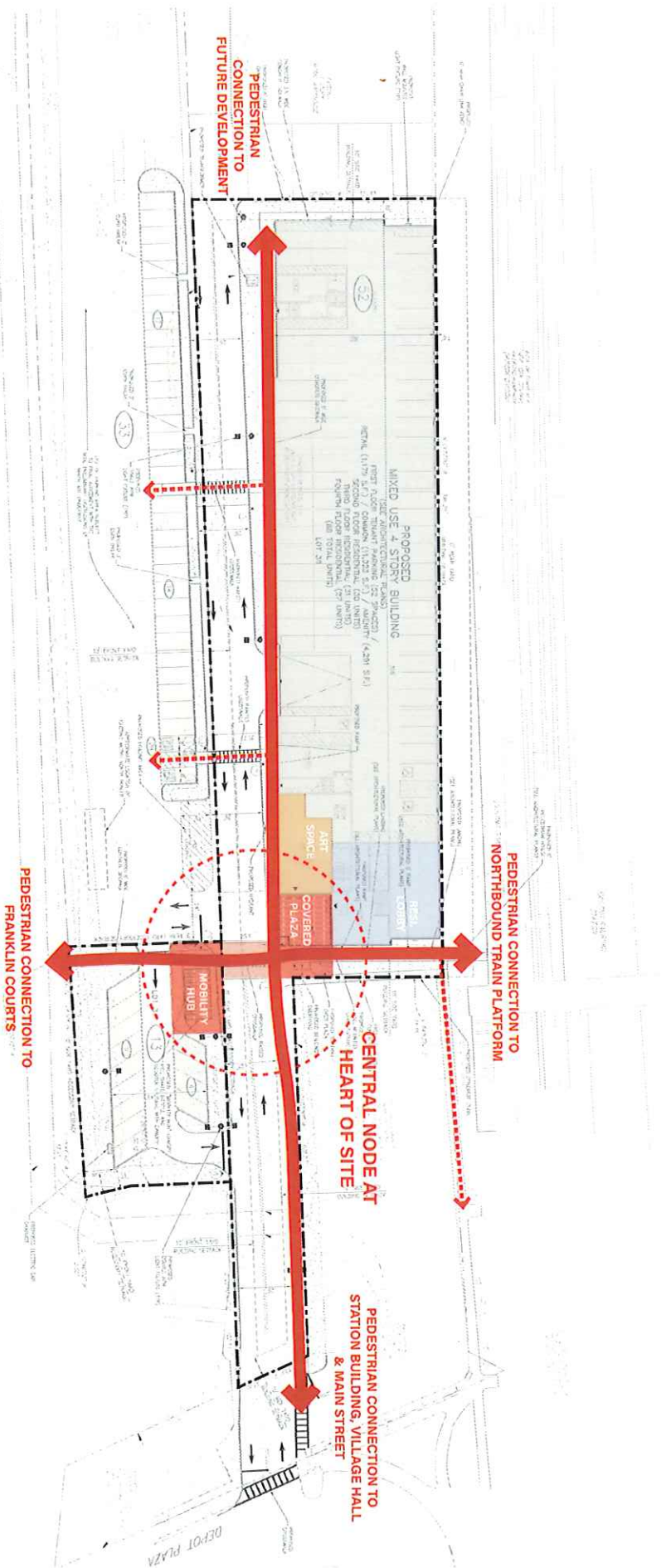
1. Placemaking & Site Plan Updates
2. Architecture & Building Height
3. Traffic Improvements

Placemaking & Site Plan Updates

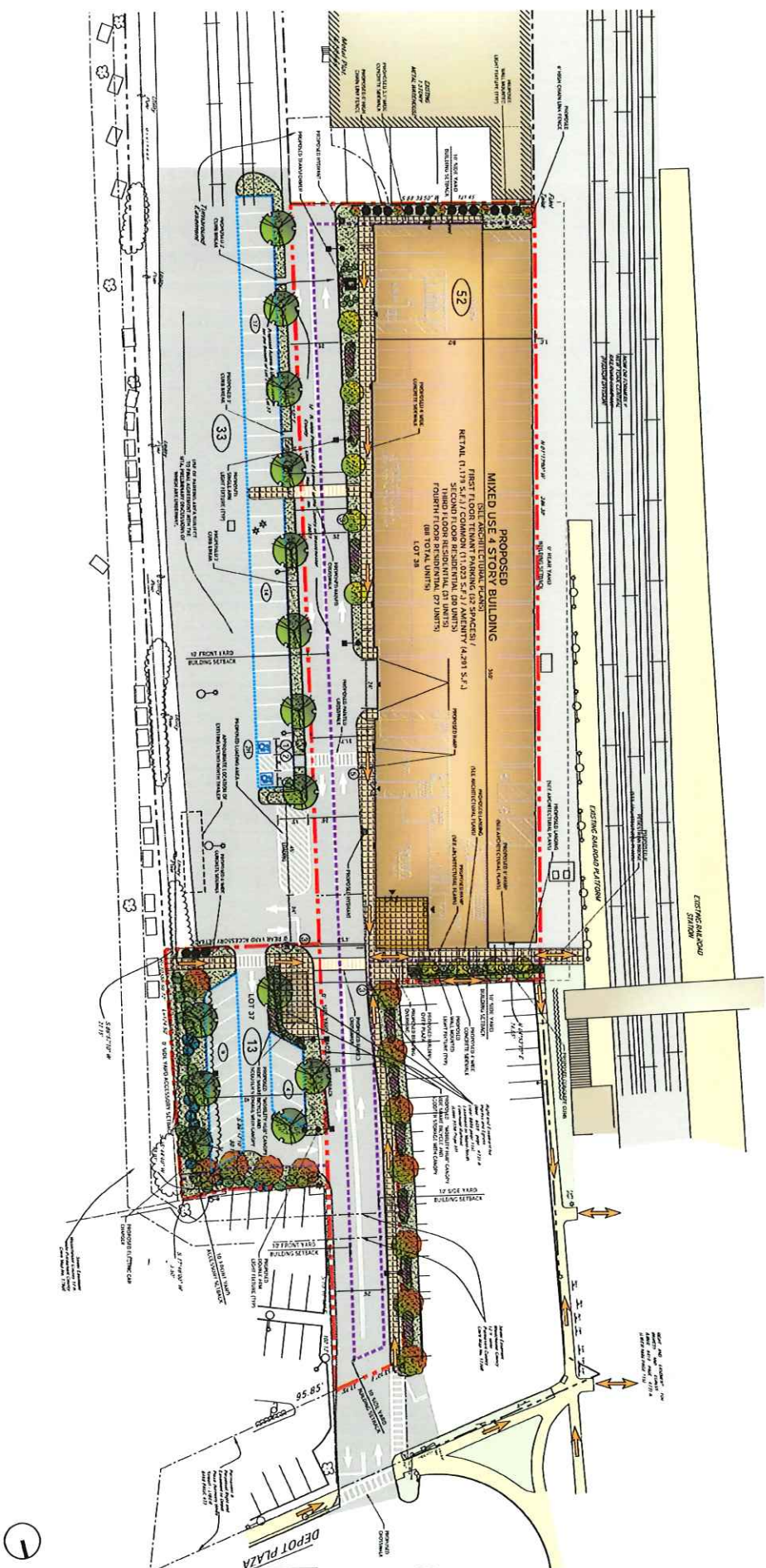
Primary Pedestrian Axes



Activated Node at Heart of Site



- Raised crosswalks and signage added to help reduce the speed of truck and car traffic throughout the site
- Landscape buffers added throughout to soften project as well as provide pedestrian-car separation
- Landscape buffer & fence added to south edge of site to provide buffer from recycling building

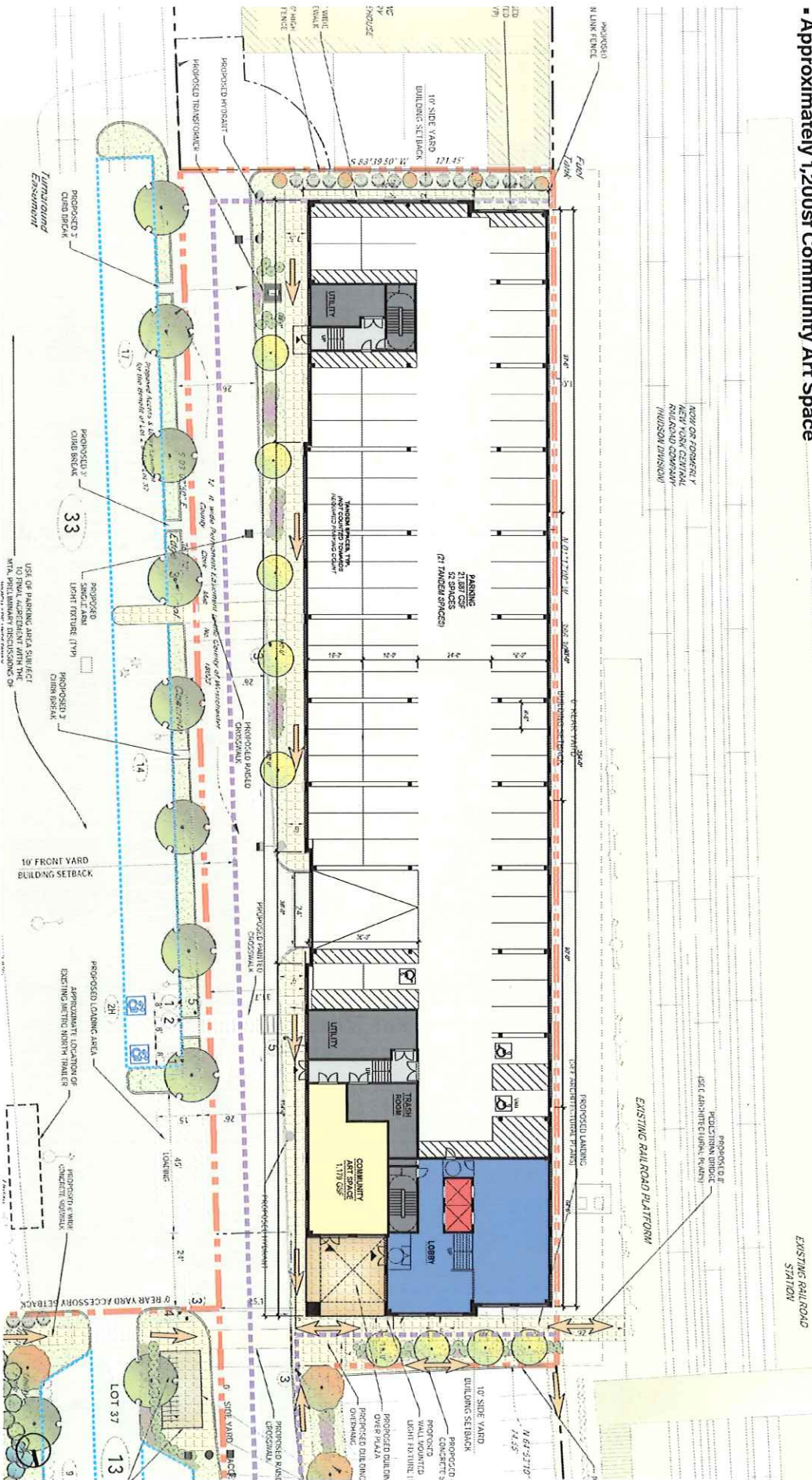


- **93 Residential Parking Spaces** (88 units X 1.05 spaces per unit)
- **4 Retail Parking Spaces** (1,179sf of retail @ 1 space per 300sf)
- **98 Parking Spaces Provided** (52 in covered garage; 13 on Lot 37; 33 proposed in MTA lot)
- **21 Tandem Spaces Provided** (in addition to 98 spaces for zoning requirement)

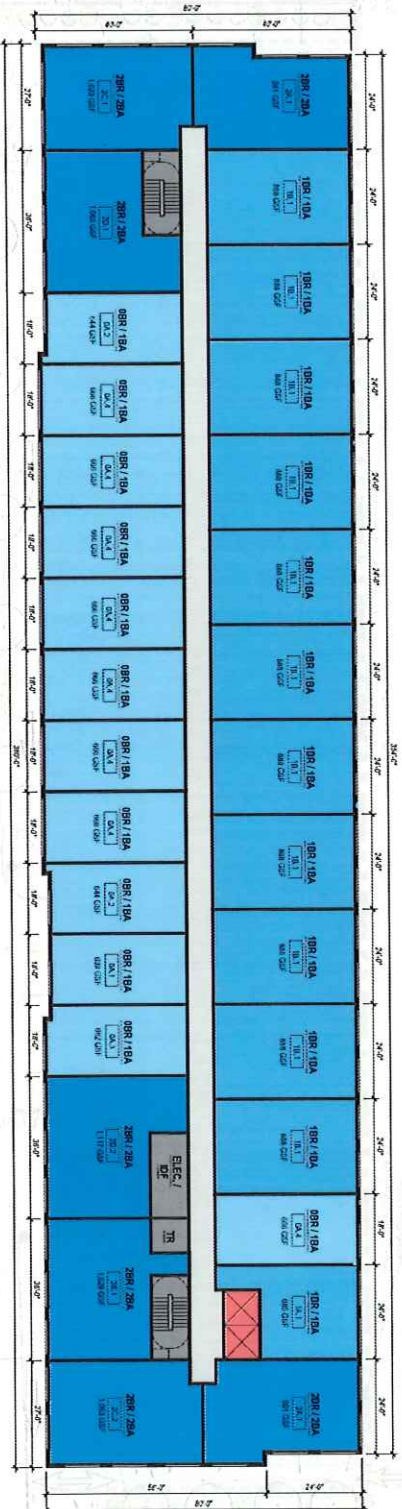


Architecture & Building Height

- Covered, Double Height Entry Plaza
- Approximately 1,200sf Community Art Space

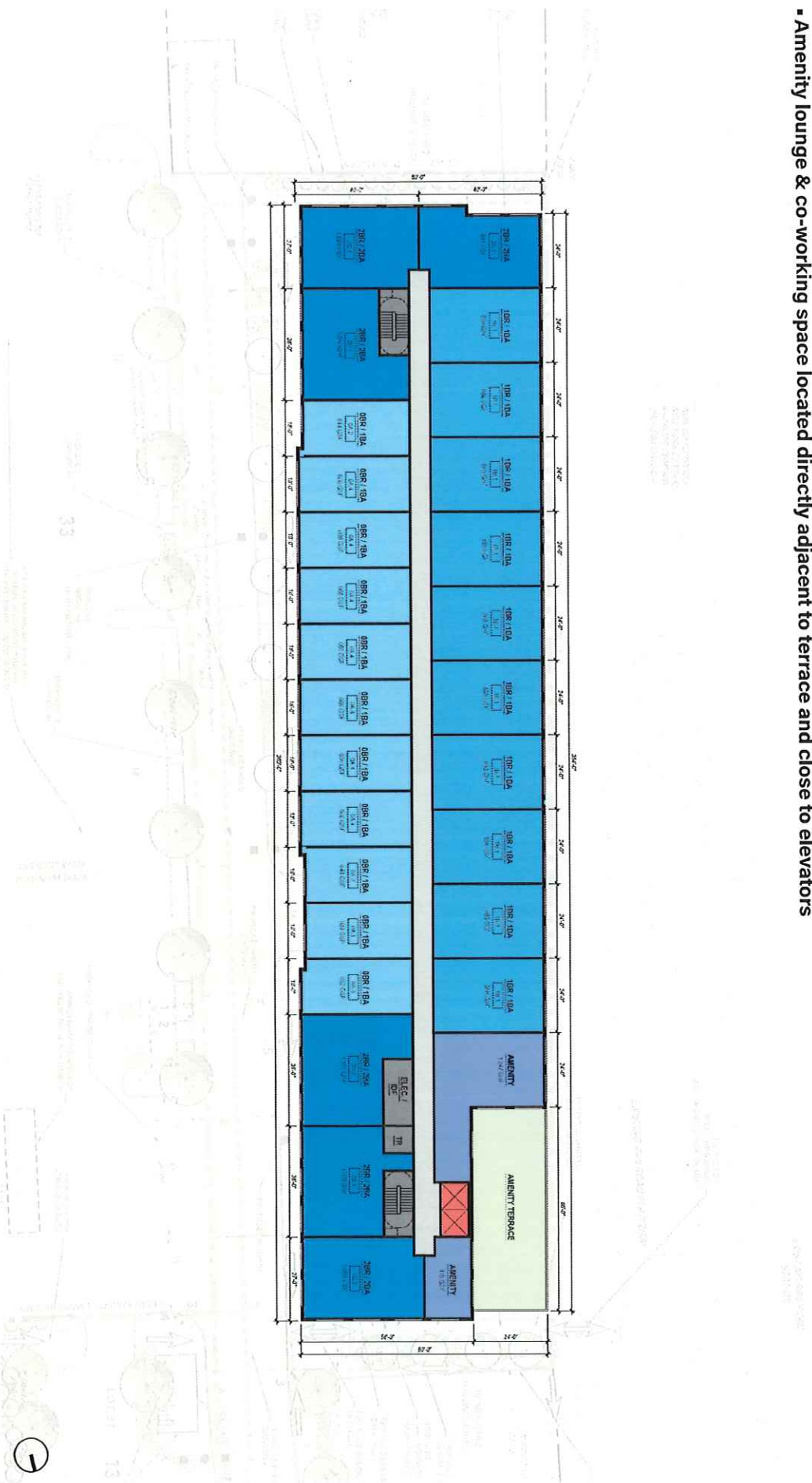


Typical Residential Plan



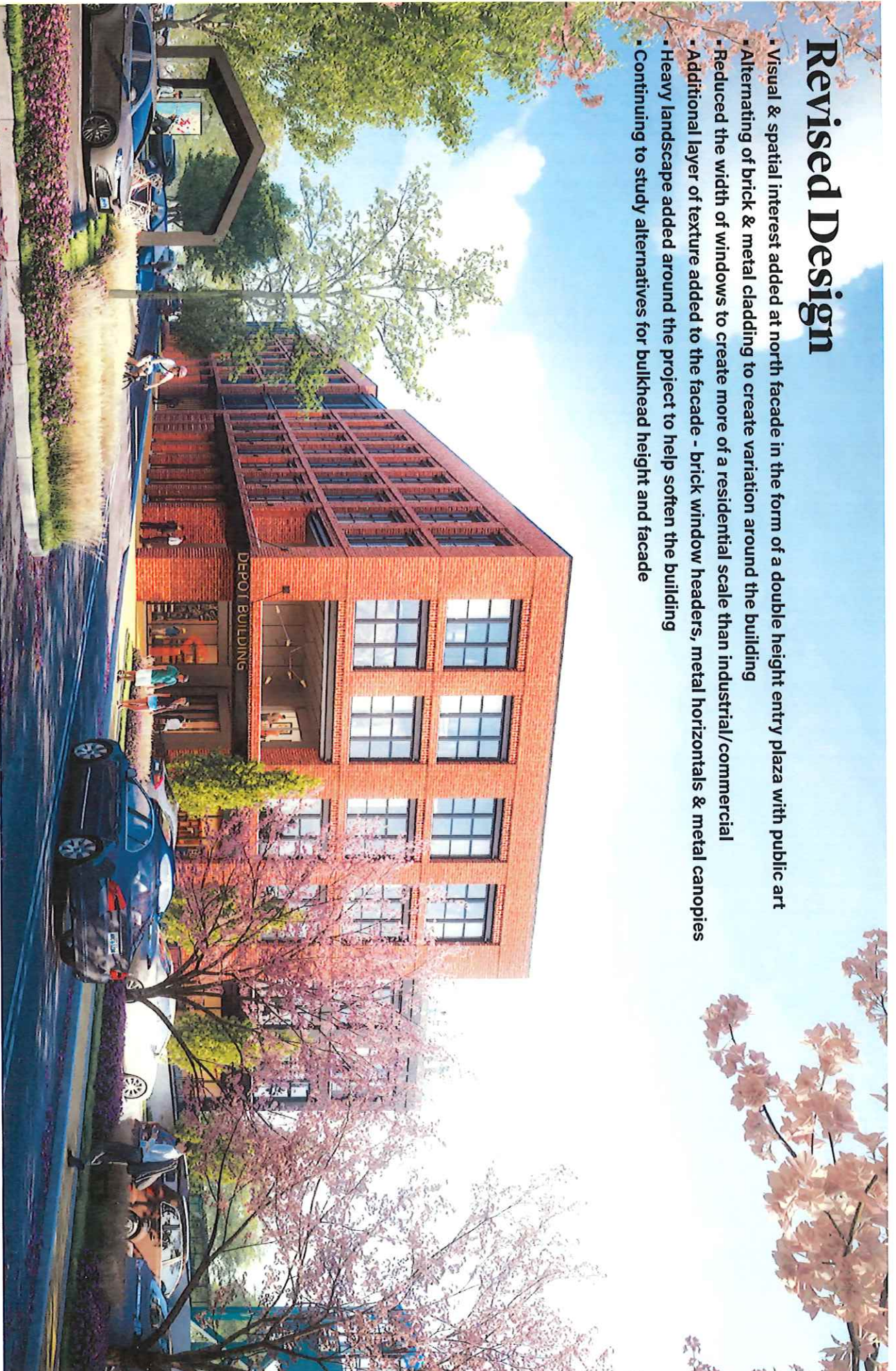
4th Floor Plan (Residential & Amenity Level)

- Amenity terrace located at north corner of building to help reduce bulk at most visible corner of project
- Amenity lounge & co-working space located directly adjacent to terrace and close to elevators

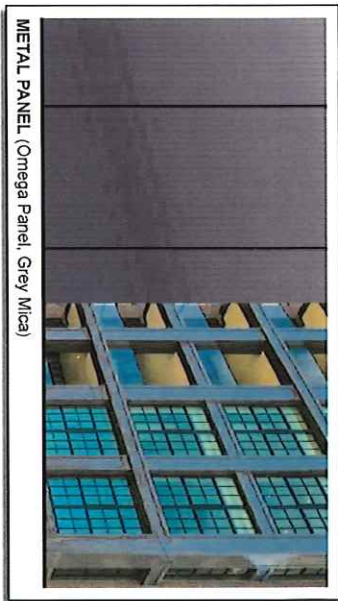


Revised Design

- Visual & spatial interest added at north facade in the form of a double height entry plaza with public art
- Alternating of brick & metal cladding to create variation around the building
- Reduced the width of windows to create more of a residential scale than industrial/commercial
- Additional layer of texture added to the facade - brick window headers, metal horizontals & metal canopies
- Heavy landscape added around the project to help soften the building
- Continuing to study alternatives for bulkhead height and facade

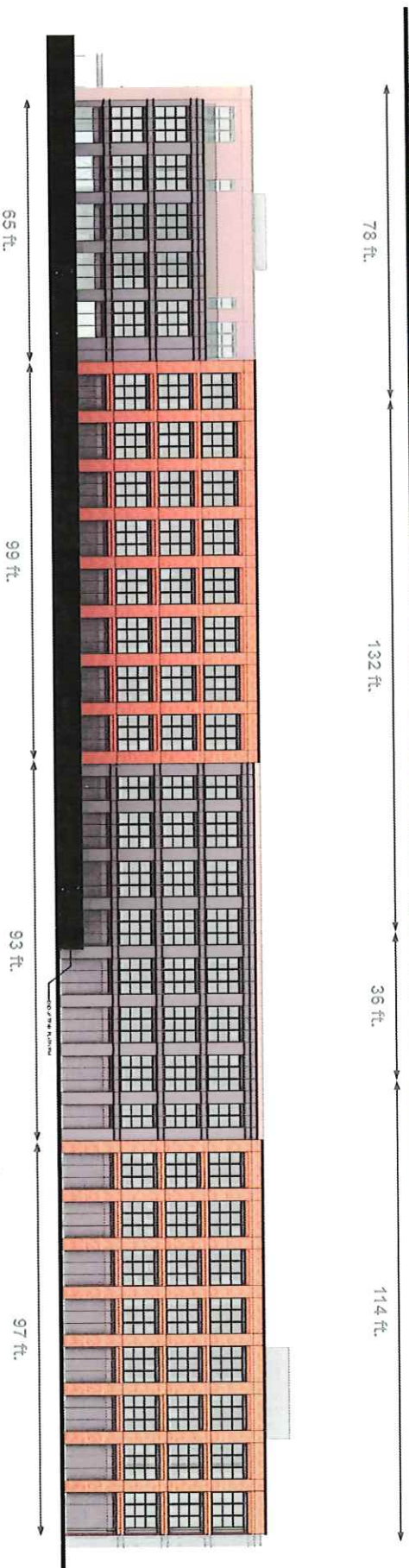
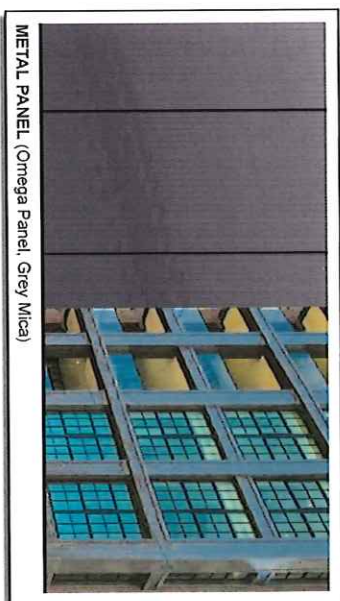
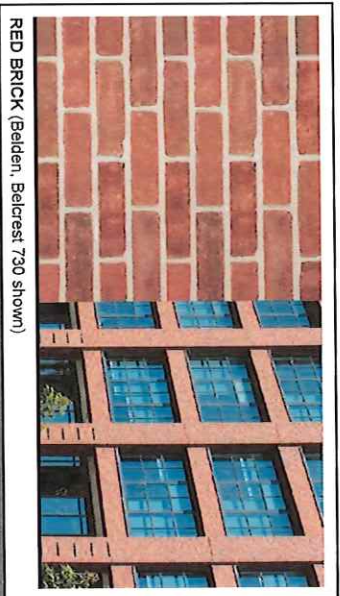


RED BRICK (Belden, Belgcrest 730 shown)

 A vertical photograph. The top half shows a close-up of red brickwork in a running bond pattern. The bottom half shows a multi-story building facade with large, rectangular windows and thick brick columns. The building appears to be made of the same red brick shown in the top half.


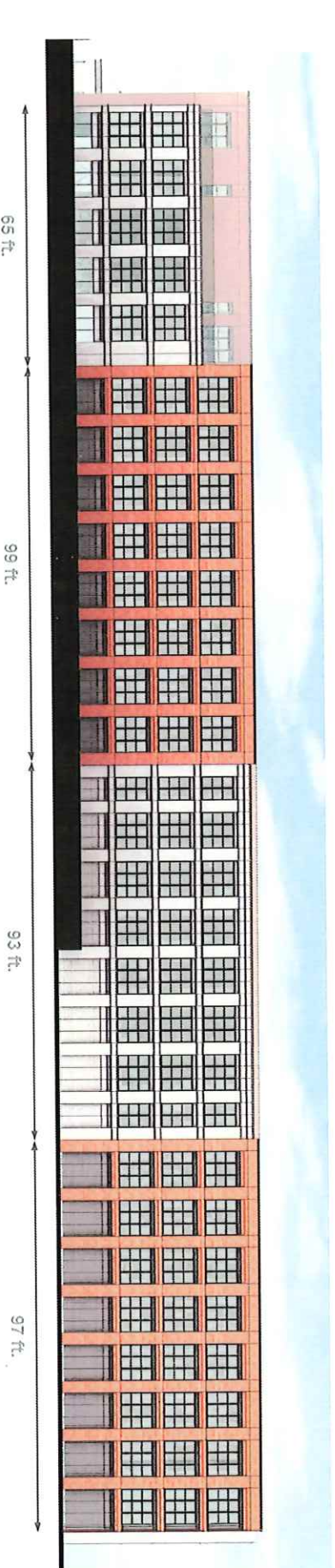
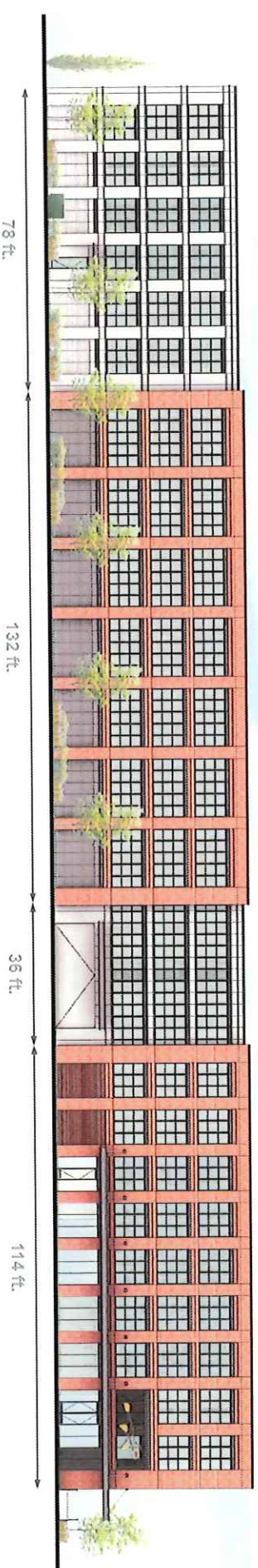
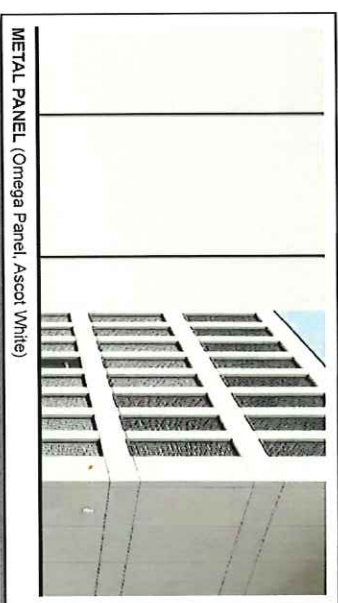
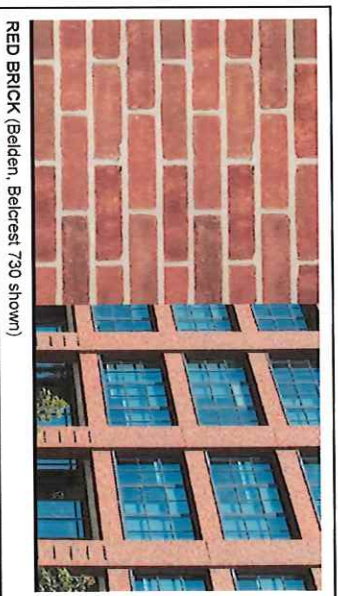
East & West Facades

- Planar change & material difference across facade
- Well below 150 ft. max allowed by zoning



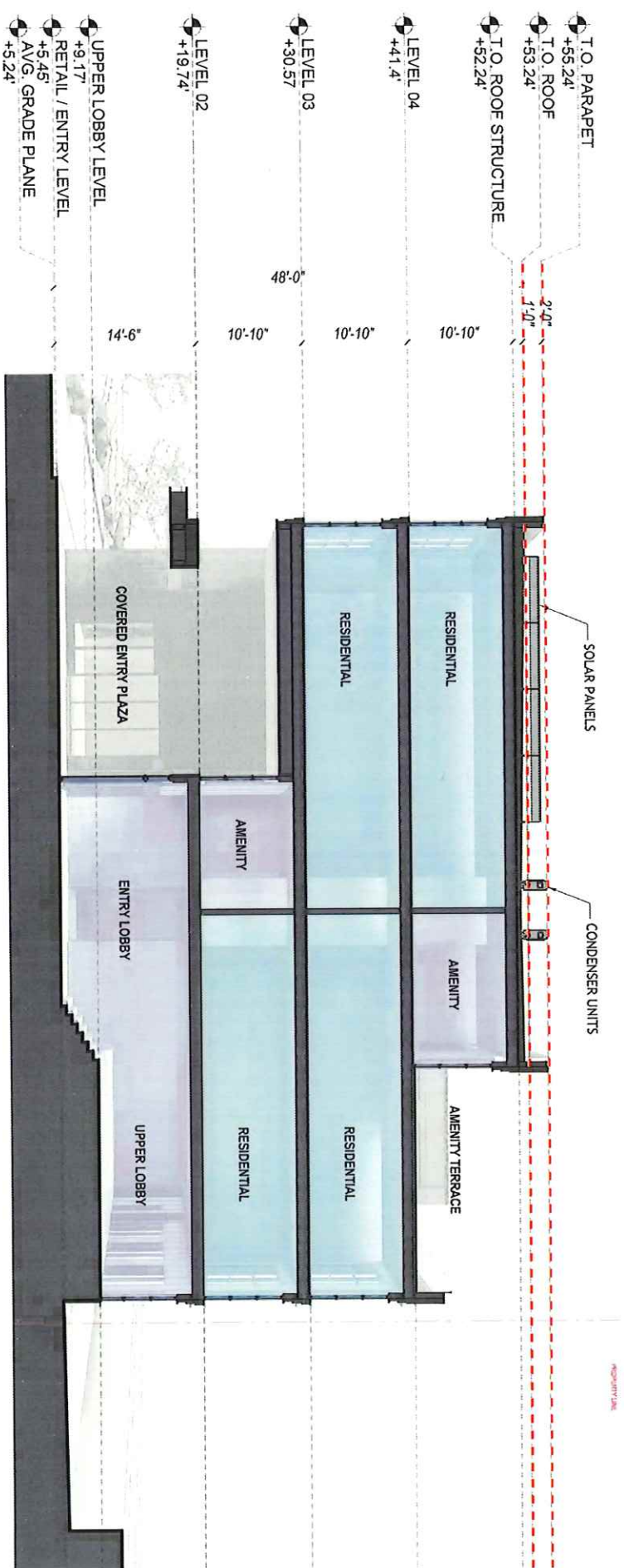
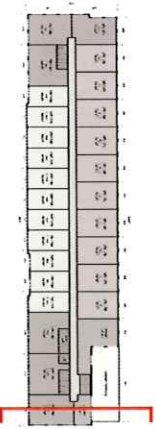
East & West Facades Alternative

- Reduced bulkheads screened by parapet wall
- Lighter metal panel color
- More glazing above garage entry



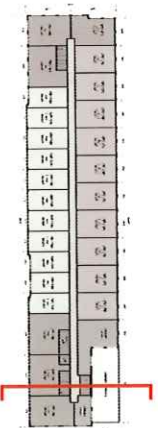
Cross Section Through Lobby, Plaza, & Terrace

- 9ft. Clear @ Residential Levels
- 9ft. Clear @ Upper Lobby Levels
- Parapets at 2ft. above max height limit of 48ft.



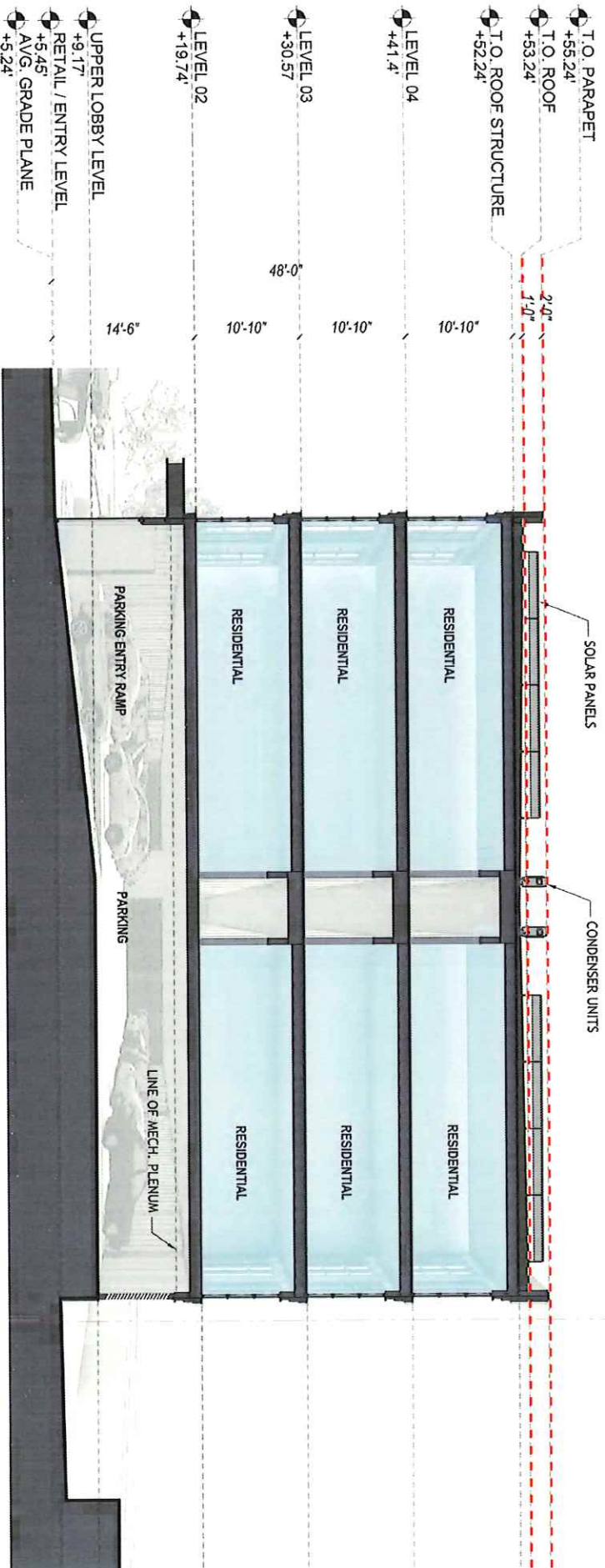
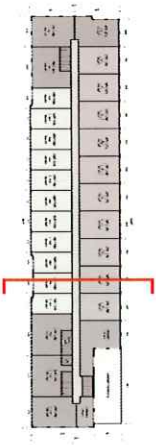
Cross Section Through Cores

- 9ft. Clear @ Residential Levels
- 12ft. Clear @ Community Art Space
- Parapets at 2ft. above max height limit of 48ft.



Cross Section Through Parking

- 9ft. Clear @ Residential Levels
- 8ft. Clear @ Parking Level
- Parapets at 2ft. above max height limit of 48ft.



Traffic Improvements

Depot Plaza Intersection



Figure 1 – Existing Intersection Conditions (2022)



Figure 2 – Previous Intersection Conditions (2004)

To provide further direction to motorists passing through the intersection of Depot Plaza with South Depot Plaza, additional striping could be added to provide exclusive through and left-turn lanes on the 33-foot-wide eastbound lane exiting the Tarrytown train station, as well as a short westbound left-turn lane for vehicles entering South Depot Plaza, as shown in **Figure 4** below.

95.85'

10' SIDE YARD

BUILDING SETBACK

10' SIDE YARD

10' SIDE YARD

PERMANENTLY RIGHT AND EASEMENT TO DRIVE

DEVELOPMENT PLAZA

Depot Plaza Intersection

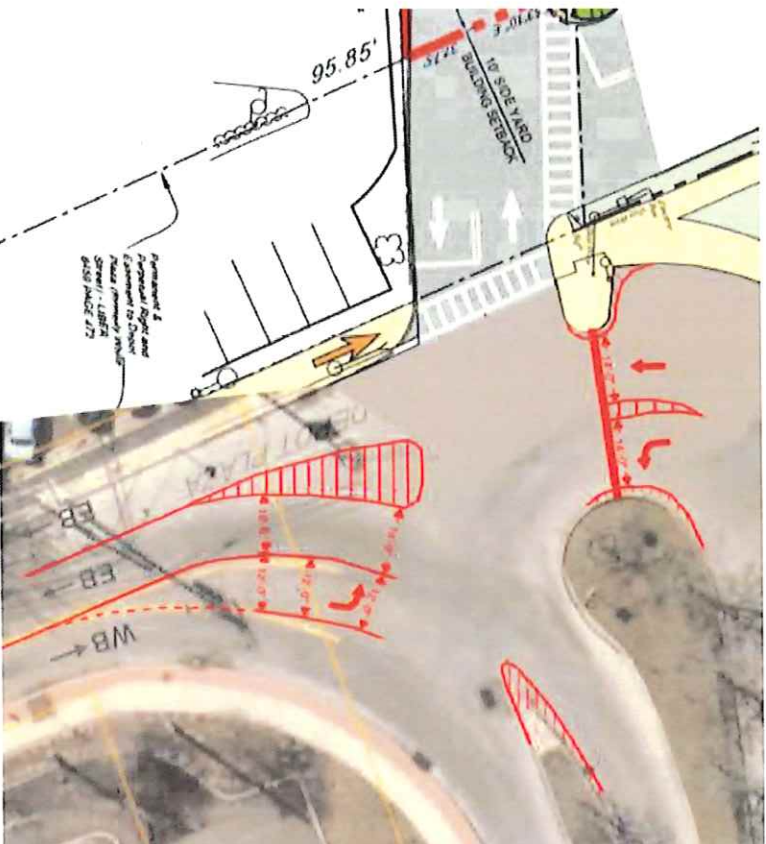


Figure 4 – Additional Intersection Improvements

The Applicant has committed to implementing either of these improvement recommendations, should the Village of Tarrytown indicate that they would be permitted to do so.

