

Planning Board
Village of Tarrytown
Regular Meeting
September 28, 2022

PRESENT: Chair Raiselis; Members Gaito, Mendez-Boyer, Alternate Member Mezey;
Counsel Addona; Village Engineer Pennella; Secretary Meszaros.

ABSENT: Members Friedlander and Aukland

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

APPROVAL OF MINUTES: August 22, 2022

Ms. Mezey moved, seconded by Mr. Gaito, with Ms. Mendez-Boyer abstaining, to approve the minutes of the August 22, 2022 meeting, as submitted.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Alt. Member Mezey: | Yes |
| All in favor. Motion carried. | 3-0 |

CONTINUATION OF PUBLIC HEARING - MERCY COLLEGE – 828-832 South Broadway

Darius P. Chafizadeh, Attorney, with the law firm of Harris Beach, PLLC, appeared, representing Mercy College. He introduced Thomas Simmonds, Vice President of Operations at Mercy College, and Mike Bellack, Sr. Engineer, with Foyt-Albert Associates, who are available to answer any questions.

Mr. Bellack advised that they are finalizing the landscape plan and awaiting arborist comments. They have added a significant amount of plantings by the basin and have addressed pedestrian access to all of the buildings throughout the site.

Mr. Pennella advised that he has reached out to the NYS DOT with regard to their opinion on placing another crosswalk at Broadway and East Sunnyside Lane. The State does not recommend a crosswalk at this location due to the width of the road and the required signal changes. The applicant is currently working with the Suzanne Nolan, the Village Landscape Architect, on the pathway area from E. Sunnyside Lane which have some trees that are of concern. In addition, stormwater review will need to be finalized.

Ms. Raiselis asked if there was anyone in the public that wished to comment. No one appeared.

NEGATIVE DECLARATION:

Ms. Raiselis read the Description for the Proposed Action of the Negative Declaration into the record as follows:

“The proposed action is a site plan approval for the expansion of parking lot areas to add an additional 26 parking spaces based on revised plans with related infrastructure improvements. The Subject Property is used by Mercy College as an annex to the main campus in Dobbs Ferry. It is mainly used for office space and periodic faculty and staff training. It is not used for classroom instruction. Property is approximately 10 acres and in the Office Building (OB) zone. The site is on the east side of South Broadway. It is bounded by South Broadway to the west, East Sunnyside Lane to the south, Tarrytown House Estate on the east and East Belvedere Lane to the north. Property is improved by three existing office buildings and 129 parking spaces. The Moller House (27,314 sf) at 830 S. Broadway is used for community relations including space for alumni events and meetings by community organizations. The Cottage building at 832 S. Broadway (3,975 sf) is used by the “Make A Wish” Foundation. The third office building at 828 S. Broadway (27,314 sf) is used for office space, supporting services such as technology, receiving, mail and print center. Proposed Project comprises of new landscaping, new lighting (dark sky compliant), new pedestrian sidewalk, new parking lot islands and drainage and stormwater improvements. The total number of additional parking lot spaces was originally 83 spaces which has been lowered to 26 spaces, resulting in a total of 155 parking spaces instead of the 212 spaces initially proposed. Mercy College is not changing the use or the intensity of the use of the property. There are no variances required for the project. Applicant will require an amended compatible Use Permit (CUP) from the Village Board. Mitigation - Applicant has reduced the increase in proposed parking spaces, incorporated parking lot islands, improved landscaping, new dark sky lighting to reduce glare, retention of large hardwood trees, EV charging stations, bike racks, and walkways, stormwater management, use of bioswales, and native species. The Moller House is an historic landmark designated by the Village of Tarrytown. The proposed site plan does not propose any changes to the Moller House. It addresses the surrounding parking lot including six new ADA parking spaces for employees and visitors to the Moller Building. The site slopes down from north to south and has a low water table. A SWPPP has been provided for review by Village Engineer indicating that there will be minimal impact of runoff on Acker House (740 South Broadway) fronting on South Broadway to the north of the property and the property as a whole. Stormwater management practices (bioretention) are shown near East Sunnyside Lane adjacent to the south parking lot and a location adjacent to the west side of the north parking lot. Revised landscape plan has reviewed by Village Landscape consultant and any recommendations will be integrated into final site plan. Applicant shall cease the storing of salt on the site. Planting islands have now been placed in the south and north parking lots. Applicant will restore the Gate at the intersection of Sunnyside/South Broadway and provide new concrete walk for safety in front of the gate. A new 5’ pathway will lead from the entrance gate and continue along the main entrance/exit walkway out of the travel lanes connecting with the property's buildings. The southwest row in the south parking lot has been converted to extended bus shuttle parking screened by shrubs. Based on the Planning Board's review of the EAF, analysis of the applicant's provided information, public and agency comment, the Planning Board has determined that the proposed action is not

expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, that the Board issue a Negative Declaration on this action.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| All in favor. Motion carried. | 4-0 |

With regard to the Planning Board Recommendation to the Board of Trustees for the issuance of a Compatible Use Permit, Ms. Raiselis read the following into the record:

Planning Board Recommendation to Board of Trustees for a Compatible Use Permit

The Planning Board is of the opinion that the proposed use meets the standards for the Compatible Use Permit and recommends that the Board of Trustees approve an Amended Compatible Use Permit for the Mercy College Parking and Accessibility Improvements Project comprising the construction of a net increase of 26 surface parking spaces with parking lot, stormwater and accessibility improvements at 828 South Broadway.

The Planning Board has also determined that the Project meets the proposed Site Plan design and standards in Chapter 305, Article XVI (Site Development Plan Review) and is ready to approve the Site Plan Resolution for this project with a condition that the Applicant receives approval from the Village of Tarrytown Board of Trustees for an amended Compatible Use Permit.

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, that the Board approve this memorandum and that it be forwarded to the Board of Trustees for their review.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| All in favor. Motion carried. | 4-0 |

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| All in favor. Motion carried. | 4-0 |

CONTINUATION OF PUBLIC HEARING – DCD REALTY HOLDINGS- 480 S BROADWAY

John Hughes, ESQ., the project attorney, appeared before the Board and introduced Dwight Dachnowicz, owner of the Honda Dealership, Charlene Mooney, the Ass't General Manager of Honda, Philip Fruchter, the project architect, with Papp Architects, and John Canning, PE, the project traffic consultant, with Kimley-Horn.

Mr. Hughes advised that the Zoning Board variances have been approved pertaining to the location of the building on the property and the Landscape Plan is also coming to a conclusion. He has nothing else to report but noted their correspondence regarding the sidewalk discussion in a letter submitted to the Board, dated September 19, 2022.

Philip Fruchter, appeared and showed the minor changes to the Landscape Plan in response to the Village Landscape Consultant. They have added 3 evergreen trees on the northwest corner, adjacent to the existing 2 White Pines, subject to approval from the State. They also changed the species of the hedge to a native species. They have dimmed the lights to 50% after 10 pm, and they have removed the car stackers.

Ms. Raiselis noted that the last site plan submission they have is from 9/9/22. Mr. Fruchter confirmed that the 9/9/22 site plan submission shows the sidewalk on the plan. He advised that they have submitted a revised landscape plan on 9/16/22 which does not show the sidewalk and they have received new comments to this plan from Ms. Nolan on 9/22/22.

Mr. Pennella noted that the intermediate revision was to the Landscape Plan, and as Ms. Nolan suggested, he agrees that, in lieu of the trees, the applicant could install slats into the existing fence to prevent the light shed. Mr. Fruchter advised that they have not looked at that yet.

Mr. Fruchter confirmed with Ms. Raiselis that the last site plan submitted on 9/9/22 shows the sidewalk but the 9/16/22 Landscape Plan does not show the sidewalk and he presented the 9/16/22 Landscape Plan without the sidewalk.

Counsel Addona advised the Board that they can include a condition that the site plan be consistent with the landscape plan with respect to the sidewalk if they are so inclined.

Mr. Pennella said the 9/9/22 site plan has not changed. The sidewalk was only taken out of the Landscape Plan. Mr. Fruchter agreed and said the sidewalk is still on the site plan since there is still a discussion. He showed the proposed trees, the changes to the hedge and the removal of the sidewalk.

Ms. Mendez referred to the Comprehensive Plan which promotes walkability in the village.

Ms. Raiselis agreed and has a problem with not providing the sidewalk. She understands the points in the letter provided by Mr. Hughes and also referred to letters from the neighbors, noting a misinformation that the sidewalk was going to go up the spur of Sheldon, which is not what was proposed. She noted that the intention of the Board of Trustees, after speaking with some of the trustees, and following the Comprehensive Plan,

they support putting a sidewalk to the end of the “S” curve with no additional lighting, since the site will provide adequate lighting. The commercial needs that Honda has are sufficient for a sidewalk. She feels that this sidewalk will be there for many years to come, which is the point. It will provide a clear and safe walkway all the way down to a very difficult intersection. This is an issue for her since the Board of Trustees is in support of sidewalks. She asked the other Board Members to weigh in.

Ms. Mendez-Boyer said Sheldon Avenue does continue and there are over a dozen houses in the area. It would be useful to have the sidewalk to encourage more walkability. It would also help the Honda site be more accessible to people coming into their site.

Ms. Raiselis added that the OCA is also nearby with potential to connect to it.

Ms. Mezey agreed with these comments.

Mr. Gaito said that we need to look at this in a broader sense. The area behind the site is a whole neighborhood and they often use this route to get to town and he thinks the sidewalk will be used quite a bit.

John Canning, PE, the project’s traffic engineer, with Kimley-Horn, appeared to comment. He understands the concept of the Comprehensive Plan and the goal for walkability in the neighborhood, but this instance is somewhat unique. The sidewalk that serves the many homes will connect at the “S” curve. The Police Chief has indicated in his memo that he would not recommend a crosswalk at this location because the curve in the road at this location would give motorists little time to react. He would prefer them to cross at Gracemere and use the sidewalk by the old Consolidated Engine Company.

Ms. Raiselis asked Mr. Canning about people coming North from Broadway. Mr. Canning said they would cross over to Walter Street. Ms. Raiselis said that requires going over two intersections which is difficult.

Mr. Canning noted the data they provided indicating that people do not walk in the area. In addition, there is an existing sidewalk on the other side of Walter Street that is used. The Superintendent of Public Works has also indicated that they use this area to place snow during storms. Mr. Canning concluded that they do not believe the sidewalk is necessary and he asked the Board to consider this information as they make their decision.

Ms. Raiselis said Mr. Canning’s comments will be considered. Looking into the future, her feeling is that providing safe walkability everywhere they can in town is important. This is an opportunity to connect a safe route from the north to the OCA or the Mascia Day Care Center and the whole neighborhood. No one can predict what will happen in the future and to say that no one walks there now does not mean they won’t if there is a sidewalk. The sidewalk across the street has a 40 ft. long curb cut and it is not a comfortable walkway on the south side of the street. The new sidewalk would provide a comfortable walkway all the way down to the second half of Sheldon Avenue.

Mr. Gaito commented that part of safety is continuity of systems and less negotiation points. This proposed sidewalk will make it safer with less crossings coming from the Shopping Center.

Ms. Raiselis added that this is not a response to what is happening now in the village but a response to what they would like to happen in the village. It is a plan, to incorporate these pieces of sidewalk, eventually into a more complete network.

Mr. Gaito said it is an opportunity to have a positive impact on the neighborhood.

Ms. Mendez-Boyer agrees and noted that looking at the map there are about 50 homes in the area within walking distance to the site. The applicant may be focusing on Broadway but they are a part of the neighborhood and to provide a sidewalk to Broadway would be the neighborly thing to do since they have most of the frontage in the area. Mr. Gaito agreed.

Ms. Mezey noted again that walkability is a goal of the Comprehensive Plan.

Mr. Hughes returned and noted that in addition to the points raised in his letter and the comments from the Chief and DPW, there is a considerable maintenance obligation and a liability for his client. A lot of man-hours are spent removing snow, which can turn to ice, and it is a long-term process during the winter months. The sidewalks his client already maintains are difficult and he would be stuck with this additional obligation of maintenance. With regard to liability, commercial property liability insurance premiums always pick up when there is a trip and fall by virtue of a lack of maintenance for a sidewalk, which would also be on his client. Mr. Dachnowicz is before the Board to renovate the building and improve the parking and he will spend a lot of money to make it look better. While they understand the intent of the Comprehensive Plan and the future, there is a cost benefit that has to be considered. His client has an operating business that works well and he was looking to upgrade the building for a number of different reasons but this sidewalk is putting the project in a different light. It is not something he needs to do.

Dwight Dachnowicz, owner of the dealership, came up to the podium to address the sidewalk. He noted that the Chair and Board Members have mentioned safety during this hearing. He referred to the letter from DPW indicating that they come down Sheldon and on that “S” curve is where the snow accumulates. The memo also indicated that the DPW would have no place to put the snow and it would end up going on the street. The road is already narrow, and on Sunday’s when the church patrons park, it is hard to navigate. If he has to remove the snow off of the sidewalk, where will it go? There will be no room. In the last 15 plus years that he has owned the dealership, there have been 2 documented accidents at this “S” curve. He asked why they would add a sidewalk where we know there have been two accidents. The Police Chief acknowledged this in his letter. Mr. Dachnowicz said that he understands his obligation to the customers and the community. He spends the bulk of his time at this property and has put a tremendous amount of thought into the project which includes many green improvements, bike racks, pavers, and making the car lot look nicer. He is also an avid runner and understands the importance of having pathways to run

and sidewalks that are clear. In this case, he would have to cut across into traffic that could be literally coming down the hill, as opposed to using the existing sidewalk that can be followed. Whether you are a runner or a walker, you want to stay out of the way of cars and at that “S” curve they have documented accidents. He asked the Board why he would invite this onto his property. He advised that he has already spoken to his insurance company and their recommendation was to put a big guardrail in front of the sidewalk to prevent snow being pushed onto the sidewalk and to prevent accidents. He also addressed this with some neighbors, followed up by two letters he received from them, that were also sent to the Board, saying that they completely disagree with adding the sidewalk. Interestingly enough, one neighbor lives on the Sheldon Avenue end of the property and the other neighbor lives on the Walter Street end. They both have lived here for a while so he believes they have a good perspective of the area. He believes that he too has a good perspective since he operates his business day in and day out. He does not want the Board to think that he is not concerned about this, he just thinks that a sidewalk in this section does not make sense. The bike racks, the green building and roof all make sense and will cost him more money, and he is certainly willing to do all this, but the sidewalk does not make sense. He thanked the Board.

Counsel Addona advised the Board that they have received a lot of information this evening and are under no obligation to make a decision. If they need more time to think about it, the public hearing is still open.

Ms. Raiselis would like to continue the discussion and invite the Police Chief and the DPW to the next work session.

Mr. Gaito moved, seconded by Ms. Mezey, to continue the public hearing. All in favor.

The secretary recorded the vote:

| | |
|----------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – PETER BECK - 11 Quarry Lane

Matthew Cordone, RA, the project architect, appeared before the Board, on behalf of the applicants, Peter and Phyllis Beck, also present. He introduced David Verespy, RLA, who will go over the Landscape Plan.

Mr. Cordone addressed the remaining items on the plan. He explained that the retaining walls will be under 6 feet and will be set close to where the original walls were. The 20” oak tree will require tree protection and they will be consulting with an arborist to ensure that it is

protected. In addition, they have also installed a rain garden in the rear of the property near Deertrack Lane.

Mr. Verespy said that were some changes to the stormwater plan based on Mr. Pennella’s comments. Mr. Pennella advised that he asked the engineer to show the stormwater calculations on the plan but has not received the revised plans yet. Mr. Verespy said that Mr. Mastromonaco has made the changes and he explained that the addition of the rain garden will be huge improvement over the existing conditions.

Mr. Pennella agreed and said they are not creating any additional impervious area so whatever they are putting there is a reduction to the existing. He would just like the Engineer to show the calculations on the site plan. Mr. Beck, the owner came up, and noted that the calculations are not on the site plan. Mr. Pennella said he is fine to condition the resolution that the calculations be provided prior to getting a building permit.

Ms. Mendez- Boyer asked if they have heard from their neighbors. Mr. Cordone advised that there was a concerned neighbor who appeared last month and a balloon test was conducted to his satisfaction. This information was provided in a letter to the Board.

Ms. Raiselis asked if anyone if the public wished to speak. No one appeared.

Mr. Gaito confirmed that the driveway is pitched so that the water will flow toward the new rain garden.

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

The secretary recorded the vote:

| | |
|----------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |

All in favor. Motion carried. 4-0

Ms. Mendez-Boyer read through portions of the draft Resolution with revisions to the specific conditions which are underlined in bold. 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 September 28, 2022)

Application of Peter and Phyllis Beck
Property: 11 Quarry Lane (Sheet 1.270, Block 137, Lot 25 and Zone R-10)

Resolution of Site Plan Approval

Background

1. The Applicant (Peter and Phyliss Beck) requested site plan approval for the proposed renovation and addition to an existing single-family residence located at 11 Quarry Lane in the R-10 district. The existing residence contains 1,096 sf of living area. The proposed work includes an extension at the first floor and the addition of a second story. The total area added to the residence is 1,322 sf. After the enlargement of the residence, the home will have 2,418 sf of livable area on the first and second floors. Applicant will also construct new and replacement outdoor decks, landscape improvements and stormwater management practices including replacement of existing asphalt with 760 sf of permeable pavers, the reconstruction of existing retaining walls, and a drainage system to carry rooftop storm runoff to an existing street catch basin.

2. The Planning Board on August 22, 2022, determined this to be a Type II Action under NYS DEC 617.5 (c) (11) “*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*” and, therefore, no further SEQRA review is necessary. GML notification was provided to Westchester County Planning and the Village of Irvington with no return comments.

3. The Planning Board has conducted a duly noticed public hearing on August 22, 2022 and continued on September 28, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the Applicant Architect’s *Cover Letter dated August 4, 2022 describing the project, the Environmental Clearance and Zoning Compliance forms, the set of site plan drawings prepared by David Cunningham Architecture Planning PLLC and Matthew Cordone Architect PLLC dated June 9, 2022 and last revised September 20, 2022, Drainage Assessment prepared by Ralph G. Mastromonaco, PE dated August 1, 2022, a survey prepared by TC Merritts Land Surveyors, surveyed January 28, 2022 and map revised March 22, 2022, photographs of the residence and site rock outcrops, and a Narrative and revised drawings dated August 18, 2022 prepared by Matthew Cordone, Applicant’s Architect has provided a letter to the Planning Board dated August 30, 2022 describing Applicant’s meeting with his next door neighbor (Mr. Robert Balsam) and the balloon test demonstrating to the neighbor that the project are not in conflict with his view, Architect in response to landscape and site planning comments submitted a *Cover Letter* dated September 7, 2022 detailing how the applicant has adjusted his site and planting plans to address the Village Consultant’s landscape recommendations, and received comments and recommendations from the Consulting Village Planner in memoranda dated August 9, 2022 and September 13, 2022, from the Village Landscape Consultant in an email dated August 17, 2022 and review dated August 22, 2022, and a denial letter from the Building Inspector/Village Engineer dated July 20, 2022, which the Board has considered.*

5. The Planning Board closed the public hearing on September 28, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

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

I. Findings

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant's *Narrative* prepared by Matthew Cordone Architect dated 8/1/22 is made part of the findings of the Planning Board and described below:

A steep slope analysis was prepared by TC Merritts Land Surveyors, and found the property contains 9,464 sf. of steep slopes. Pursuant to §305-67(B), fifty percent of steep slope areas, or 4,732 sf has been excluded from all density calculations. The existing house is in close proximity to areas of steep slopes. The existing and proposed decks overhang areas of steep slopes on the downhill (western) side of the house. Pursuant to Village Code Section 305-67 F (1) (b), a steep slopes 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 grant. The applicant respectfully requests the Planning Board grant the waiver given consideration of the following:

Neighborhood Character: *The proposed renovations and additions are keeping with the residential character of the neighborhood. There will be no change to the single- family residential use of the property.*

Alternate Feasible Method to achieve benefit sought by applicant: *The benefit cannot be sensibly achieved by some other method. There is no other feasible way to improve the house without touching areas of steep slopes. Almost two-thirds of the property is considered steep slope area, and the steep slopes abut the house at several points along the downhill side. The existing decks around the house overhang steep slopes, and need to be reconstructed with supporting piers. The extension and addition to the house have been located away from steep slope areas. The proposed work will include new piers to support the existing house and deck areas, which will protect the slope against erosion and sedimentation and minimize disturbance of the slope. The addition and expanded deck areas will also be constructed on piers.*

Impact on Other Properties: *The Proposed Steep Slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood or community. The proposed work will include new piers to support the existing house and deck areas, which will protect the slope against erosion and sedimentation and minimize disturbance of the slope. The addition and expanded deck areas will also be constructed on piers. Existing aging and deteriorated railroad tie retaining walls will be replaced with new retaining walls to protect the slope against failure. The reconstruction of existing retaining walls will also improve safety and benefit neighboring homes. The project will reduce stormwater runoff from the house by including permeable pavers and a storm drain connection, so there is no drainage impact from the project.*

Consistency of Project with Intent of the Steep Slopes Chapter:

Granting the waiver will be consistent with the purposes, objectives of general spirit and intent of the "visual character and environmentally sensitive areas" chapter because the proposed improvements will:

- a. *Afford a more stable and easily maintainable condition providing long-term protection from soil erosion and sedimentation*
- b. *Provide increased slope stability to protect against slope failures*
- c. *Provide an improved storm water drainage system, which will minimize storm water runoff and flooding*
- d. *This project will improve the site's aesthetic character, while maintaining sufficient protection to the public health, safety and general welfare of the Village of Tarrytown*

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that the steep slope waiver being sought is minor and typical of those that have been routinely granted. The site improvements including the introduction of stormwater management practices will minimize stormwater runoff and the new retaining walls will protect against slope failure. Moreover, the use of new piers to support the existing house and deck areas will further protect the slope against erosion and minimize the disturbance of the slope.

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

Applicant’s proposed project is located on a 14,943-sf developed property located in the R-10 district. The project includes the extension at the first floor and the addition of a second story. The renovation of the first floor will dedicate the space to living spaces including a powder room and home office. The addition on the second floor will result in four bedrooms, two baths and laundry. It will also include a new side yard deck. The larger residence will contain 2,418 sf . The proposed project is zoning compliant and does not require any variances from the ZBA.

While the site’s impervious surface will increase from 14 percent to 26 percent, this will remain below the maximum 37.25 percent allowed. Based on the Environmental Clearance form, all of the property is considered to be high ground, having an elevation of 300’ above sea level. The maximum height of the house has been limited to 30’, so there is no further reduction to density calculations for high ground. Additionally, none of the property is within 100’ of a hilltop as defined in the Code. The subject property is not located in the wetlands or a wetland buffer. The subject property is not in a flood zone nor in a critical environmental area. There are no historical landmarks in proximity to the site. .

The Drainage Analysis details the stormwater practices planned for the site. management system. The property has no existing stormwater system. The project includes 760 sf of new open grass pavers providing permeable surfaces to mitigate runoff flow. A new drain inlet at the driveway will collect runoff (formerly uncontrolled) and roof flows in a closed storm pipe to the street drain on Deer Track Lane.

The Village Landscape Consultant has reviewed the Landscape plan for the property. She reviewed tree protection for three larger Oak Trees and their proximity to the proposed outdoor patio. Her specific recommendations included the following: 1) existing trees should be shown on the site plan and

grading plan; 2) include Note on the plan stating that all planting done within the drip lines of existing trees shall be done by hand; 3) include Note stating procedures when encountering tree roots in excavations, namely, to cut cleanly before any mechanical removal; and 4) include tree protection detail. Limit construction circulation area and add location of protection fencing to plans. Inspect during erosion control; 5) resolve location of the proposed new retaining walls and address the 20" Oak.

Applicant provided a Narrative addressing the landscaping and site planning comments. The revised landscape plans reflect the recommendations of the Village Landscape Consultant dated August 17, 2022. Specifically, the revisions made included the following changes:

- a) The Patio is being removed and proposed to be replaced with a future upper deck as recommended
- b) Applicant has accepted the requested plan revisions to minimize impacts on existing trees
- c) The existing trees have been added to the site plan (SP-1) and landscape plan (SP-2)
- d) Note added on the plans stating that *“all planting done within the drip lines of existing trees shall be done by hand.”*
- e) Note added stating *“procedures when encountering tree roots in excavations: cut cleanly before any mechanical removal”*
- f) Tree Protection detail, limiting construction circulation area and adding location of protection fencing has been added to the plans
- g) Applicant has resolved the location of the proposed new retaining walls and address the protection of the 20" Oak. The proposed retaining walls have been set back to provide greater clearance to the 20" Oak, and a note was added to the plan to protect the roots during installation. The new retaining walls are a replacement for existing, railroad-tie retaining walls in the same location, that currently providing very little clearance for the tree.

Applicant also provided a response letter indicating that he has retained the services of a certified arborist during excavation and construction to monitor for presence of tree roots and perform root pruning as necessary. There is now a Note on the site and planting plans detailing the procedures when encountering tree roots during excavations. Finally, tree protection detail including fencing to protect root areas, and trunk armoring have been added to the planting plan. This shows limits on construction, circulation area.

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:

-Architectural Plans prepared by David Cunningham Architecture Planning PLLC and Matthew Cordone Architect PLLC for *Casa Beck 11 Quarry Lane, Irvington, NY 10533* dated June 9, 2022, and last revised August 1, 2022, Landscape Plans prepared by Rock Spring Design Group LLC dated 5/16/22 and last revised 9/20/22 and Civil Plans prepared by Ralph G. Mastro Monaco, PE, PC for Drainage Plan & Erosion Control Plan for Peter Beck located at 11 Quarry Lane dated July 29, 2022, unless otherwise noted.

Architectural Plans

- T-000.00 *“Title Page & Survey”*
- G-000.00 *“Street Views”*

- Z-000.00 *“Zoning Analysis”*
- A-100.00 *“Demo & Proposed Cellar Plan”*
- A-110.00 *“Demo & Proposed Floor 1 Plan”*
- A-120.00 *“Demo & Proposed Floor 2 Plan”*
- A-200.00 *“Proposed Elevations”*
- A-300.00 *“Proposed Sections”*
- A-500.00 *“Wall Details & Energy Code”*
Foundation Plan
- S-100.00 *“Foundation Plan, Schedule & Notes”* dated 7/28/22
Landscape
- SP-1 *“Site Plan”* dated 5/16/22 and last revised 9/27/22
- SP-2 *“Planting Plan”* dated 5/16/22 and last revised 9/27/22.
Civil
- D-1 *“Drainage Plan & Erosion Control Plan”* and last revised 9/26/22
- D-2 *“Details/Notes”* and last revised 9/26/22
- *Survey and Steep Slope Analysis prepared for Peter and Phyllis Beck, 11 Quarry Lane situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York prepared by TC Merritts Land Surveyors, surveyed January 28, 2022, and map revised March 22, 2022.*
(the “Approved Plans”).

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- (c) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

IV. Specific Conditions

- (a) Applicant shall retain the services of a certified arborist prior to and during excavation/construction **to ensure adequacy of tree protection** and to monitor for presence of tree roots and to perform root pruning if necessary. Any pruning will be limited to this property only.
- (b) Fully engineered design plans with supporting calculations for the modular block retaining walls are to be submitted for review and approval prior to the issuance of a building permit.
- (c) Agreement for access to adjacent property for the purposes of constructing the modular block wall is to be obtained from the adjacent property owner prior to the issuance of a building permit.
- (d) **Applicant shall provide a revised site plan prior to the issuance of a building permit indicating that there is a no-net increase of stormwater runoff from the proposed improvements, to the satisfaction of the Village Engineer.**

Ms. Mezey moved, seconded by Ms. Mendez-Boyer, to approve the site plan applications with the specific conditions that have been added.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| All in favor. Motion carried. | 4-0 |

NEW PUBLIC HEARING – Family YMCA at Tarrytown – 139 Wildey 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 **Wednesday, September 28, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Family YMCA at Tarrytown
P.O. Box 580
Tarrytown, NY 10591

For site plan approval for the conversion of a former bank into a child day care facility. The property is located at 139 Wildey Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 9, Lot 13, and is located in the RR 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 Zoning Board and Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

Dated: September 16, 2022

The mailing receipts were received and the signs were posted.

Joanne Landau, appeared on behalf of the Wildey Group. She is a managing member and owner of the shopping center, since 2012. She introduced Sean McCarthy, RA, the project Architect and Gerry Riera, Executive Director of the YMCA, present this evening. The YMCA is seeking site plan approval for the space located at 139 Wildey Street, formerly occupied by Chase Bank, to be used for their Child Day Care Services. The space has been empty for over 2 years as they have been looking for the right tenant during Covid. She advised that the day care use is specifically permitted in the zoning code and the applicant has secured the necessary 24 parking variances from the Zoning Board. She also noted the five designated spaces for drop-off that have been shown on the site plan. She advised that there are always available parking spaces at the center since most of the stores do not require parking for long periods of time. She feels that the shopping center is a good synergy for their existing tenants and for the YMCA since many people who use their Day Care service live nearby and can walk to the center.

Sean McCarthy, RA, the project architect, showed the 5 designated parking spaces with proper signage located on the south side of the lot, adjacent to the building, which will be convenient and safe for the caregivers.

Mr. Gaito asked for more information about drop-off and pick-up times.

Gerry Riera, Executive Director of the YMCA, came up and said that they had the same amount of designated spaces at the Main Street location. A narrative was provided to the Board with regard to drop off and pick-ups which are staggered in the morning and afternoon. Drop-offs start at 7 a.m. continue through 10 a.m. He does not believe there is a need for additional spaces.

Mr. McCarthy showed the interior layout which will create 8 individual rooms for the children. High windows will be added on the south side of the building.

With regard to the use of the Sarah Michael's park, Mr. Riera said that it is a possibility they will use the park. It is acceptable to use this park in order to get a permit to operate. He noted that they used Patriot's Park for many years at their prior location until they built the playground.

Ms. Mezey asked how many children the center will serve. Mr. Riera advised that they are currently in a restricted space and only serve about 40 children. Since 2009, they have served anywhere between 60 and 80 children during non-pandemic times. They have never exceeded 80 children, but they do anticipate that the center could be licensed to serve up to 100 children.

Ms. Mezey asked about the windows again. Mr. McCarthy noted that the front and side of the building will all have windows. The space connects to Walgreens so windows cannot be installed on the one side.

Mr. Gaito believes it is a nice space since it is on the end.

Ms. Mendez-Boyer asked if there are any alternate plans to have a playground or are they depending on public park use. Mr. Riera said once they have an approved plan, they will discuss options and get feedback. He noted that there is limited space in the area.

Counsel Addona advised that any changes would require the applicant to come back to the Planning Board.

Ms. Mendez-Boyer asked about the possibility of entering on the side which could reduce the corridor length which takes up a lot of space. Mr. McCarthy said it is an option to have a door on the side for at least one or two of the classrooms but it will not gain too much space.

Mr. Pennella noted a condition in the draft resolution about the non-exclusive use of Sarah Michael’s public park, which would not require them to come back for site plan approval should they use the park. He also noted that the outstanding fees to the village have all been resolved and this condition 4 (d) should be taken out of the draft resolution.

Ms. Raiselis asked if anyone in the public wished to comment on the application. No one appeared.

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

The secretary recorded the vote:

| | |
|----------------------|-----|
| Chair Raiselis: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| Member Gaito: | Yes |

All in favor. Motion carried. 4-0

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 28, 2022)**

**Application of Family YMCA at Tarrytown
Property: 139 Wildey Street (Sheet 1.40, Block 9, Lot 13 and RR Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant (Family YMCA at Tarrytown, the tenant) requested site plan approval to relocate the Family YMCA Day Care Program to the former Chase Bank space at 139 Wildey Street in the Tarrytown Station Center in the RR (Restricted Retail) zone. The space is located at the end of the building adjacent to Dunkin Donuts and Walgreens. There is a large parking lot (178 spaces) for the shopping center. Applicant is proposing five (5) reserved parking spaces adjacent to the facility and employee parking available in the parking lot to the north of Walgreens. The application is for interior renovations and exterior renovations to install windows on the south side of the building. There will be no expansion to the building. The program includes a reconfiguration of the space to create (8) individual child care rooms, a small administrative office, lobby, and two additional toilet rooms. Also, required by the new plan layout, the existing mechanical, electrical and fire sprinkler systems will be modified as required.

2. The Planning Board on September 28, 2022 determined this to be a Type II Action under NYS DEC 617.5 (c) (18) *“reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit.”* Therefore, no further SEQRA review is required.

3. The Planning Board has conducted a duly noticed public hearing on September 28, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and the Architect’s drawings for the area of work for the proposed YMCA facility, parking requirements, current parking, the lease agreement between the Applicant and the landlord (the Wildey Group LLC), and reviewed the *Narrative* dated September 26, 2022 from Mr. Gerry Riera, the CEO of the Family YMCA of Tarrytown, describing the operation of the operation of the Early Learning Center, number of children, hours, pick up and drop off protocols, licensing requirements by NYS Office of Children and Family Services (OCFS), and that the center is the only institutional provider of infant and toddler care in Tarrytown, comments and recommendations from the Consulting Village Planner in a memorandum dated September 13, 2022, a denial letter from the Village Engineer/Building Inspector dated August 30, 2022 and five (5) letters in support of the application before the ZBA which were requested to be forwarded by the ZBA to the Planning Board for its record, which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant’s request for a parking variance of 24 parking spaces at a public hearing held on September 12, 2022. The ZBA considered the request, the existing number of spaces in the shopping center, the prior parking variance obtained by the Former Chase Bank, and the nature of the proposed use. The ZBA closed the public hearing and approved the requested parking variance on that date.

6. The Planning Board closed their public hearing on September 28, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

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

I. **Findings**

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant’s site plan and application. The Planning Board formerly reviewed the temporary space that the YMCA used at the EF School. This was approved by the Planning Board in December 2020. The current center is situated at St. Teresa’s School and the Holy Cross Parish Center in Sleepy Hollow until their new permanent home is completed at 139 Wildey Street.

A *Narrative* prepared by Gerry Riera, the CEO of the Family YMCA of Tarrytown described the operation of the YMCA Child Care Program as follows: The Y Early Learning Center provides full day care for children as young as 6 weeks through preschool. The Center is licensed through the New York State Office of Children and Family Services. The configurations of the rooms are required to meet the Building Code and *NYS Office of Children and Family Services* standards. These standards require an allotment of space for each child based on their age. Historically, the Y Early Learning Center serves 60-80 children although the Center is currently only serving half of that at its temporary location due to capacity. Ultimately, New York State Office of Children and Family Services determines our license capacity which we will be less than the standard occupancy level for the space. However, OCFS) does not make that determination until construction is complete and the classrooms have been set-up. Currently, the Center is the institutional provider of infant and toddler care in Tarrytown.

The Center’s planned hours of operation for daycare are Monday through Friday 7am – 7pm. The majority of children are dropped off between 8-9:30 am and picked up between 5-6:30 pm. However, there is a flexible pickup/drop off policy to meet the various demands of parents and their given work schedule. Thus, pickup and drop off times are not restricted to just those times and parents take advantage of the flexibility. This also eliminates a rush during peak drop-off and pick-up.

When the Center operated at 62 Main Street and had a license capacity of 130, we also had fitness and aquatics programs coinciding with daycare and less parking spaces, there was never cars backed-up in our lot and on to Windle Park. This is because a number of the Center’s families walk from the inner

Village to drop off their children. These are young families moving out of NYC who still prefer not needing a car.

The existing space is at the end of the Walgreens building in the shopping center. Parking spaces are in front of the proposed center. There is a row of ten parking spaces on the south side of the lot in front of the Center. Five of these spaces closest to the Center will be reserved for the use of the Centers drop off and pick up with the remaining five spaces signed as being limited to 15-minute parking. Families dropping their children off or picking up can use the adjacent sidewalk leading to the front door of the Center. Employees will be directed to park their vehicles in the parking lot on the north side of Walgreens. The exterior entrance area has ample area for drop off and pick-ups. Egress, fire sprinkler and natural lighting are key criteria in the design of the Center.

The Family YMCA indicates that they would like to use the adjacent Sarah Michaels Village Park as outdoor play area for the Center. The Family YMCA has represented to the Village that any use of the Village Park will be non-exclusive and that the Family YMCA understands that it cannot cordon-off any area of the park for Y use and/or prevent access by others into any area of the park. The Family YMCA shall need to obtain all necessary permits and fulfill all licensing requirements from the New York State Office of Children and Family Services (NYSOCFS).

The Applicant has provided an Environmental Clearance form which shows no environmental impacts since alterations are interior with no impact to the exterior. There will be a new, larger entrance at the front of the building leading to large lobby. Applicant is also providing large new windows along the south side of the building providing light and air to the classrooms.

Most of the Center’s current participants live within walking distance of the new Center. Given its proximity to the Tarrytown Metro North train station, this new site will offer a convenient affordable childcare option to local residents and those in nearby towns who travel to and from work via Mero North.

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

Proposed Interior Renovations for New “YMCA” at 139 Wildey Street, Tarrytown, NY prepared by Sean E. McCarty, Architect for The YMCA dated 8/3/22 and last revised 9/23/22 unless otherwise noted entitled:

- T- 1.0 *“Title Sheet, Property Information, List of Drawings and Site Plan”*
- A-1.0 *“Existing/Demolition Floor Plan and Proposed Floor Plan”*

(the “Approved Plan”).

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- (c) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (d) Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

IV. Specific Conditions

- (a) Applicant shall reserve five of the ten parking spaces in the parking row on the south side of the lot closest to the YMCA Center for drop off and pick up for the Center. These spaces will be signed appropriately. The remaining five spaces will be posted as being limited to 15-minute parking. Employees will be directed to park in the parking lot on the north side of Walgreens.
- (b) Prior to the issuance of a Certificate of Occupancy, the Family YMCA shall obtain all required permits and fulfill all licensing requirements from the New York State Office of Children and Family Services (NYSOCFS).
- (c) Future amendments to this site plan approval will be subject to section §305-132A.

*A discussion took place about an ARB requirement for the windows and the following condition was added:

- * (d) The installation of exterior windows on the south side of the building may be subject to approval of Architectural Review Board if determined necessary by the Village Engineer/Building Inspector.

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, to approve this resolution with the added condition *4(d) above.

The secretary recorded the vote:

| | |
|----------------------|-----|
| Chair Raiselis: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| Member Gaito: | Yes |

All in favor. Motion carried. 4-0

New Public Hearing – Steven Secon, RA - 131 Neperan Road

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Wednesday, September 28, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Steven Secon, RA
 145 Palisade Street – Ste 403
 Dobbs Ferry, New York 10522

For site plan approval for the construction of an exterior wood ramp and retaining wall with interior renovations to a single-family home.

The property is located at 131 Neperan Road and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.50, Block 22, Lot 3 and is located in the R-10 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.

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
 Secretary to the Planning Board
 Dated: September 16, 2022

The mailing receipts were received and the sign was posted.

Steven Secon, RA, the project architect, appeared before the Board, representing the owner, Blake Harrison. He presented the site plan and explained the purpose of the application is to build a small ramp around the home to gain access to an existing

abandoned door in the back of the home that has not been used in years. This door leads to a storage area which will allow the family to use since they do not have a garage or shed on the property. He showed the site plan and the small area where the ramp cuts into the slope. He noted that the disturbance is about 80 feet. A 25-foot knee high retaining wall will be moved slightly over for better maneuvering around the property and yard maintenance. They have provided silt fencing for erosion control and tree protection during construction.

Ms. Raiselis is very familiar with this older home and she commented that it is nice to see a minimal approach to achieve a solution to the storage problem.

There were no comments from the Board or staff.

Mr. Secon noted that the zoning variances were granted last month and they have also showed this plan informally to the Architectural Review Board and have received fairly positive comments.

Ms. Raiselis asked if anyone in the public had any comment. No one appeared.

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

The secretary recorded the vote:

| | |
|----------------------|-----|
| Chair Raiselis: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| Member Gaito: | Yes |

All in favor. Motion carried. 4-0

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

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 28, 2022)

Application of Steven Secon, RA
Property: 131 Neperan Road (Sheet 1.50, Block 22, Lot 3 and Zone R-10)

Resolution of Site Plan Approval

Background

1. The Applicant (Steven Secon, RA acting as agent for Mr. Blake Harrison, owner) requested site plan approval for the construction of an exterior wood ramp and retaining wall with interior renovations to a single-family home in the R-10 zoning District. The proposed alterations include

updating and finishing the existing basement and constructing an exterior ramp on the south-west side of the house. This ramp will provide access to and from the yard to the basement in lieu of a shed. The purpose of the project is designed to make better use of the basement for storage of items most commonly found in garages.

2.The Planning Board on September 28, 2022. determined this to be a Type II Action under NYS DEC 617.5 (c) (11) “*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*” and, therefore, no further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on September 28, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

4.The Planning Board has carefully examined the Application including the Applicant Architect’s *Cover Letter dated August 31, 2022 describing the project, the Environmental Clearance and Zoning Compliance forms, the set of plan drawings prepared by Steven Secon, Architect PC December 21, 2021 and revised July 26, 2022, a survey prepared by Summit Land Surveying, PC dated December 3, 2021, photographs of the residence and streetscape, rendering of the proposed ramp and stone wall from the Benedict Avenue view at the rear of the property, Applicant Architect’s Narrative dated September 8, 2022 addressing the criteria for a Steep Slope waiver, and received comments and recommendations from the Consulting Village Planner in memorandum dated September 13, 2022, and a denial letter from the Building Inspector/Village Engineer dated June 6, 2022, which the Board has considered.*

5. The Zoning Board of Appeals held a public hearing on August 8, 2022, to review the Applicant’s request for the area variances relating to rear yard setback and maximum floor area. The ZBA closed the public hearing and deliberated on the requested variances. After which, the ZBA approved the requested variances on August 8, 2022.

6. The Planning Board closed the public hearing on September 28, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

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

I. **Findings**

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant’s *Narrative* prepared by Steven Secon, Architect dated September 8, 2022, is made part of the findings of the Planning Board and described below:

Existing Conditions

The subject 0.29-acre (12,721 sf) property slopes approximately 26' from east to west and contains minimal flat area for outdoor use. The current 5 bedroom/4-1/2 bathroom, house footprint is 1,749 sf. The existing conditions contain a rear deck of 224 sf , stone patios totaling 270 sf , and retaining walls totaling 560'. There is no garage or driveway. Approximately 75 sf of the site has regulated slopes of 25% or greater (less than 0.006%).

Proposed Conditions

The general purpose of the project is to make better use of the basement for storage of items most commonly found in garages -such as yard maintenance equipment, bikes, and outdoor toys. To accomplish this on this site, Applicant is proposing the most minimally invasive solution which involves replacing and reconfiguring a 25' long retaining wall in disrepair with a new 25' properly-constructed stone retaining wall and new 28' long pier-supported ramp to access an existing basement door at the southwest corner of the property. This will greatly benefit the storage needs and usability of the basement for Applicant's young family of 4 persons for the next 10 - 15 years. In conjunction with this, Applicant is proposing to create living space in the basement- as opposed to more land-disturbing activities (such as an addition or freestanding storage shed). The proposed ramp footprint will add 116 sf of semi-pervious area. The ramp will be built of conventional deck construction: wood decking and joists sitting on concrete piers, and a gravel layer below. Appropriate drainage and erosion control measures have been designed and provided for in the drawings submitted. The disturbed areas shall all be reseeded to blend in with the existing landscape.

Pursuant to Village Code Section 305-67 F (1) (b), a steep slopes 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 grant. The applicant respectfully requests the Planning Board grant the waiver given consideration of the following:

Neighborhood Character: *Granting a waiver will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties since the upgrades will improve the curb appeal of the home and character of the neighborhood will be enhanced.*

Alternate Feasible Method to achieve benefit sought by applicant: *The benefit cannot be sensibly achieved by some other method. Due to the existing configuration of the lot, slopes and the existing house. This is the minimum proposal that successfully addresses the needs of the owners while minimizing the impact on the property and steep slopes.*

Impact on Other Properties: *The proposed Steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood or community. The physical and environmental conditions will essentially remain the same as a result of the proposed retaining walls , storm drainage and landscaping proposed. The replacement of the wall is the same length and height as the existing- simply oriented in a different direction to allow passage of lawn mowers and yard maintenance to pass by the corner of the ramp and the new retaining wall.*

Consistency of Project with Intent of the Steep Slopes Chapter:

Granting the waiver will be consistent with the purposes, objectives or the general spirit and intent of the "visual character and environmentally sensitive areas" chapter because the proposed improvements will:

- a. Afford a more stable and easily maintainable condition providing long-term protection from soil erosion and sedimentation.*
- b. Provide increased slope stability to protect against slope failures;*
- c. Provide an improved storm water drainage system, which will minimize storm water runoff and flooding;*
- d. This project will improve the site's aesthetic character, while maintaining sufficient protection to the public health, safety and general welfare of the Village of Tarrytown*

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that the steep slope waiver being sought is minor and typical of those that have been routinely granted. Applicant is seeking a sensibly scaled addition and site improvements that will enable them to enjoy their remodeled home for years to come. Additionally, the small retaining wall modification and ramp is a minor request with no discernable impact to the site and neighborhood.

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The existing residence contains 1,096 sf of living area. The proposed work includes an extension at the first floor and the addition of a second story. The total area added to the residence is 1,322 sf. After the enlargement of the residence, the home will have 2,418 sf of livable area on the first and second floors. Applicant will also construct new and replacement outdoor decks, landscape improvements and stormwater management practices including replacement of existing asphalt with 760 sf of permeable pavers, the reconstruction of existing retaining walls, and a drainage system to carry rooftop storm runoff to an existing street catch basin.

The proposed alterations include updating and finishing the existing basement and constructing an exterior ramp on the south-west side of the house. This ramp will provide access to and from the yard to the basement in lieu of a shed. The purpose of the project is designed to make better use of the basement for storage of items most commonly found in garages.

The proposed project replaces and reconfigures a 25' long retaining wall in disrepair with a new 25' properly constructed stone retaining wall and new 28' long pier-supported ramp to access an existing basement door at the southwest corner of the property. The proposed ramp footprint will add 116 sf of semi-pervious area. The ramp will be built of conventional deck construction: wood decking and joists

sitting on concrete piers, and a gravel layer below. Applicant proposes to create 368 sf of additional living space in the basement instead of building an addition.

The site’s impervious surface will increase by one percent from 18 to 19 percent, this is significantly below the maximum 37.25 percent allowed. The maximum height of the house has remains at 38’. The subject property is not located in the wetlands or a wetland buffer. The subject property is not in a flood zone nor in a critical environment al area. There are no historical landmarks in proximity to the site. The property slopes up to Benedict Avenue which has existing trees and an existing white fence on top of the wall along Benedict Avenue which will continue to screen the property from residences along Benedict Avenue.

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:

-Architectural Plans prepared by Steven Secon, Architect, PC for *Harrison Alterations , 131 Neperan Rd., Tarrytown, NY* dated December 21, 2021, and last revised July 26, 2022, unless otherwise noted.

- A-1 “Site Plan, Zoning Data, Notes and Legend”
 - A-2 “Outline Specifications”
 - A-3 “Existing Plans & Elevations”
 - A-4 “Proposed Basement & 1st Fl Plans”
 - A-5 “Proposed 2nd & 3rd Fl Plans”
 - A-6 “Proposed Exterior Elevations”
 - A-7 “Details & Interior Elevations”
- Survey of Tax Lot 3 in Block 22, Section 1.50 as shown in the Official Tax Maps of the Village of Tarrytown located at the Village of Tarrytown, Town of Greenburgh, Westchester County New York with address at 131 Neperan Road dated December 3, 2021.
(the “Approved Plans”).

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”

- (c) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

Ms. Mezey moved, seconded by Mr. Gaito, to approve this resolution.

The secretary recorded the vote:

| | |
|----------------------|-----|
| Chair Raiselis: | Yes |
| Member Gaito: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING – Edward Vergano, P.E. – 140 Leroy Avenue

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Wednesday, September 28, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Edward Vergano, P.E.
 96 Buckhaven Hill
 Upper Saddle River, NJ 07458

For site plan approval for the construction of retaining walls and related site work.

The property is located at 140 Leroy Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 80, Lot 11, and is located in the R 7.5 Zoning district.

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

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: September 16, 2022

The mailing receipts were received and the sign was posted.

Edward Vergano, PE, the project engineer, appeared before the Board representing the owner of the property. He presented the site plan and showed the proposed work in the rear of the property which has a very steep slope. The owner has been experiencing flooding and erosion over the years and they are proposing to build two 6-foot walls which will create two plateaus with a terrace to improve the flood condition and make the land more usable.

Mr. Pennella said there will be two levels of modular block retaining wall in the rear yard to level off the property for usable space. From a drainage perspective, they will be slowing down the velocity of the water going down the hill and more will percolate into the ground. In the front, they will be adding a second two-foot wall and modifying the driveway. They are moving the walls to the property line but have a right to do this since they are on their property. He referenced the steep slopes in the back which Mr. Vergano pointed out and the steep slope narrative has been received. Other than that, comments from Suzanne Nolan, the Village Landscape Architect, will need to be addressed. She has some concerns with trees that will be impacted.

Ms. Raiselis said this can be reviewed at the next work session and a site visit should be scheduled. There were no more questions from the Board or staff.

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

Public Comment

Mark Losowski, 114 Benedict Avenue, came up to the podium and expressed his concern with work taking place on his property. He believes the wall is going deeper into the area and the space between 140 and 114 is very narrow. He is concerned about prior dumping in the back and work being done on his property, along with stormwater issues.

Mr. Pennella advised Mr. Losowski that survey monuments will be placed to define property lines and no work can be done on his property without his approval. A construction management plan will also be required from the engineer as part of the approval.

Norah Valkestijn, 142 Leroy Avenue, lives next door to the property and she is concerned that the property is landlocked. The only way to access her property is through this driveway. She has 3 children under the age of 4 and is concerned about the temporary construction road that will block her driveway. It is only 10 feet wide and she sees a problem should there be an emergency. Mr. Vergano said it would not be blocked all the time. Ms. Valkestijn said that she has a written and permissive easement for the use of this driveway.

Counsel Addona asked that Ms. Valkestijn to provide this information to the Board to ensure that property so that we can ensure that everyone can access their property safely.

Ms. Raiselis advised the neighbors that their concerns will be addressed by the applicant.

End of Public Comment

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

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| Member Gaito: | Yes |
| All in favor. Motion carried. | 4-0 |

ADJOURNMENT

Ms. Raiselis moved, seconded by Mr. Gaito, to adjourn the meeting at 9:00 p.m.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Chair Raiselis: | Yes |
| Member Mendez-Boyer: | Yes |
| Alt. Member Mezey: | Yes |
| Member Gaito: | Yes |
| All in favor. Motion carried. | 4-0 |