

Planning Board
Village of Tarrytown
Regular Meeting
August 23, 2021 7 pm

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

ABSENT: Alternate Member Gaito and Alternate Member Mendez-Boyer

Chairman Tedesco opened the meeting and advised that the Planning Board will continue the 3-minute public comment period for applications before the Board. This procedure was very efficient during the zoom period and will be continued moving forward. If someone has a significant amount of material to present, they can present the highlights during their allotted time and then submit the materials to the Board for the record. This would also include letters and other materials that they bring from members of the public who could not be present at the meeting. He also asked everyone to speak loudly since the masks sometimes make it difficult to hear what is being said.

Mr. Tedesco also reminded the Public and the Planning Board Members that it is the Board of Trustees that makes and amends the policies that guide the functioning of this Village, not the Planning Board. The Planning Board reviews site plans under the framework of the Village Policies that exist. If a Planning Board member or a member of the public feels that a given policy should be changed or amended they can voice their opinion to the Board of Trustees, but the Planning Board must do its work within the framework of Village policy.

Ms. Raiselis moved, seconded by Dr. Friedlander, with Mr. Aukland abstaining, to approve the minutes of the July 26, 2021 meeting.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. The minutes were approved: 4-0

Mr. Tedesco announced the following four (4) adjournments:

1. Hackley School - 293 Benedict Avenue -Pending Town of Greenburgh Approvals - Site plan approval to demolish existing gymnasium building and construct a net increase of 56 surface parking spaces with stormwater and other related improvements, in connection with the proposed construction of a new Center for Creative Arts and Technology Building on property located within the unincorporated area of the Town of Greenburgh.
2. Mathew Cordone Architect PLLC - 88 Main Street – Pending ZBA determination - Site plan approval for the construction of a scenic roof deck on a 3-family dwelling.
3. Tarrytown Self-Storage II, LLC - 29 South Depot Plaza -Request for an additional one (1) year extension to the site plan approval for the conversion of an existing warehouse facility into a self-storage facility with a retail component.
4. New Public Hearing - Tarrytown Marina, LLC - 236 Green Street -Board of Trustees referral for a review and recommendation of proposed zoning text amendments to the Waterfront Zoning District (WD) to permit the development of a “Wharf Boatel”, consisting of a 4-story luxury boutique hotel with 103 rooms, together with a waterfront restaurant, Marina related improvements and parking.

CONTINUATION OF PUBLIC HEARING– Chris & Sonia Cawley– 95 Wilson Park Drive

Amanda Linhart, RA, appeared before the Board, represent the applicants, also present. She advised that they have been granted the requested height variance for the elevator vestibule at the August 9, 2021 Zoning Board Meeting. There have been no changes to the plan. She also noted that there has not been any opposition to this project and two neighbors have supported this project. She briefly showed pictures of the site looking from all different directions in addition to reviewing the elevations as requested by Member Raiselis.

The Board members had no additional comment. There was no public comment.

Mr. Aukland moved, seconded by Ms. Raiselis, to close the Public Hearing.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes

Member Raiselis: Yes

Member Birgy: Yes

Member Friedlander: Yes

Chairman Tedesco: Yes

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

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted August 23, 2021)**

**Application of Christopher Cawley
Property: 95 Wilson Park Drive (Sheet 1.50, Block 20, Lot 59.1 and R-40 Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant is seeking site plan review for the construction of a new scenic roof deck and elevator shaft with elevator vestibule on the roof of a single-family residence. The wood roof deck is proposed to be built on a pedestal system and a galvanized steel cable railing for fall protection.
2. The Planning Board on July 26, 2021, determined this to be a Type II Action under NYS DEC 617.5 (c)(12) *"construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;"* Therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on June 28, 2021, and continued on August 23, 2021, at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application including the cover letter from the Applicant's Architect dated June 9, 2021 describing the Project and the site plan application and including photographs of the house from all sight lines, and specifications for decking materials, the pedestal decking system, proposed railing system and the elevator specifications, and wheelchair accessibility for the elevator vestibule on the roof, the *Environmental Clearance Form*, review from the Consulting Village Planner in memoranda dated June 17, 2021 and August 12, 2021, and the denial letter from the Village Engineer/Building Inspector dated May 13, 2021, which they have considered.
5. The Zoning Board of Appeals held a public hearing on August 9, 2021, to review the Applicant's request for an area variance from the height limitation for the elevator vestibule on the roof. The height is proposed at approximately 42' where 30' is the maximum allowed in the R-40 zone. The ZBA closed the public hearing and approved the requested variance for the height limit for the elevator vestibule on the roof.
6. The Planning Board closed their public hearing on August 23, 2021. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

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

I. Findings

The Planning Board considered the standards set forth in 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 plan and application. The property is located at the corner of Wilson Park Drive and Beech Lane. The house is more than 300' above sea level. The house is sloped from Wilson Park Drive down to Beech Lane. Applicant proposes to install a new residential elevator to the roof. There will be a new roof deck with an elevator vestibule in the roof. A wood deck will be built as a pedestal system and includes a steel cable railing for fall protection. The elevator vestibule is wheelchair accessible. The elevator vestibule on the roof brings the height of the house over the allowable height. This is measured from the average grade which is well below the grade of Wilson Park Drive.

Applicant has provided photographs of the house from all sight lines. The house appears as a one-story residence from Wilson Park Drive and as a 3-story house viewing it from the east along Beech Lane. Looking up at the house from Beech Lane, the elevator vestibule would be virtually hidden since it is set back from the western side of the house. There is a large berm along the edge of the property facing Wilson Park Drive with tall trees and evergreens along that property line that virtually hide the house from that vantage point. Even though the elevator vestibule on the roof brings the height of the house over the allowable height – this is measured from the average grade, which is well below the grade of Wilson Park Drive. The house appears as a one-story house from the Wilson Park Drive view – the higher view – and as a 3-story house if you are looking at it from the east along Beech Lane. Along Beech Lane, looking up at the house, the elevator vestibule would be virtually hidden since it is set back from the western side of the house. The railing is proposed to be a tension wire railing made with galvanized steel. The railing is virtually transparent and not susceptible to high winds as a glass rail would be.

II. Approved Plan:

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

Tecton Architects prepared Architectural Plans for *Tarrytown Home Training, 200 White Plains Road, Village of Tarrytown, NY 10591* dated June 18, 2020 and last revised December 18, 2020 unless otherwise noted entitled:

- AS-101 *"Overall Site and Pavement Plan"*
- A - 201 *"Exterior Elevations"*
- G - 101 *"Egress Plan and Code Data"*
- S - 1 *"ALTA/NSPS Land Title Survey"* prepared by LAN Associates Surveyors dated 11/17/19.
- S - 2 *"ALTA/NSPS Land Title Survey"* prepared by LAN Associates Surveyors dated 11/17/19.
(the "Approved Plans").

III. General Conditions

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

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. The site plan application was approved: 5-0

CONTINUATION OF PUBLIC HEARING—Peter and Suzanne Bartolacci—67 Miller Ave.

Mr. Tedesco updated the public on the project. The variances were granted on July 21, 2021 of this year and the Zoning Board imposed 2 conditions on this Board. The first is that the Planning Board has to approve a landscape plan, after input from the Village Landscape Consultant. The Village Landscape Consultant has provided her August 16, 2021 memo that has been forwarded to the applicant for a response. The second, and the most significant, is that the Planning Board must review and approve a construction management plan that will provide for staging of the construction of the proposed walls, a plan that will ensure the protection of adjoining and neighboring properties, including the protection of mature trees. When the Board receives approvals from the Village Engineer, Hahn Engineering and the Village Landscape Consultant, it can request the preparation of an amended site plan approval resolution.

Peter Bartolacci, 67 Miller Avenue, the applicant, appeared before the Board and advised that they just received the landscaping feedback. His Landscape Architect is working on getting an answer before the next work session. With regard to the structural engineering issues, he believes they have responded to the items related to the design. The most important item mentioned in the report is whether or not the landscaping would impact the geogrid. He distributed a diagram justifying the engineer's view that there would be no structural integrity issue with the proposed landscaping (see attached "Exhibit A"). He advised that their site engineer is ill with a virus that is going around and he has not been able to address the site engineer items in the Hahn Report and they will provide this information as quickly as they can. Hahn Engineering also raised a question, and rightly so, as to whether or not the proposed Green Giant Arborvitae across the western and northern faces would create an issue with the geogrid and whether piercing the geogrid might affect the structural integrity of the retaining wall. He showed (see attached Exhibit A-1) a cross section of the tier in between the 2 walls on the west face. There is 11 inches of compacted soil over that green area which is the last layer of geogrid for the lower wall. Using the proposed grading for that section, the depth of soil for planting will be about 23 inches or so. He spoke to four different suppliers of Green Giant Arborvitae and each of them said that a 6 to 7-foot Green

Giant Arborvitae would have about an 18-inch-deep root ball. They said it might vary a little on the width; maybe as high as 24 on the width side, but in terms of depth, it would be about 18". That allows five inches of planting soil, not compacted soil, to put the root balls on top of. This is plenty of room to allow the root balls to grow without impacting the geogrid and compacted soil, which was a concern raised by the landscape architect. He asked the Board if they have any other questions. They will address the Nolan Landscaping Report and Hahn issues as quickly as they can.

There were no comments from the Board. Mr. Tedesco asked if there were any staff comments.

Mr. Pennella noted that we have the comments for the wall design of the structural wall. We will wait for the comments from the site engineer to address the Construction Management Plan, staging area access points, etc., and will review and report back to the Board.

Mr. Bartolacci highlighted an item that was submitted by Mr. Fedigan, on behalf of Ms. Baldwin, at the July 26th Planning Board meeting. He asked Ms. Baldwin's team whether or not they want to correct anything that was submitted from that meeting. They said no. Mr. Bartolacci made the Board aware of a rendering displayed at the last meeting. It was represented as having been prepared by a Luigi Demasi, Architect. He did a comparison of that rendering, with the rendering that was presented in 2017, which they highlighted back in 2017, that was inaccurate. They had 50% of the shrubbery, or the screening that had been proposed. It had been prepared by an architect in Glens Falls, New York. They questioned why someone would use an architect from Glen Falls, NY rather than a local person for a project down here, and thought there might be some type of connection. What was presented at the July meeting appears to be the identical rendering, but it was actually cropped to show a narrower view. It was represented as having been prepared by Luigi Demasi, an architect who works out of Mt. Kisco. He contacted the Mt. Kisco office and they have no record of any rendering having been prepared for this property. He wanted to highlight this since this is a rendering that has been shown to multiple neighbors. In his view, it has been presented to the Board under false pretenses and it is not an accurate portrayal and is being used as evidence in opposition to a retaining wall. He submitted for the record as "Exhibit A-2", attached to these minutes. He showed what was presented in July to what was presented back in 2017. In the 2017 rendering, on the left-hand side, he pointed out that you can see the full corner. In the more recent one submitted at the last meeting, the corner is cut off, but when you look at each of the shrubs and the shadows on the shrubs and the little brown sort of ground covering that is there, everything is identical. He thought this was important to point out.

Before opening up for public comment, Mr. Tedesco mentioned again for those who came in after he went through the procedure that, moving forward, the public will have three minutes each for comment. Mr. Pennella will be keeping track of the time and will signal to the speaker when only a little time is left. If someone has a significant amount

of material to present, they can present the highlights during their 3 minutes and submit their materials to the Board. The Board reviews everything that they receive.

PUBLIC COMMENT PERIOD

Bob Fedigan, of Yonkers, NY, appeared representing his sister-in-law, Geraldine Baldwin at 66 Riverview. Before he reads his letter, he advised that Mr. Luigi Demasi, is a local architect. Mr. Demasi rendered two additional drawings based on the photograph. He is happy to have him come before this Board if they have any questions.

Mr. Fedigan read a portion of the letter to the Board and when his time ran out, he submitted it for the record. His letter is attached as "Exhibit B-1". A brief discussion took place about the 3 minute public comment procedure. Mr. Fedigan challenged the Chairman who advised Mr. Fedigan that he repeated the instructions before public comment that there will be a 3 minute time limit for each speaker to allow everybody a chance to speak. He also mentioned that if there is a lot of material to be presented, it can be given to Secretary Meszaros, who will distribute to the Board for their review, which has always been done in the past. Mr. Fedigan is objecting because this new procedure wasn't on the website or published somewhere. Ms. Raiselis assured Mr. Fedigan that they will read the material and it will become part of the record.

Mr. Fedigan advised the Board that there are 3 additional letters from neighbors to the north, south and across the street from Mrs. Baldwin that he would like the Chair to read into the record. Mr. Tedesco said they will be made part of the record and they will read these letters like they always do, but he is not taking up time to read them during the meeting. He asked Mr. Fedigan to give them to Secretary Meszaros and she will forward them to the Board.

Kimberly Kaczmarek, of 80 Riverview Avenue, read a letter into the record opposing the application, which is attached as "Exhibit B-2".

Mary Fedigan, of Yonkers, NY, appeared and read letters into the record from Lin Snider and Scott Voth- 64 Riverview Avenue and Dina Pottaki and Bruce Follner – 67 Riverview Avenue, which are attached as "Exhibit B-3". Ms. Snider's letter referred to 4 walls. The Chair noted that the application is for 2 walls.

James Fedigan, lives at 66 Riverview Avenue, with his Aunt, Geraldine Baldwin. He will submit signed petition of additional residents of Riverview Avenue, expressing their objections to the proposed huge walls. He showed pictures illustrating the significant negative impact for the proposed laws will have on their property and that of their immediate neighbors to the north and the south along Riverview Avenue. The initial picture is an original photograph of the steep slope at 67 Miller, as seen from Riverview Avenue. The photograph was taken some time ago as you can see by the two large trees which have since been removed by the applicant. In the upper half of the original

photograph the original retaining wall constructed when the house was built, and how the deterioration is visible. The next picture is a rendition by local architect, Luigi Demasi, created using the original photograph and a plan by 67 Miller Avenue proposing two block walls, a combined height of 18 feet high. As you can see the trees cannot hide the overly large walls, and this new construction is not consistent with the walls which are characteristic to the neighborhood. The next 2 pictures are renditions by Mr. Demasi that he created using the original photograph and adding a single 8-foot-high block wall in one picture, and a single 8-foot-high wall of railroad ties, essentially, in the same location as the original retaining wall in the second picture. As you can see, both of these walls will be appropriate for their neighborhood. They are completely consistent with the character of the neighborhood, as demonstrated by the pictures of the walls between the yards of Riverview Avenue and Miller Avenue. Additionally, both of these pictures will illustrate what the applicants have requested to repair or replace the original wall. He submitted the petition with some pictures attached as "Exhibit B-4", of these minutes.

Kristen Wilson, ESQ, representing Geraldine Baldwin, suggested to the Board that there is a simple answer here. It is a single wall. What the applicant originally wanted to do was to replace what was previously existing - the railroad tie wall. Again, what we have now before us is something dramatically different than a single wall, that would keep the slope stable and address the comments by the Village landscape architect regarding the Arborvitae and whether that impacts the integrity of the geogrid under the Village code for steep slopes. Section 305-67 states that a waiver may be granted if the applicant establishes that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such a grant. And as part of this, this Board is to consider whether it will be detrimental or injurious to other properties or improvements in the area in which the subject property is located, whether it increases the danger of fire or flood and dangerous public safety or results in substantial impairment from the slope area. In this case, it has been made clear by all the downgradient neighbors, those that will be directly impacted, that there is the likelihood of an increase of endangering the public safety. Coupled with that, the Board has its own landscape architect raising serious concerns about whether the landscaping plan, which the Board is to approve, undercuts and undermines the integrity of the wall. All of those issues are removed if the applicant is required to look at all their alternatives - a single wall. She is not sure why this Board is not insisting that the applicant come back with another plan that stabilizes the slope, but also doesn't do it in such a way that impacts the downgradient neighbors, and also is unable to be adequately screened. She would implore this Board to follow the landscape architects' questions, not approve the proposed landscaping plan, and ask for the applicant to come back with another plan that actually meets the requirements in the code and addresses the impact on the downgradient property owners concerns.

Dr. Friedlander expressed his frustration that this project is back before the Board. He asked someone to remind him what was approved back in 2017 for a basis of comparison to what is before them now.

Mr. Pennella advised that the prior approval was for two concrete retaining walls with similar heights. The current plan before the Board is for two concrete modular block walls with the same height for the west elevation. The north elevations vary slightly because of the changing grade and some of the wall collapse. Other than that, the wall is essentially the same height and has the same setback from the property line. He cannot speak about the landscaping issues as he is not the expert. The prior concrete wall was extended down to bedrock for bearing purposes. This new design does not go as deep and relies on a geogrid design. The applicant has provided a global stability analysis which essentially prevents the wall from sliding out from the side of the hill, and it is retained, flexible and movable. It is also not the same type of wall that has been referred to tonight on the adjacent property that collapsed. That wall was made of large concrete mass blocks. These are smaller blocks, not as big, with a rough texture, whereas the prior concrete wall had a smoother texture, basically gray in color.

Dr. Friedlander asked for a photograph of the prior wall. Ms. Raiselis said structurally the design is very different, which is why Hahn Engineering is needed to determine whether it is structurally sound and safe. Dr. Friedlander asked about the material. Ms. Raiselis said the material is different from what they previously approved. The new wall is textured, the old one was smooth.

Mr. Pennella added that in 2017, the same type of modular block wall design was in front of this Board, before the applicant decided to change the design to a concrete wall, so this is not a new design. It originally started as modular block walls of different heights, then it went to the poured concrete design, and they are now back to the modular block walls.

Mr. Tedesco said, essentially, they had approved two walls with a different material and different grid structure. The question is it is safe from engineering standpoint. The applicant will respond to the landscaping comments. Ms. Nolan will need to confirm that the landscaping will be just as good or better than the original landscaping and that would make the two plans essentially parallel proposals.

Mr. Pennella said the design has been presented, and the analysis has been provided by Hahn who has accepted it. With regard to the safety factor, these walls have a factor of safety for different reasons, overturning, sliding, boring pressure. Hahn reviewed this and their analysis is greater than at least a 1.5 factor of safety. In other words, if it takes 100 pounds to move that wall, it is one and a half times this design to prevent it from failing in that kind of mode, and 1.5 is the smallest factor of safety.

Mrs. Fedigan returned and noted that 475 cy is a tremendous amount of fill. It is over a million pounds which she feels is environmentally shocking and should be considered.

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

NEW PUBLIC HEARING – Tedd Trading Inc. – 27 N. Broadway

Mr. Tedesco 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, August 23, 2021 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Tedd Trading, LLC
5134 Broadway
New York, NY 10034

For site plan approval for a change of use from existing office space on the first floor into a restaurant.

The property is located at 27 North Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 18, Lot 6 and is located in the RR Zone.

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

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

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

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board
Dated: August 13, 2021

The mailing receipts were received and the signs were posted.

Christine Broda, RA, the project architect, appeared before the Board. The applicant was also present. She presented the site plan and briefly described the proposed restaurant on the first floor of the property located at the corner of N. Broadway and Central Avenue. Currently there are offices on each floor with storage in the basement. She showed the layout of the restaurant with the seating. She advised that there is no parking available on site so they are going to need a variance of 7 parking spaces from the Zoning Board. They will be on the September ZBA agenda. With regard to waste removal, they plan on storing the garbage in the alleyway behind the building on the Central Avenue side. The trash collection will take less than five-minutes and the private carter will pick up early in the morning. There are also two parking spaces behind the bus stop on Central Avenue that could be used for food deliveries. The amount of time it takes to get deliveries is minimal and a small van can easily fit into a public parking space. Deliveries will also be scheduled in the early morning. They have observed this area several times between 8 am and 9 am and have found that no cars are parked on the street. It would be very easy for them to pull up the van parked in the street and make the deliveries through the back. She showed the parking space areas which are not used in the morning and the metered space areas in the front in addition to a no parking space directly in front of the building far enough away from the corner to allow the bus to turn from Central Avenue onto North Broadway.

Mr. Tedesco confirmed with Ms. Broda that there will be 32 seats; five tables of four and six tables of two. Ms. Broda confirmed that there are offices on the second and third floors which they intend to keep. They are also required to install a sprinkler system for the first-floor restaurant space. They have a concrete floor structure and meet the 2-hour separation requirement under the building code. They will be adding a lift because the space is not handicap or wheelchair accessible in the front of the building. They will be raising the stair with one more riser so that they can be flush with the entrance to the building. There is no elevator proposed but anyone can use the lift for access to the building.

Mr. Pennella referred to his memo to the applicant, dated August 16, 2021. He suggested that the applicant go before the ARB as soon as possible to get their input on the aesthetics of the lift chair which will be visible on N. Broadway. Ms. Broda also noted that they have proposed awnings on the restaurant windows along Central Avenue and North Broadway which will require approval.

Mr. Pennella advised that the code does not allow the applicant to use public spaces for deliveries so depending upon what the applicant comes back with in the back, they may need an additional variance for one loading space. Ms. Raiselis noted that although the applicant is saying that no one is using those spaces in the morning, that may not be the case once we get back to normal. She would like the applicant to figure out a solution in the back if possible. Ms. Broda said the reality is that the building occupies the entire site. There are two driveways (alleyways) in the rear and her client could

approach the two owners for access for the morning deliveries. One alleyway accesses the building next door and the other is for a building further down on Broadway.

Mr. Pennella noted that Central Avenue is a side street and although it is quiet in the morning, he has safety concerns with deliveries taking place near the bus stop when the van backs into the property. Mr. Pennella would like the applicant to revise the plan to show all the street parking and no parking zone spots on the site plan. The applicant must obtain the required variances from the Zoning Board before returning to this Board. Ms. Broda noted the hours of operation are Monday through Saturday, 11 am to 8 pm and Sunday, after 5 p.m.

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

Mark Fry, of Ossining, is happy to see this beautiful building used for a restaurant. He noted that the no parking zone could very well be turned into a loading dock. At one point, it could have been a loading zone. He is enthusiastically in favor of the project.

There was no more public comment.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action with no further environmental review required under SEQRA.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

NEW PUBLIC HEARING – Talleyrand LLC - 200 White Plains Road

Mr. Tedesco 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, August 23, 2021 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Talleyrand LLC
15 America Ave – Ste 110
Lakewood, NJ 08701

For a change of occupancy in accordance with §305-132(A)(1) of the Village of Tarrytown Zoning Code, to lease approximately 9,405 S.F. of space on the second floor of an existing building to operate a proposed ENT and Allergy general office.

The property is located at 200 White Plains Road, Tarrytown, NY and is shown on the tax maps as Sheet 1.201, Block 122, Lot 4, located in the MU 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 will be required from the Board of Trustees for a Compatible Use Permit.

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

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board
Dated: August 13, 2021

The mailing receipts were received and the sign was posted.

John J. Kolesar, the project Attorney, with the law firm of Harris Beach PLLC, appeared representing his client Talleyrand LLC. Angelo Martino, the Senior Project Manager with Cardarelli Design and Architecture, PC., was also present. Mr. Kolesar is before this Board for site plan approval to allow ENT & Allergy Associates to occupy the 2nd floor of the building at 200 White Plains Road as a general office use in the MU District. They have also applied for a Compatible Use Permit application which will be before the Board of Trustees upon recommendation of this Board. Only interior renovations are proposed with no changes to the exterior of the building or the site. The renovation would consist of a build out to include offices, bathrooms, a lobby waiting area a conference room patient rooms and a lunch area for staff. The proposed tenant, ENT &

Allergy Associates has their headquarters at 660 White Plains Road in Tarrytown, NY. They provide services to patients to diagnose and treat infections and medical issues, affecting a patients, ears, nose, throat, mouth and other allergies. The regular business hours are no earlier than 7am and no later than 7pm. There will be no overnight stays or overnight use of the building. The applicant respectfully requests that this Board grant site plan approval and make a positive recommendation to the Village Board on their Compatible Use Permit application. The proposed use is consistent with the site, the existing building, the surrounding neighborhood on Route 119 and it will help the village to achieve a goal identified the Comprehensive Plan, to promote dynamic office districts to attract and retain businesses like ENT & Allergy Associates, LLP.

Angelo Martino, the project design manager, briefly went over the parking requirements as they relate to the on-site parking. There are 558 parking spaces on site and approximately 270 spaces are assigned to different tenants. Some are not being used currently because the building is mostly vacant. ENT & Allergy Associates is expected to utilize 38 parking spaces of that 558; 20 spaces for employees, and 18 spaces throughout the day as patients come and go for appointments. This leaves about 520 spaces left on the site for other tenant parking. The landlord has advised that the parking is not utilized by Nikkos Hibachi Restaurant to their knowledge. Parking is utilized by an existing apartment complex that borders the property strictly for overnight parking, which is after business hours at 7 p.m. until the morning. Based on this data, there should be an adequate amount of parking when the building is fully occupied.

Mr. Tedesco asked if the Board Members or staff had any comment.

Mr. Pennella would like the parking analysis in writing. The restaurant has their own spaces allocated. He would like the applicant to show the allocated parking for the entire site.

Mr. Tedesco advised that a referral has been made to the Westchester County Planning Department under GML.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action with no further environmental review required under SEQRA.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

Mr. Tedesco moved, seconded by Mr. Aukland, to authorize Planner Galvin to prepare a memorandum with a favorable recommendation to the Board of Trustees for a compatible use permit to occupy this space.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

NEW PUBLIC HEARING – MOSCA – 64 SHELDON Avenue

Mr. Tedesco 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, August 23, 2021 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Kimberly and Anthony Mosca
64 Sheldon Avenue
Tarrytown, NY 10591

For site plan approval for the construction of a 328 SF single story rear addition.

The property is located at 64 Sheldon Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.180, Block 103, Lot 4 and is located in the R 7.5 Zone.

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

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: August 13, 2021

The mailing receipts were received and the signs were posted.

Sam Vieira, RA, appeared before the Board, representing the applicants. Mr. Mosca was present. He is before the Board for site plan approval for the construction of a rear addition to the existing home. He presented the site plan and advised that the applicant would like to add additional special for their children. They have 2 boys and a girl and presently the home is 1,200 s.f. They propose to add a 16 ft. x 20 ft. - 328 s.f. addition to include a bedroom, bathroom, small laundry space and small office space for Mrs. Mosca who is an independent consultant.

There were substantial variances necessary for this project because they have an undersized lot, which is the case with most of the homes along that stretch of Sheldon Avenue. The Zoning Board approved these variances at their August 9, 2021 meeting. They will also be going before the ARB after site plan approval.

With regard to the stormwater management plan. He asked the Board if they could make this a condition of approval and, if that is not possible, he will engage the engineers immediately to move forward at the Board's recommendation. A plan was not developed since they were unsure of plan revisions that could occur during the zoning process. Mr. Pennella has suggested that they try to get some sort of creative stormwater management system rather than the normal culvert or deep drywell. It is not a substantial amount of increase in impervious surface. It is only about 220 square feet and it is manageable. Mr. Vieira said with an exchange of ideas and some guidance they will absolutely be able to come up with an engineering solution.

Mr. Tedesco realizes it is a very small site and the houses are practically touching each other. The request for a landscape plan was to provide just a little screening in the back. Mr. Vieira showed pictures of the property indicating that the property is already well landscaped. On the west side, there is very little space left to access or maintain any plants and with a southern exposure during the day, the area will get very little sunlight. The other side is to be used for access to the back yard.

Ms. Raiselis suggested that Mr. Vieira work with the homeowner to do a simple plan without hiring a landscape architect. She feels that the homeowner also would like to keep as much of the backyard for the kids to play. Mr. Pennella also suggested relocating the existing Holly tree to the backyard. Mr. Tedesco noted that the third bedroom is needed for the third child. The Board members had no further comment.

There was no public comment.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action with no further environmental review required under SEQRA.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

Preliminary Presentation – Collins Enterprises, LLC - 28 & 29 South Depot Plaza
 Construction of 94 dwelling units with parking and retail space.

Chairman Tedesco advised the public that the applicant will present his proposed project this evening for the benefit of the public and the Board. Board Members and staff will listen, ask questions, make suggestions to the applicant. There will not be any public comment because this is a preliminary presentation. At our September meeting, and probably continuing to the October meeting, the site plans submitted by Mr. Collins would be reviewed by the Board and public comment will be part of the process. The Board will also consider the granting of an extension for the self-storage project to Mr. Ferraro. After Mr. Collins makes his presentation tonight, Mr. Tedesco will read for the

benefit of the public, because there was concern about public input, a list of concerns and items that should be addressed by the applicant during this upcoming site plan review. He will ask Board Members to add to it, and a copy will be provided to Mr. Collins so that he has a concrete idea of the items he will need to pursue.

Mr. Collins appeared before the Board and noted that Paul Ferraro, the owner of the property, is present tonight. He has been involved with this property since late 2019 and has been before this Board and the Board of Trustees to affect an amendment to the ID zone, which was passed by the BOT early this year. They are proposing a Transit Oriented Development for 28 and 29 South Depot Plaza. They are experienced with these types of projects and noted similar projects that they have done in Greenwich, Ct. and Bronxville NY. They have a contract to purchase the property from the Ferraro's. They are no longer proposing self-storage on the first floor. There will be parking on the first level and then 3 levels of residential apartments above the parking.

Lucille Munz, of JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC, briefly presented the site plan. There are 2 parcels proposed for this project which they intend to merge. Parcel 38 is 1.1 acres and Parcel 37 is .21 acres. On lot 38, they are proposing to build 79 units - three stories over the first-floor parking with some retail and amenity space on the ground floor. Lot number 37 will have 3 stories with a total of 15 units and 3,400 square foot of retail at the ground level. The existing driveway is proposed to be improved. They have provided the required parking which meets the current zoning of 1.05 spaces per residential unit. There are 136 spaces that are required and 136 spaces that are proposed. There are 58 spaces proposed on the first level of the building and the remaining spaces are identified in the lots as shown on the plan. Landscaping will also be provided. The site plan complies with all of the bulk zoning requirements. She showed the connections to the railroad, retail, amenity and trash areas. She presented the architectural renderings and elevations for both of the proposed buildings and noted that Lot 38 has not deviated too much from the original plan.

Mr. Collins briefly explained the ownership of the properties around the site. MTA owns the commuter lot and some of these spaces have been leased to the village. There are approximately 44 spaces in that lot. He showed the shared driveway which is used by American Independent Paper as well as MTA to access their property. American Independent Paper has rights over some of the land they have no spoken to them yet. MTA may want to create some restraints since American Independent paper is currently trespassing on the MTA land. He noted that Lot 37 does not comply with the 1-acre minimum lot size for mixed use so they are proposing to eliminate the western property line and merge lot 37 with lot 38. This will require approval by the Board of Trustees. They have a preliminary agreement with Metro North and are working on the parking spaces. There will be 30 spaces or so that will be shared and 10 existing spaces for use by the MTA only. Overall, there will be about 80 spaces or so that are going to be redeveloped. He showed the pedestrian connections and the Landscaping along Depot Plaza and the connection for use by Franklin Courts and noted that they will work with the

developer of the Franklin Courts with items such as security, access and landscaping as that project progresses.

Mr. Collins noted that as soon as they get a sense that there is some traction with this project, they can move forward with the MTA agreement to lease the parking spaces. The lease will be about 79 years; 49 years plus to 15-year options. In order to finance this project, it is critical for them to have a parking agreement in place. The remaining issues are to resolve the merging of the lots and approval to allow two principal uses on one lot if the merger is accepted. He noted that there is plenty of precedent to allow two principal uses on one lot and referenced Hudson Harbor and Franklin Courts sites.

He advised that environmentally, this property is clean. There were some fuel tanks which leaked but it has all been cleaned up and there is no need for a phase II to be completed. They have had that verified and will supply this information to the Board. They would not be here if the property was contaminated. This property, including Franklin Courts was actually part of the Hudson River until maybe the 30s or the 40s when it was filled in by the railroad companies. So essentially, it is new manmade fill. There has been no environmental contamination other than a few tanks he referenced. During the course of the discussions last year, they have done the traffic study, which was reviewed by Chazen, the Village traffic consultant for this project. Chazen verified the parking ratios for the residential and retail are acceptable.

Mr. Collins introduced his colleague, Jeff Sirkin, to briefly go over the demographics and the economics of the project. Mr. Sirkin reported to the Board that in terms of the demographics, they are hoping to serve a number of different demographics to include 1) Empty nesters that have sold their homes but would like to remain in the area that is close to Main Street and services. 2) Single professionals and couples that cannot afford to purchase a home here, but like the community and can afford to rent. 3) Split commuter couples - maybe one works in the city, one in Rockland - who are looking for a central location. 4) Affordable component – they are proposing 9 or 10 units of affordable housing and hope to attract teachers, public sector employees, and small business owners who would apply for the units and would have to qualify based on income. He believes this is a nice mix of tenants for the project. Preliminary thoughts of the unit mix are that there will be more of the 1 bedrooms and studios and about 25% will be 2 bedrooms, to fit the demographic he outlined. In terms of the contribution that this project will make to the neighborhood, they will be bringing life to the industrialized area with people who will contribute to the economy on Main Street, which is within walking distance to the Village. And lastly, the project will generate more tax revenue than what currently exists.

In terms of rent, studios will be in the range of \$2,300 per month, 1 bedrooms will be \$3,000 per month and the two bedroom will be \$4,200 per month. The affordable units will be calculated based on incomes and the AMI, and the rent will be considerably less.

Mr. Collins is concerned about the preliminary updates that he is receiving from the Greenburgh Assessor with regard to the real estate taxes. Some of these projects are taxed at very high rates compared to other places and makes it difficult to finance. Mr. Collins intends to propose a PILOT agreement with the Village in order to get some tax certainty which is very important for this project. Moving forward, they would like to go to the Board of Trustees to merge the two lots and then to the Zoning Board for a variance to allow the 2 principal uses on one lot. They will meet with Franklin Courts again to complement what is going to happen next door. They will finalize the MTA agreement and produce copies of the terms sheet to the Board. They will also seek more public support from neighbors, and others. They have reached out somewhat but need to do more as they move forward. He pointed out that they have gotten support from this project from the Builders Realty Institute for adding property to the stream of commerce and for providing some affordable housing. They have also received a letter Westchester County in favor of this project for the same reasons.

Mr. Tedesco thanked Mr. Collins for the very thoughtful preliminary presentation. He listed the concerns of the Board as follows:

1. Pedestrian connections
2. Meeting with Franklin Courts to coordinate the projects.
3. Improving Sara Michael's park
4. Foot traffic in the area to be addressed in general
5. The best mix and variety of retail for the area – something that will really fit in such as professional offices coffee shop, grocery store, something that will really fit in
6. Landscaping
7. Safety concerns regarding the railroad tracks to the residential building that will require some protective measure to prevent children and others from crossing the tracks.
8. The environmental impact of the recycling plant close to the residential building such as air quality and possible mitigations.
9. Affordable workforce housing
10. Submission of a physical model of the buildings in the adjacent areas which would be useful to the Board and public as the project moves forward.

Mr. Tedesco asked the Board to comment.

Mr. Aukland said that this project is in line with the Comprehensive Plan and reflects the policy from the Board of Trustees for transit-oriented development in this area. It is not for this Board to make or judge on policy. He agrees with all of Mr. Tedesco's points. With regard to Franklin Courts, there is an opportunity to create a neighborhood in this area and he would like the applicant to work with Franklin Courts to do that rather than simply dealing with the concerns they may have. With regard to the Tappan Landing residential area, it is difficult for them to get to the train station. It would be good to see if there is a way to allow pedestrian bike access from that neighborhood to the station

area. With regard to the safety and health issues, there are ways of resolving accidental access to tracks and third rails and also preventing contaminants from reaching the residents through access control. These items could be addressed as a whole rather than separate pieces. During the SEQRA review, they will be validating traffic projections, school impact, which have been partially done, but this is a different proposal which must be studied more. He wants to make it clear to the public that these studies and reviews are professionally endorsed for projections of school use or traffic or whatever it may be. There has been a lot of emotional concern raised about how the traffic is going to kill us and he would like to see the real picture of the impacts.

Mr. Collins asked about the SEQRA process. He feels that he has reduced the density on Lot 38, eliminated the self-storage and reduced the height. He thought that presumably, the SEQRA study would only have to be done for parcel 37. He would like some clarity on this.

Counsel Zalantis said a Negative Declaration was issued for the project which is different now. The Board will have to consider the new potential impacts as a result of the addition of lot 37 and study the entire project as a whole.

Mr. Birgy was confused. He thought the project was approved for 66 units, not the 88 units at the Board of Trustees meeting. He thinks it is fair to say that a number of people in the community were very upset about even having 66 units approved and then when the applicant comes back with 94 units, it becomes confusing to the public. With regard to the traffic concerns, a professional traffic study was done and it may be a few years old but it basically said that the infrastructure road system in Tarrytown is at capacity and we seem to ignore that. He also noted that we don't even know what is going to happen at Franklin Courts but there is an indication that there will be additional density there. In addition, Regeneron just approved a very large project which will impact the traffic. He feels that the density of almost 100 units on a little more than an acre of property is just too much and feels that the traffic can no longer be ignored.

Ms. Zalantis clarified that the Negative Declaration issued was based on the 88 units. A brief discussion took place about the controversy of the project and how it only received a 3-2 vote and the minority report written to the Board of Trustees opposing the project.

Mr. Tedesco said that this Board has to look at all the changes which is the purpose of this site plan review process in order to determine the pluses and minuses. He does not think that the project should be prejudged.

Ms. Raiselis believes that before the project can move forward, the applicant will need to go to the Board of Trustees to discuss the merging of the lots. If that does not happen, then we are talking about a whole new discussion.

Mr. Tedesco agrees that this should be the first step.

Ms. Raiselis said the physical model is also beneficial for the community to see how it can be tied in with Franklin Courts and can be used as a community tool to blend this whole neighborhood.

Mr. Collins said that pursuing projects in piecemeal way is not best for Tarrytown. They also want what is best for Tarrytown. The idea of carving off parcel 37 sounds like a good idea. He feels that we should look at the entire area holistically. He asked the Board to consider granting the extension of the self-storage as soon as possible because this affects how quickly they can move forward.

A discussion took place about the need to merge the lots. Mr. Pennella said 2 principal buildings are not permitted under the code.

Dr. Friedlander said a lot has changed since the Comp Plan was passed. He too wants a Master Plan for this entire area. He wants to know the role of the Planning Board with regard to the Franklin Court Development. Counsel Zalantis said the village will play a role in the project but nothing has been presented yet. A meeting is going to be arranged with the Tarrytown Municipal Housing Authority. The parameters are not completely clear yet.

Mr. Birgy is concerned that there is no information on Franklin Courts in order to make an informed decision on this property. Counsel Zalantis said there will be more information on this project in the upcoming months.

Dr. Friedlander asked if this presentation requires a ZBA action. Counsel Zalantis said they will need a variance to allow the 2 uses on the lot if it is merged.

Dr. Friedlander thinks that Counsel Zalantis should ask the Board if they thought they approved 66 units or 88 units. Counsel Zalantis said the Board had the text in front of them when they adopted the Zoning. Mr. Galvin added that the Board of Trustees was looking at the height, but they also looked at the 20,000 s.f. of self-storage, which is no longer proposed.

A brief discussion took place with Mr. Birgy and Ms. Raiselis about doing projects holistically. Ms. Raiselis said it would be ideal if it could be done, but sometimes it does not work out that way and that is what the SEQRA process is for. Mr. Birgy feels that if there is an opportunity to look at this holistically, then we should wait.

Mr. Penella advised the Board that, procedurally, this application needs to go to the Board of Trustees to get their input. They will need to approve the lot line adjustment to merge the lots, unless the applicant wishes to amend their application and remove lot 37. Counsel Zalantis suggested that the applicant make a presentation to the Board of Trustees for this proposal.

Dr. Friedlander confirmed with Mr. Collins that there will be an additional 14 spaces along the strip of land. He also asked Mr. Collins if he was going to address breaking up the building. Mr. Collins said they did show the elevations and this is something that definitely needs to be reviewed. Mr. Collins also did not want to get hung up on the unit counts at this juncture. They still have to go through SEQRA which will address market reality and financing realities, and not just unit counts. Mr. Aukland said that SEQRA should help us through that process. A brief discussion took place with Mr. Birgy and Mr. Collins about the unit counts. Mr. Birgy feels Mr. Collins should be more sensitive to the community.

Mr. Tedesco said the next step is the Board of Trustees if they are amenable to having them do a preliminary presentation. Counsel Zalantis said no Board can take any action until SEQRA is completed. The Board cannot act on merging the lots without SEQRA either.

Mr. Collins asked if the Board could consider the self-storage extension. The Board said they would consider that at the next meeting. This application was adjourned for this meeting.

A brief conversation took place about the SEQRA process moving forward. Counsel Zalantis said that the Board acted appropriately in this matter. They looked at the impacts and issued a negative declaration. The applicant is coming back with a different proposal with two lots and that is why we cannot rely on the Negative Declaration. The procedure followed SEQRA.

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 9:50 p.m. and go into a brief Executive Session for advice of Counsel. All in favor. Motion carried.

Adjournment:

Mr. Raiselis moved, seconded by Mr. Aukland, to come out of Executive Session and adjourn the meeting at 10:00 p.m.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried: 5-0

Liz Meszaros – Secretary

EXHIBIT A-1

67 Miller Avenue – Applicant Submission
Peter Bartolacci

Submitted by: Peter Bartolucci C.S./P.B. mdy.

RECEIVED

AUG 23 2021

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67 Miller Ave. - Location of Root Balls on Tier between retaining walls looking north

SAVED

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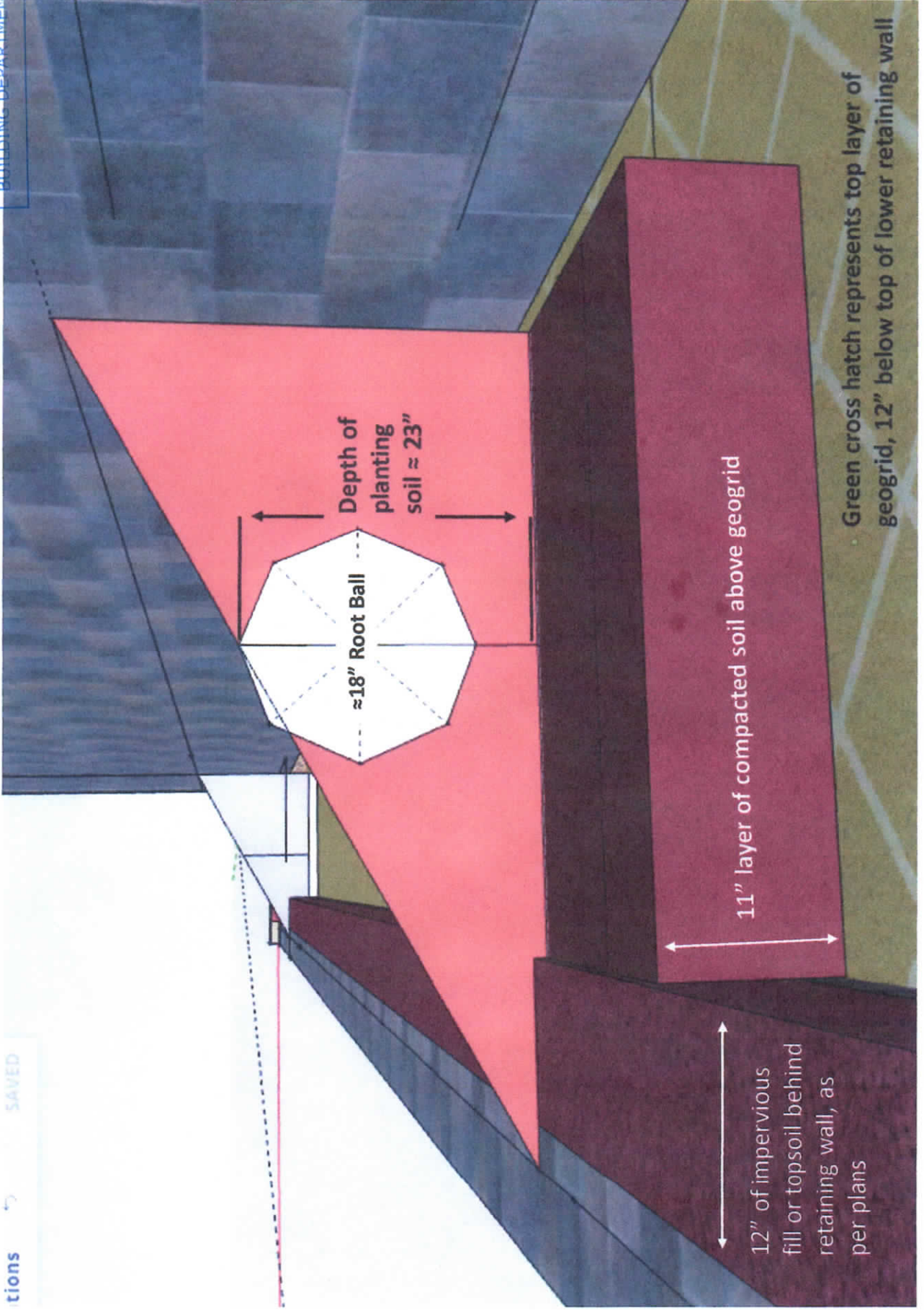


EXHIBIT A-2

67 Miller Avenue – Applicant Submission
Peter Bartolacci

Submitted by Peter Bartolucci 8/23/21 PB mtg.

Rendering prepared by Andrew J Allison, architect from Glens Falls NY, submitted to the ZBA on 8/14/17, and the Planning Board on 10/23/17 by Geraldine Baldwin, +B



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Excerpts From 11/27/17 Bartolacci ZBA Rebuttal Document re: 2017 Baldwin Rendering

"Ms. Baldwin referred to an architect's rendering of what her view will be once our proposed retaining walls are constructed and provides feedback from a few neighbors (5 households) when they were shown the rendering (See Appendix J). Note that this rendering was commissioned by Ms. Baldwin and created by an architect from Glens Falls, NY*, some 3+ hours and 180+ miles away. I am guessing this architect may not be that objective or has not been provided with the most recent plans as this "rendering" bears very little semblance to what we are proposing to create."

"Note that as previously mentioned, this architect is based in Glens Falls New York*, a full 3 hours and 180 miles away from Tarrytown. We do find it quite curious that Geraldine would choose an architect from so far away and wonder whether there might be a personal relationship involved."

* Andrew J Allison, AJA Architecture
9 Broad Street, Glens Falls, NY 12801



Submitted by: Peter Bartolacci @ 8/23/21 P.M. mtg

Rendering submitted by Geraldine Baldwin July 26, 2021, allegedly created by "Licensed architect Luigi DeMassi"



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J. Fedigen - 7/26/21 PM ny.

Submitted by: Peter Bartolacci 8/23/21 PM ny.

There is a remarkable similarity between the two renderings, such that it is apparent that what was presented at the 7/26/21 PB is simply a cropped version of the 2017 rendering to show a narrower view. This begs the question: Why did Ms. Baldwin say in 2017 and prior that the rendering was provided by Andrew Allison, an architect in Glens Falls NY, but in 2021 she claims that her rendering was provided by Luigi Demasi whose office is in Mt. Kisco, NY?



We contacted Luigi Demasi and his office has no record of any retaining wall rendering being prepared for the 66 Riverview or 67 Miller properties.

Cropped 2017 Rendering

Exhibit B



"2021" Rendering



J. Faldy - 7/26/21 PB mtg.

Submitted by: Peter Bartolacci @ 8/23/21 PB mtg.

Additional Questions For Ms. Baldwin:

If a new rendering was commissioned, why does it continue to show the highly inaccurate depiction of the proposed landscaping? The "2021" rendering displays < half of the screening plants we have proposed. Is this misrepresentation intentional to deceive those viewing it into thinking that much of the retaining walls will be visible when in fact very little of the retaining wall face will be visible once the plantings mature and fill in?

We highlighted the inaccuracy of the rendering presented in 2017 in our 11/27/17 rebuttal document submitted to the Planning Board:

"Note that this rendering was commissioned by Ms. Baldwin and created by an architect from Glens Falls, NY, some 3+ hours and 180+ miles away. I am guessing this architect may not be that objective or has not been provided with the most recent plans as this "rendering" bears very little semblance to what we are proposing to create. Of note, the rendering appears to display 7 narrow Emerald Green Arbor Vitae for screening of the lower tier of the retaining wall when our plans propose to plant 14 Green Giant Arbor Vitae. In addition to proposing twice as many trees for screening, our plans use Green Giant Arbor Vitae which are much fuller and rectangular shaped, providing far more volume for screening than the narrow and tall cone shaped Emerald Green Arbor Vitae. On the second tier, Ms. Baldwin's architect's rendering again appears to show 7 narrow Emerald Green Arbor Vitae when our plan proposes three times as many, a total of 21 Green Giants. In short, the rendering Ms. Baldwin used to solicit feedback from her neighbors was commissioned (and presumably paid for) by her and does not accurately reflect the species of the plantings to be used for screening and massively underrepresents the amount of screening to be provided."

Yet, Ms. Baldwin continues to ignore any information that contradicts her argument against allowing us to restore our property and shares inaccurate information with her neighbors and Tarrytown's Land Use Boards.

Submitted by: Peter Bartolacci 8/23/21 P.O. NY



Additional Questions For Ms. Baldwin:

If a new rendering was not commissioned, and the 2017 image was simply cropped to narrow the view, why was this done? Was it an attempt to deceive the Planning Board and the public into believing that a new, "independent" rendering had been prepared so as to lend credibility to it since the Bartolacci's had highlighted the highly suspicious and compromised nature of the 2017 image?



Submitted by: Peter Bartolacci 8/23/21 P.B. nbg

EXHIBIT B-1

67 Miller Avenue Site Plan Application

Robert Fedigan – Public Comment

o/b/o Geraldine Baldwin

Statement of Geraldine F. Baldwin to the Planning Board of Tarrytown NY
Re: Application of 67 Miller Ave filed July 7, 2021



Initially, I would like to make crystal clear that all the Statements in my Presentation to this Board at the meeting on July 26, 2021, refuting the false and misleading allegations in Applicants' Engineer's Letter of Paul Berte dated July 7, 2021 are true and supported in full by factual evidence attached to that Presentation. I note again that this Board should not and in fact cannot rely upon the outright false statements and misrepresentations contained in that Letter which is an essential part of the Application and basis for waiver of the Steep Slope law of the Village Code. This is Prima Facie evidence for rejecting this Application as it is based on false statements.

Secondly, I note that two separate professionals, i.e., a Consulting Physical Hahn Engineer and a Landscape Architect, who have now reviewed Applicants' Plans, have each raised significant questions regarding the safety of Applicants' proposed huge walls. James J. Hahn Engineering, PC Memorandum of August 12, 2021 (Hahn Eng'r Memo) and Nolan Landscape Architects, PLLC Report of August 16, 2020 [sic] (Nolan Report).

Inter alia, the Hahn Engineer questions the global stability analysis provided, especially with respect to the "depth of the ledge rock". Hahn Eng'r Memo Item #6. Thus, the Hahn Eng'r Memo raises a question of safety of the walls against sliding or slipping, overturning and load bearing.

At the last Board meeting, my Attorney Kristen Wilson, Esq. noted that the upper and lower walls appear to be interconnected and questioned the Village Engineer regarding the safety issues raised by such interconnection. The Hahn Engineer should confirm that the correct algorithm was used to determine the global stability analysis since interconnection may well impact the surcharge of the upper wall onto the lower wall and may not be taken into consideration by algorithms routinely employed.

Both the Hahn Engineer and the Landscape Architect have raised serious questions regarding the proposed Green Giant Arborvitae and their negative impact on the integrity of the geogrids. See the Hahn Eng'r Memo Items 3 and 4 and the Nolan Report Comments 2-3 and Recommendations and Requirements 1-4.

In particular, Item 3 of the Hahn Eng'r Memo specifically states: "It appears the depth and spacing of the specified trees would conflict with the geogrid and therefore may compromise the integrity of the wall."

Applicants' Plan calls for 17 Green Giant Arborvitae in the 6 feet between the upper and lower walls across the west part of the property and an additional 4 Green Giant Arborvitae in the 2.5 feet between the upper and lower walls on the north—for a total of 21 Green Giant Arborvitae. The Nolan Report makes very clear that the entire Landscaping Plan raises very serious issues regarding the integrity of the geogrids required for stability of the huge walls. In fact, as emphatically stated in the Nolan Report 5 (five) feet of continuous geogrid must be kept between the plants and only holes less than 3 (three) feet in diameter can be cut into the geogrids. Nolan Report Comments Item 3.

*Read part of this into
Record + Submitted: Bob Fedegian C.P.B. mtg*

AUG 23 2021

BUILDING DEPARTMENT

Accordingly, only at most 8, not 17, Green Giant Arborvitae could be planted between the lower and upper walls across the west portion of the property-- certainly not sufficient to screen the huge walls from the view along Riverview Ave.

Moreover, the Nolan Report raises issues with respect to the viability of the plants at all—given the required 95% compaction of the soil and the 60% slope between the walls impacting plant growth. Id. This even says nothing of the huge size of the trees should they be able to grow in the unknown volume of uncompacted soil necessary for root growth. Nolan Report Recommendations and Requirements. Item 1.

Most importantly, the Nolan Report requires that the design engineer confirm that the landscape plan will not "impact the wall stability". Id. Recommendations and Requirements Item 3.

I ask that this Board give careful consideration to all the issues regarding the safety of the proposed two huge walls and please request that the Applicants revise the plans to build a single wall to repair or replace the original railroad tie wall as they have requested all along and lessen the negative impacts on the downslope neighbors.

I would like to remind this Board that in other cases where an Applicant has requested a waiver of the Steep Slope law, this Board has required the Applicant to revise the plans to lessen the impact and mitigate the disturbance of the Steep Slope.

For example, with respect to an application of 6 Hillside Street for new construction on a steep slope, this Board required the applicant to revise the plans, even to the extent of then requiring a variance where none was needed before the revision. The applicant complied and mitigated the disturbance to the steep slope by decreasing the disturbance by 44 %. See Minutes of the Planning Board, Dec. 27, 2017 and Feb. 26, 2018.

In contrast, however, throughout all the meetings with the present Applicants, this Board has never required revision of the plans to decrease the extent of disturbance of the Steep Slope and mitigate the negative impact to the neighbors. Rather the Applicants have been and continue to be permitted to entertain new construction of two walls of a combined 18.5 feet high to completely obliterate a Steep Slope so that they can increase the flat part of their yard by 1050 square feet and importing 475 cubic yards of fill weighing more than a million pounds. Obviously, this is new construction and not merely "repair or replacement "as Applicants have requested.

My nephew and fellow resident of 66 Riverview Avenue will illustrate tonight how just "repairing and replacing" the current single Railroad Tie Wall with a new single wall will lessen the negative impact and mitigate the disturbance of the Steep Slope while stabilizing the slope just as the original single retaining wall has done for more than a half century without a significant negative impact on the environment or the character of our neighborhood.

B. Fedigan 8/23/21

I IMPLORE YOU EVEN AT THIS LATE DATE TO DO THE RIGHT THING AND HAVE THE Applicants present a single wall so that it is consistent with the character of our neighborhood and does not imperil our safety.

I ASK THAT YOU ONCE AGAIN RECONSIDER THIS ABSOLUTELY UNSAFE PLAN THAT PUTS ME AND MY NEIGHBORS AND OUR PROPERTIES IN JEOPARDY.

Finally, I understand that in addition to the Petition signed by at least 11 of my neighbors along Riverview Avenue objecting strenuously to Applicants' huge walls, the Planning Board has recently received three letters – from my neighbors to the north and south and across the street. I ask specifically that these Letters be read into the record tonight. If the Chairman does not read them into the record, I ask that my neighbor or my sister read them into the record.

Respectfully submitted,
Geraldine F Baldwin
August 23, 2021



Bob Feduzan 8/23/21

EXHIBIT B-2

**67 Miller Avenue Site Plan Application
Kimberly Kaczmarek – Public Comment**

Kimberly Kaczmarek
80 Riverview Avenue
Tarrytown, NY 10591



Planning Board of Tarrytown New York
One Depot Plaza
Tarrytown, New York 10591

August 14, 2021

Members of the Planning Board of Tarrytown:

Re: Plan for Retaining Walls dated July 7, 2021 by Bartolaccis 67 Miller Ave

My property at 80 Riverview Avenue adjoins 67 Miller Avenue on my eastern boundary for some 25 feet. I have watched the proceedings of your Board and am amazed that you would even consider approving more than a single large wall in such a small place.

At present there is only a single relatively short wall on the 67 Miller Avenue property.

I understand that our Village has a law that does not allow construction of such large walls on slopes like those on the property of the Bartolaccis at 67 Miller Ave.

Along with my neighbors along Riverview Avenue, I have once again recently signed a Petition objecting to Bartolaccis large walls which do not fit into our neighborhood. I write to ask you to honor the thoughts of the Riverview Avenue residents expressed in our recent Petition.

I have worked hard to keep my property maintained and beautiful. I enjoy relaxing in my yard. I do not want to see the value of my property reduced by the construction of such large wall's art upslope to my property and that of my neighbor.

I also write to object strenuously to your approving the plan of the Bartolaccis.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Kaczmarek".

Kimberly Kaczmarek

K. Kaczmarek - Submitted and Spoke ^{PB} e mtg.

EXHIBIT B-3
67 Miller Avenue Site Plan Application
Mary Fedigan– Public Comment

Lin Snider
Scott Voth
64 Riverview Avenue
Tarrytown, New York 10591

August 14, 2021



Village of Tarrytown Planning Board
One Depot Plaza
Tarrytown, New York

Chairman and Members of the Board

We write to object sincerely to the Plan of the Bartolaccis at 67 Miller Ave to build four very large walls on the property adjoining ours on the southeast corner and adjoining our neighbor to the south on Riverview Ave.

We are both severely traumatized by the collapse of the wall on the property line between our house and our neighbor at 63 Miller Ave. That was only a single wall about 8 feet-high of Mafia blocks. The collapse was a mere ten minutes from the time Scott came into the house –before a number of the large blocks came crashing down the hill- just a short distance from our house. Only our tree on the property line stopped more of the blocks from crashing down the hill.

We both still suffer every time we remember that horrible event.

We have both spent lots of time terracing the slope at the back of our yard. We have worked very hard to enhance it with lovely plants, garden furniture, a small water feature – to provide us a quiet, relaxing place to enjoy our yard in the beautiful Village of Tarrytown.

We are appalled at the dramatic change that the walls will make to the slope behind our neighbor's yard and do not understand how that can be in the best interest of our neighborhood.

We do not understand why the Bartolaccis are not being required to do what they asked to do – replace the single railroad tie wall they have with a single wall in the same place at a height on more than 7 or 8 feet High.

Together with a number of our neighbors along Riverview Avenue, we just recently signed a Petition objecting strongly to the Bartolaccis' plan. We still object.

Sincerely,

Lin Snider and Scott Voth

Mary Fedigan - read c 8/23/21 PB mtg.

Dean Potluki
Bruce Follmer
67 Riverview Avenue
Tarrytown, NY 10591

August 14, 2021



The Planning Board of the Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591

To the Members of the Tarrytown Planning Board

For more than the past 5 years, we have been following the unbelievable plans of the Bartolaccis at 67 Miller Avenue to build ridiculously high walls that have no place in our lovely neighborhood of small single-family homes.

We live directly across Riverview Avenue from our friends Lin and Scott and have personally seen the trauma that the collapse of the wall from up the hill on Miller Avenue has caused for them. We do not want any of our other neighbors to have such an experience.

In July 2021, we signed yet another a Petition to your Board in objection to the latest Plan of the Bartolaccis. We understand that the walls will be 1 - 1.2 to 2 times the normal limit for walls and can only be built by removing the steep slope and filing the yard with a huge amount of fill. This is a major violation of our Village's steep slope law.

The neighbors along Miller Avenue will never have to look at the large walls. They will never have to worry that the walls might collapse on them.

The neighbors along Riverview Avenue will have to look at the walls every time they walk along our street and constantly worry about a collapse.

We are writing to express our objection to the Bartolaccis' plan for walls out of place in our neighborhood. There are lots of walls in our neighborhood—but absolutely none built in recent years like the Bartolaccis' plan.

Respectfully,

Dina Potluki *Bruce Follmer*
Dina Potluki and Bruce Follmer

Mary Feagan rec'd 8/23/21 mg. PB

EXHIBIT B-4
67 Miller Avenue Site Plan Application
James Fedigan – Public Comment
Petition and Photos

PETITION TO THE PLANNING BOARD OF THE VILLAGE OF TARRYTOWN NY

Re: Application of 67 Miller Ave with a Plan dated July 2021 to Construct two 9.5-foot-high walls on the Steep Slope at the Rear of the Property and two 11.5- foot and 11- foot- high walls on the North and South of the Property

I have reviewed the attached photograph of the Steep Slope as currently seen from the rear of a yard on Riverview Avenue. As I understand, there is a railroad tie wall, no more than 8 feet high, midway up the slope that is in need of repair or replacement.

I have reviewed the attached artist's rendition of the Steep Slope with "screening" according to the Plan. Without the trees, I understand that the walls will be visible not only to the impacted downslope neighbors but also along Riverview Avenue.

I have been informed and understand that instead of simply replacing the original wall with one of a similar size in the same location, the Plan requires TWO—NOT ONE -- Massive walls across 70 feet of the steep slope so that the owner of 67 Miller Ave can entirely remove the Steep Slope and fill in the yard so that another 15 feet or more is flat.

I have been informed that construction of the walls requires excavation of the entire Steep Slope and 475 cubic yards of fill—to be brought in by at least 34 to 48 large dump trucks or 68 to 96 trucks if only smaller trucks could be used in our neighborhood.

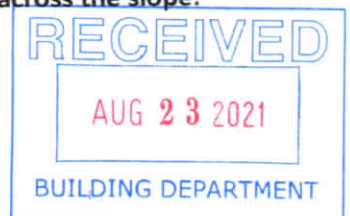
I have been informed that Section 305-67 of the Tarrytown Village Code seeks to safeguard certain characteristic features of our beautiful Village, especially Steep Slopes. The Code restricts elimination of Steep Slopes in order to achieve one of the important objectives of the Code--- preservation of our unique natural habitats and landscapes.

I also understand our Village is currently striving to encourage pollinators – which are extremely important for maintaining our natural ecosystems as well as providing food for us, birds and other native animals.

I am informed that the Plan requires a large number of a single type of huge tree -- non-native Green Giant Arborvitae – between the walls. I have been also informed that such trees may well impact the stability of the geogrids required to maintain the walls on the slope.

Based on my review and my understanding, it is my conclusion that:

1. Construction of the proposed walls will definitely significantly negatively impact the residents of Riverview Avenue. Those living along Miller Avenue will never see the walls, much less be impacted should they collapse.
2. There are lots of walls in our neighborhood; however, none of the walls currently visible from the street along Riverview Avenue look anything like the massive two walls across the slope.



Submitted by: James Fedigan C 8/23/21
RR nito.

3. A monoculture of non-native Green Giant Arborvitae is NOT suited to our single-family residential neighborhood. Landscaping with a single plant type which provides nothing for pollinators is NOT consistent with our Village's objectives to preserve and promote our natural habitats and landscapes.
4. Constructing two such massive walls on a Steep Slope that in fact requires elimination of the Steep Slope clearly violates the Village Code and is completely inconsistent with the Village's objectives to preserve our lovely characteristic landscapes.

Name: Zachary Kocumuk Address: 8 Riverview Ave Date: 8/19/21

Name: _____ Address: _____ Date: _____

Name: Cary Lee Address: 86 Riverview Ave Date: 7/30/21

Name: _____ Address: _____ Date: _____

Name: _____ Address: _____ Date: _____

Name: _____ Address: _____ Date: _____

Name: _____ Address: _____ Date: _____

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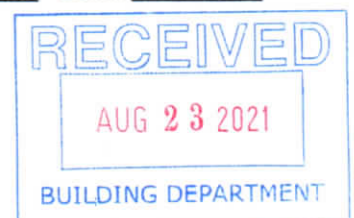
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Name: _____ Address: _____ Date: _____

A. Fedigan Submission 8/23/21





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AUG 23 2021
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J. Fedigan - Submission 8/23/21



J. Fadegan Submission 8/23/21

RECEIVED

AUG 23 2021

BUILDING DEPARTMENT



G. Feelyan Submission 8/23/21

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AUG 23 2021

BUILDING DEPARTMENT



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PARTMENT

D. Fedigan Submission 5/23/21

APPENDIX B

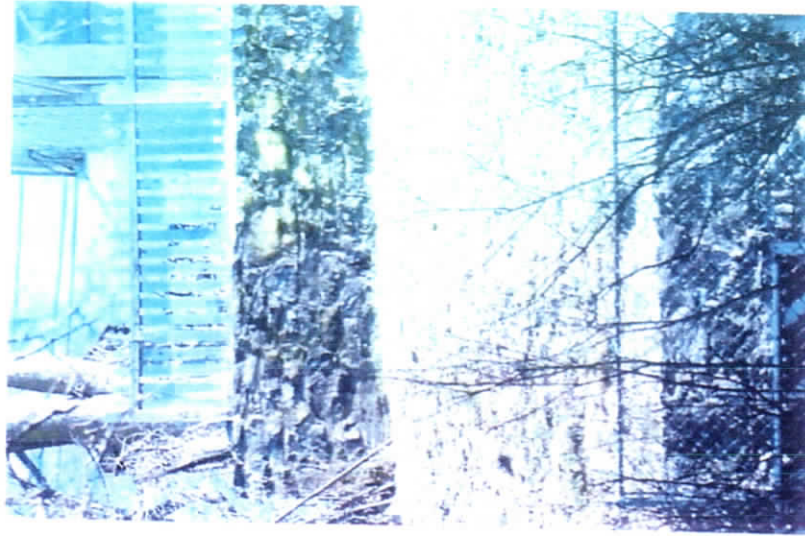
PICTURES: REAR PROPERTIES OF MILLER AVE VIEWED FROM RIVERVIEW AVE



D. Fedegan Submission 8/23/21



A photograph showing a close-up of a building's exterior. The image is oriented horizontally but appears to be a vertical shot rotated 90 degrees clockwise. It features a light-colored, possibly white, wall or roof surface in the foreground. Above this, there is a large, dark, and heavily textured area that looks like a damaged chimney or a large hole in the structure, with some green moss or vegetation growing on it. The background consists of a clear, bright blue sky and the silhouettes of bare tree branches.



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BUILDING DEPARTMENT

G. Fabrygen Submessen 8/23/21

APPENDIX B3



J. Fleeger Submission 8/25/21