

Planning Board  
Village of Tarrytown  
Regular Meeting  
October 28, 2019 7:00 pm

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

ABSENT: Member Birgy, Alternate Member Lawrence

Chairman Friedlander called the meeting to order at 7:05 p.m.

APPROVAL OF MINUTES – September 23, 2019 Planning Board Minutes

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the September 23, 2019, as submitted. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to go into Executive Session to discuss a legal matter at 7:07 p.m.

Board members returned to the meeting room at 7:25 p.m.

Mr. Tedesco moved, seconded by Mr. Aukland, to come out of Executive Session at 7:26 p.m.

Chairman Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive  
Additions and Alterations to a single family home
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall, construction of retaining walls and landscaping of rear yard.
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue – Driveway widening, construction of retaining walls and demolition of existing structure.
- Lexington 202 Group LLC – 29 South Depot Plaza – Referral by Board of Trustees for the review of petition for zone changes to allow for the development of 69 Residential units above self-storage/retail with parking.

CONTINUATION OF PUBLIC HEARING – Artis Sr. Living, LLC – 153 White Plains Road  
*Adoption of findings statement for Zoning Text Amendment and site plan and recommendation to the Board of Trustees for Zoning Text Amendment.*

Don Walsh, of Development Strategies, representing Leon Silverman, the property owner and the applicant, Artis Sr. Living, LLC, appeared and introduced Mark Fry, of

Main Street Consulting, who is assisting in the preparation of the SEQRA documents for this project.

Mr. Walsh stated that he had no further presentation. He thanked the Board and village staff on behalf of Leon Silverman, the owner of Crescent Associates.

Mr. Tedesco read through portions of the Resolution Adopting the Findings Statement and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
Adopted October 28, 2019

Artis Senior Living, LLC- Resolution Adopting Findings Statement  
for Proposed Action

RESOLUTION

WHEREAS, on November 14, 2017, Artis Senior Living, LLC (Applicant) submitted a zoning text amendment to the Board of Trustees to create a floating/overlay zone to allow for an Alzheimer/Dementia memory care facility in the OB, LB and MU zone within 350’ distance from Route 119. This zoning text amendment is proposed to support the Applicant’s plans to construct a 64-bed Alzheimer’s/Dementia memory care facility located wholly on the 153 White Plains Road parcel (hereinafter referred to as the “Proposed Action”). The Board of Trustees referred the petition for the zoning text and site plan to the Planning Board on April 26, 2018; and

WHEREAS, on May 30, 2019, the Village of Tarrytown Planning Board Planning Board declared its intent to be lead agency, declared the proposed action to be a Type I action, made a positive declaration and requested the Applicant to prepare a Supplemental Draft Environmental Impact Statement (SDEIS); and

WHEREAS, the Planning Board declared its intent to be lead agency, declared the proposed action to be a Type I action, made a positive declaration and requested the Applicant to prepare a Supplemental Draft Environmental Impact Statement (SDEIS); and

WHEREAS, the Applicant submitted a SDEIS on February 11, 2018, and a revised SDEIS on May 10, 2019, and said SDEIS was accepted by the Lead Agency on May 29, 2019, as adequate in terms of scope and content for the purpose of commencing public review; and

WHEREAS, a Public Hearing was opened on June 24, 2019, and continued through and closed on July 22, 2019; and

WHEREAS, the Applicant submitted a draft of the Final Supplemental EIS (FSEIS) on September 20, 2019; and said FSEIS was accepted by the Lead Agency on September 28, 2019, as complete.

NOW THEREFORE BE IT:

that the Village of Tarrytown Planning Board as Lead Agency finds that the procedural requirements of Article 8 of the Environmental Conservation Law of New York State, and the rules and regulations promulgated thereunder (6 NYCRR, Section 617) have been met; and

BE IT FURTHER RESOLVED

that, pursuant to Part 617.9 of the rules and regulations promulgated by the Commissioner of Environmental Conservation and the State of New York (6 NYCRR 617.9), the Village of Tarrytown

Planning Board as Lead Agency, certifies that all the procedural requirements of this Part have been met, and after careful consideration of the entire record of submissions following the application, and the relevant environmental impacts, facts and conclusions disclosed in the Final Supplemental EIS makes the following finding as follows:

RESOLVED:

That consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum action extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions those mitigations that were identified as practicable.

Mr. Tedesco moved, seconded by Mr. Aukland, to adopt the Findings Statement for the Artis Sr. Living, LLC Action. All in favor. Motion carried.

Mr. Tedesco read through portions of the memorandum to the Board of Trustees and said that a copy will be provided to the applicant and be included in the minutes of this meeting. Mr. Tedesco noted additional language added to this memo which is underlined in the text of the memo:

***Proposed Action***

The Planning Board received a referral on 4/26/18 from the Board of Trustees requesting a recommendation on a petition for the creation of a proposed A/D Floating/Overlay Zone to permit Alzheimer’s Dementia Care Housing for existing properties in the OB, LB or MU which have frontage on or are wholly or partially within 350 feet of State Route 119. This proposed zoning text amendment is to support Artis Senior Living’s plans to construct a 64-bed

Alzheimer's/Dementia memory care facility located wholly on the 4.6-acre property located at 153 White Plains Road.

Over the last 18 months, the Planning Board has conducted an extensive SEQRA review of the Artis Senior Living Proposed Action including the proposed zoning text amendment and the site plan for the construction of the proposed 64-bed Alzheimer's/Dementia memory care facility. This review culminated in the adoption of a *Findings Statement* by the Planning Board on 10/28/19. The *Findings Statement* concluded that the Proposed Action is the preferred alternative among the other alternative actions evaluated and that the Proposed Action has minimized and mitigated environmental impacts to the greatest extent practicable and the nature and economic benefits of the Project outweigh any remaining environmental impacts.

### ***Background - A/D Floating/Overlay Zone***

The Planning Board has specifically evaluated all potential impacts related to the proposed *A/D Floating/Overlay Zone* and finds that the proposed zoning text amendment is not anticipated to result in any significant adverse environmental impacts as it relates to zoning. The *Findings Statement* provides more detail on the supporting rationale for this determination on pages 9 – 13 of the Zoning section in the *Findings Statement*. We have provided a summary of the reasons for this determination:

- the A/D Floating/Overlay Zone addresses a demonstrable and increasing health care need for small memory care facilities in the Village and Country which are not currently allowed by the zoning code; and
- the A/D Floating/Overlay Zone is limited to certain eligible properties zoned OB, LB or MU which have frontage on or are wholly or partially within 350 feet of State Route 119. Furthermore, the parcel must have been in existence as shown on a plat duly filed in the Office of the Westchester County Clerk as of January 1, 2017. This results in a total of nine eligible properties including the Project Site, as defined in the proposed text amendment. These eligible properties consist of general office buildings and medical facilities which are heavy traffic generators as compared to the memory care uses permitted in the A/D Floating/Overlay Zone; and
- the proposed inclusion of the A/D Floating/Overlay Zone presents an opportunity to create a transition between the commercial corridor along NYS Route 119 as well as the adjoining residential areas surrounding the NYS 119 busy commercial corridor; and
- the addition of the A/D Floating/Overlay Zone is not anticipated to have a significant adverse impact on traffic and has a lower parking demand; and

- the A/D Floating/Overlay Zone sets a limit on the number of beds for a memory care facility to no more than 100 beds. This is not related to the size of the property; and
- the A/D Floating/Overlay Zone requires the incorporation of sustainability measures and green technology, therefore, assisting in reducing greenhouse gases within the Village; and
- the A/D Floating/Overlay Zone is not anticipated to place any additional demand on Police, Fire, Emergency Medical Services, or Schools beyond what is permitted by the current zoning.; and
- the A/D Floating/Overlay zone will allow the development of a facility which will not produce school children and generate nearly fifty percent more taxes for the Tarrytown School District than the previously approved office building, while generating less than twenty percent of the traffic; and
- the current annual tax benefit to the School District for the proposed site as vacant land is \$15,319. If approved, the school taxes from the proposed memory care facility allowed by the proposed zoning are estimated to climb to \$259,172, nearly 17 times the current amount now paid.

Added:

- The proposed zoning’s bulk and dimensional requirements are like the OB zone which is the zoning of the subject property. The proposed action meets the OB area and dimensional standards.
- While nine properties are eligible properties, for any eligible property to be designated to the new A/D Floating/Overlay Zone, the Board of Trustees would need to take an action to apply the A/D Floating/Overlay Zone to such property. The designated property would require site plan review and SEQRA review.

***Recommendation - A/D Floating/Overlay Zone***

Therefore, the Planning Board provides a positive recommendation for the proposed A/D Floating/Overlay zone based upon the information contained in the SDEIS, FSEIS and the Planning Board’s evaluation in the *Findings Statement* relative to the proposed zoning. The Planning Board notes that the proposed zoning text amendment addresses a demonstrable and increasing health care need for small memory care facilities in the Village and Country which are not currently allowed by the zoning code, that the zoning is limited in scope to certain eligible properties within 350’ of Rte. 119 (nine properties), the zoning’s requirement for the inclusion of sustainability measures and green infrastructure, the lower impact on the school district with a positive fiscal impact, and that the proposed zoning will not create any significant adverse environmental impact and will avoid or minimize adverse environmental impacts during the site planning process.

Mr. Tedesco moved, seconded by Mr. Aukland, to make a positive recommendation to the Board of Trustees for the proposed A/D floating overlay zone. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to authorize Chairman Friedlander to certify the approved Findings Statement with his signature. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried.

Mr. Galvin advised Mr. Walsh that the Findings Statement is the roadmap in terms of going through the site plan.

Mr. Walsh thanked the Board and advised that the applicant will be in touch with the Village Engineer to discuss site plan details pending approval of the zoning amendment by the Board of Trustees.

**CONTINUATION OF PUBLIC HEARING-Crescent Drive Owner LLC–1202 Crescent Dr.**

Ray VanVoorhis, the project architect, appeared before the Board. He advised the Board that they have submitted the wetlands narrative and have also received ARB approval for this project. They have returned to finalize their site plan application.

Chairman Friedlander asked if anyone in the public or staff had any comments. No one appeared.

Ms. Raiselis moved, seconded by Mr. Aukland, to close the public hearing. All in Favor. Motion carried.

Ms. Raiselis read through portions of the resolution and said that a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted October 28, 2019)**

**Application of Crescent Drive Owner, LLC**

**Property: 1202 Crescent Drive (Sheet 1.201, Block 122, Lot 1.03 and Zone MU)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requested site plan approval to convert two existing apartments and two garages to a fitness center/exercise gym and office space at the Tallyrand Apartment Complex located at 1202 Crescent Drive in the MU District. One (1) additional ADA accessible parking space will be added at the bottom level for the gym entrance.

2. The Planning Board on September 23, 2019 determined this to be a Type II Action under NYS DEC 617.5 (c) (7) “*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance.*” No further SEQRA review is necessary.

3. The Planning Board has conducted a duly noticed public hearing on September 23, 2019 and continued the public hearing on October 28, 2019 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 *Environmental Clearance Form* and *Wetland/Watercourse Clearance Form*, as well as the *Wetland Narrative* dated October 21, 2019 prepared by Mark D. Fellenzer, PE, Fellenzer Engineering LLP.

5. The Planning Board has carefully examined the Application and the Wetlands Narrative and received comments and recommendations from the Consulting Village Planner in memoranda dated September 10, 2019 and October 16, 2019, and from the Building Inspector/Village Engineer in a denial letter dated September 12, 2019 which the Board has considered.

6. The Planning Board closed the public hearing on October 28, 2019. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

**Determination**

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval and the wetland permit 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 wetland permit under 302-10 A (8) and the Planning Board finds that the Applicant has demonstrated that any direct and indirect impact(s) are necessary and unavoidable and have been minimized to the maximum extent practicable for the purposes of this chapter. The Applicant’s *Wetland Narrative* dated October 21, 2019 develops specific mitigation measures to minimize impacts to the 150’ wetland/watercourse buffer area and is made part of the findings of the Planning Board and described below:

The Planning Board reviewed the *Wetland/Watercourse Clearance form* which was submitted pursuant to § 302 - 7 and the *Wetland Narrative* prepared by Mark D. Fellenzer, PE, Fellenzer Engineering LLP. The Applicant proposes to renovate the clubhouse located in Cluster 2 at the western end of the development. The renovation will convert an existing space consisting of two garages into a 1,400-sf fitness center/exercise gym for the exclusive use of the complex occupants. As part of the project, a handicapped parking spot and access aisle is

required to be added at the bottom of the clubhouse in close proximity and at the same level as the fitness center/exercise gym. The work proposed to create this required handicapped spot is a minor leveling of the drive area to limit the parking space slope to comply with ADA requirements. The corner of the existing building is at 125' (150' is the required wetlands buffer). The encroachment in the buffer is minor and consists of a new required handicapped parking space and the expansion of a small retaining wall.

The southern property line of the subject parcel is adjacent to the Sheldon Brook, the surrounding area to the brook is identified as a Class 2 State Regulated Freshwater Wetland. A small portion of the brook crosses onto the property at the southeast corner. The brook travels east to west along Interstate 287 and is surrounded by dense vegetation consisting of trees and brush. Additional land uses surrounding the brook consist of heavy commercial and residential developments, including the New York State Thruway.

The wetland delineation was obtained from the Talleyrand Crescent site plan set, dated July 23, 1996. These plans show the boundary of the wetland as well as the 100' state adjacent area. The entire Talleyrand Apartment Complex is located just outside of the 100' state wetland adjacent area. Although the new work is located outside of the NYS 100' adjacent buffer area, most of the existing development is located within the Village 150' buffer setback to the wetland boundary. The minor encroachment includes the new required handicapped parking space being provided on an area that is currently paved with asphalt. There is no additional impervious surface being proposed.

Mitigation Measures - Mitigation measures consist of installing erosion and sediment control devices in between the proposed area of work and the 100' wetland buffer to prevent sedimentation in the event of rainfall. Catch basin inlet protection and silt fencing will be installed in accordance per New York State Department of Environmental Conservation requirements and be monitored and maintained during construction. No impacts to environmental resources are anticipated.

The proposed site alterations for the existing garages include minor grading for approximately 400 sf of pavement, retaining wall, and handrail to be installed to meet ADA accessibility requirements. There is no additional impervious area being proposed. Stormwater Best Management Practices such as silt fencing and storm inlet protection will be installed to prevent impairment to the adjacent wetland area during construction. Based on this review, no impact to any State or Village environmental resources is anticipated.

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

The Planning Board has reviewed the Applicant's site plan. The Project consists of converting two existing apartments and two garages into a fitness center/exercise gym and office space in the clubhouse located in Cluster 2 at the western end of the development. There is no expansion to the footprint of the clubhouse. Existing parking and utilities will be

used for the proposed conversion. One additional parking space is being added which is ADA accessible to be located at the bottom of the of the clubhouse for the gym entrance.

The Project is zoning compliant except was zoning complaint. The *Environmental Clearance Form* has been provided which indicated the presence of wetlands and steep slopes on the property. The Project is occurring on an already developed site with no steep slope disturbance. It consists of interior renovations with no expansion to the existing footprint of the clubhouse. The Wetland Narrative was provided by the Applicant with mitigation measures identified and included on the Applicant’s plans.

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:

Engineering Drawings including *Existing Conditions* and *Site Plan* prepared by Mark D. Fellenzer, PE, Fellenzer Engineering LLP and architectural plans prepared by Raymond P. Van Voorhis, AIA, Liscum, McCormick, Van Voorhis LLP. The Plans are entitled and dated 8/13/19 and last revised 9/4/19 unless otherwise noted as follows:

***Engineering Drawings***

- C-001 “*Existing Conditions*”, prepared by Fellenzer Engineering LLP for the Tallyrand Apartments Clubhouse Renovations, 1202 Crescent Drive, Tarrytown, NY
- C-101 “*Site Plan*” prepared by Fellenzer Engineering LLP for the Tallyrand Apartments Clubhouse Renovations, 1202 Crescent Drive, Tarrytown, NY

***Architectural Drawings***

- D100 “*Ground Floor and First Floor Demolition Plans, Demolition Keynotes, General Notes*” prepared for Tarrytown Crossing, 1202 Crescent Drive, Tarrytown, NY dated 8/30/19
- A100 “*Proposed Ground Floor Plan*” prepared for Tarrytown Crossing, 1202 Crescent Drive, Tarrytown, NY dated 8/30/19
- A101 “*Proposed First Floor Plan*” prepared for Tarrytown Crossing, 1202 Crescent Drive, Tarrytown, NY dated 8/30/19

**Miscellaneous**

- ***Wetland Clearance Form*** prepared by Thomas Mazza, Crescent Drive Owner, LLC dated September 16, 2019.
- ***Wetlands Narrative*** prepared by Mark D. Fellenzer, PE, Fellenzer Engineering LLP dated October 21, 2019.

III. General Conditions

- (a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):
- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
  - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
  - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) 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) 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.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in favor. Motion carried.

**CONTINUATION OF PUBLIC HEARING -Jeffrey M. Gaspar – 49 Mallard Rise**

Jeffrey Gaspar, PE, the project engineer, appeared on behalf of both the owners of 49 and 51 Mallard Rise to construct retaining walls between the two properties. He has addressed the comments of the engineer and landscape architect and has submitted revised plans for each project. Two separate applications have been filed and there are two separate resolutions for each application. The 51 Mallard Rise application will be heard next.

Mr. Pennella commented that he is satisfied with the revised plans for both projects. Mr. Galvin noted that Ms. Nolan, the village landscape architect, has provided her report with a condition which is included in the draft resolution.

Chairman Friedlander asked if anyone in the public had any comment. No one appeared.

Mr. Aukland moved, seconded by Ms. Raiselis, to close the public hearing. All in Favor. Motion carried.

Mr. Aukland read through portions of the resolution and said that a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted October 28, 2019)**

**Application of Jeffrey Gaspar, P.E. Engineer for Nigel Noyes  
Property: 49 Mallard Rise (Sheet 1.270, Block 137, Lot 43 and Zone R-10)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requested site plan approval to allow the repair of existing retaining wall with modification. The approximately 30-feet of wall at approximately 6 feet in height will be tiered into two walls 3 feet high in the R-10 zoning district.

2. The Planning Board on September 23, 2019 determined this to be a Type II Action under *6 NYCCR Part 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"*
3. The Planning Board has conducted a duly noticed public hearing on September 23, 2019 and continued on October 28, 2019, 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 received comments and recommendations from the Consulting Village Planner in memoranda dated September 10, 2019 and October 16, 2019, from the Village Landscape consultant in a landscape report dated September 18, 2019 and a final landscape review dated October 23, 2019, and a denial letter from the Building Inspector/Village Engineer dated August 12, 2019 which they have considered.
5. The Planning Board closed the public hearing on October 28, 2019. 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 Applicant is seeking a site plan for the rebuilding and replacing of stone walls and associated drainage work at 49 Mallard Rise. The property at 49 Mallard Rise is adjacent to 51 Mallard Rise at the end of Mallard Rise on the cul-de-sac. The residence at 49 Mallard Rise property is a flag lot with a long driveway leading from Mallard Rise; the residence is set back from the cul-de-sac and faces the rear yard of the 51 Mallard Rise property. Both properties are undergoing retaining wall repairs with the engineering work being done by the Jeffrey Gaspar of Veritas Engineering. There will be no shared responsibility of wall maintenance by the owners of 49 and 51 Mallard Rise. The respective work is being done by the individual homeowners and all work is being

conducted within the boundaries of their respective properties. Both properties at 49 and 51 Mallard Rise have been developed on “High Ground” with all elevations being well above 300’. Elevations start at approximately 320’ at the end of cul-de-sac on Mallard Rise and increase to 332’ on the 51 Mallard Rise property and 352’ on the 49 Mallard Rise property.

The specific work being done at 49 Mallard Rise includes: 1) demolition of existing stone retaining walls; 2) demolition of existing wood stairs; 3) removal of 22” oak tree in the alignment of the landscaped retaining wall. Wall #1 is indicated as a new landscaped Allan Block retaining wall at a maximum of 30’ in height. Wall #1A is an existing 18”- 24” landscape wall to be rebuilt using the landscaped Allan Block wall.

The Village Landscape consultant provided recommendations in a landscape review dated 9/18/19 related to tree protection and indicated the replacement trees to mitigate the removal of the 24’ Oak tree. The landscape plan was revised by the Applicant to provide the requested information in response to the Village Landscape consultant’s recommendations.

The revised landscape plan was reviewed by the Village Landscape consultant in a final report dated 10/23/19. This final review indicated that the site is rocky, with exposed ledge and shallow soils. One (1) tree is proposed for removal, a 24” Oak that is growing out of, and undermining an existing railroad tie/rubble wall. A tree protection detail has been included to address other on-site trees. A root protection detail has been included that describes procedures for having a Certified Arborist present during excavation and installation of walls to ensure that roots are protected to preserve the structural soundness of the trees. One (1) native flowering dogwood, minimum 1.5” caliper has been identified as a replacement planting, to be protected from deer with fencing. This is a reasonable replacement, given the shallow soils, exposed ledge, and limited rooting area that would make establishment of a tree with a large root ball difficult. The Village Landscape consultant recommended that if any trees are removed during construction due to conditions that the Certified Arborist feels have undermined their stability, the matter shall be referred to the Tree Commission for their decision regarding a replacement planting. This has been included as a condition of site plan approval.

## 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:

Plans by Jeffrey Gaspar, P.E. of Veritas Engineering & Inspection prepared for Nigel Noyes, 49 Mallard Rise Irvington, NY dated 1/8/19 unless otherwise noted entitled:

- P-01 “Plan View” dated 10/8/19 , last revised 10/24/19
- P-02 “Erosion Control & Tree Protection” dated 10/8/19
- W-01 “Wall Profile, Details and Section” last revised 10/22/19
- N-01 “Retaining Wall Notes”  
(the “Approved Plans”).

III. General Conditions

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

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

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

(c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

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

IV. Specific Conditions:

- (a) If any trees are removed during construction due to conditions that Certified Arborist feels have undermined their stability, the matter shall be referred to the Tree Commission for their decision regarding a replacement planting.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Jeffrey M. Gaspar – 51 Mallard Rise

Mr. Gaspar remained at the podium to answer any questions. Chairman Friedlander asked if anyone in the public had any comment. No one appeared.

Mr. Aukland moved, seconded by Mr. Tedesco, to close the public hearing. All in Favor. Motion carried.

Mr. Aukland read through portions of the resolution and a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted October 28, 2019)**

**Application of Jeffrey Gaspar, P.E. Engineer for Ethan Schutz  
Property: 51 Mallard Rise (Sheet 1.270, Block 137, Lot 45 and Zone R-10)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requested site plan approval to allow for the repair of existing retaining wall with modification. The approximately 30-feet of wall at approximately 6 feet in height will be tiered into two walls 3 feet high. Project will also include replacement of a deck and the installation of a hot tub at the rear of the residence at 51 Mallard Rise in the R-10 zoning district.
2. The Planning Board on September 23, 2019 determined this to be a Type II Action under 6 NYCCR Part 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*"

3. The Planning Board has conducted a duly noticed public hearing on September 23, 2019 and continued on October 28, 2019, 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 received comments and recommendations from the Consulting Village Planner in memoranda dated September 10, 2019 and October 16, 2019, from the Village Landscape consultant in a landscape report dated September 18, 2019 and a final landscape review dated October 23, 2019, and a denial letter from the Building Inspector/Village Engineer dated August 12, 2019 which they have considered.
5. The Planning Board closed the public hearing on October 28, 2019. 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 Applicant is seeking a site plan for the rebuilding and replacing of stone walls and associated drainage work and the replacement of a deck and installation of a hot tub at the rear of the residence at 51 Mallard Rise. The property at 51 Mallard Rise is adjacent to 49 Mallard Rise at the end of Mallard Rise on the cul-de-sac. The residence at 51 Mallard Rise property is facing Mallard Rise in front of the residence at 49 Mallard Rise. Both properties are undergoing retaining wall repairs with the engineering work being done by the Jeffrey Gaspar of Veritas Engineering. There will be no shared responsibility of wall maintenance by the owners of 49 and 51 Mallard Rise. The respective work is being done by the individual homeowners and all work is being conducted within the boundaries of their respective properties. Both properties at 49 and 51 Mallard Rise have been developed on “High Ground” with all elevations being well above 300’. Elevations start at approximately 320’ at the end of cul-de-sac on Mallard Rise and increase to 332’ on the 51 Mallard Rise property and 352’ on the 49 Mallard Rise property.

Wall 3 is completely within the property of 51 Mallard Rise and maintenance will be the responsibility of that owner of 51 Mallard Rise (Schutz). The specific work being done at 51 Mallard Rise includes demolishing the existing 24"-72" timber retaining wall along the western side and rear of the property. The Applicant has indicated that this timber wall is deteriorating and is proposed to be replaced with a segmented retaining wall approximately 3' in height. Work will also include: 1) the removal of an existing 16" maple tree in proximity to existing wall in the rear; 2) construction of a new 36" w x 30" h stair at the rear of the property using retaining wall stones and capstones; 3) a section of the existing timber wall at the rear of the property approximately 30-feet in length will be changed from one 6-foot high wall into two 3-foot high walls. The segmented walls will be landscaped Allan Block style retaining walls approximately 3 feet in height (the same proposed materials and color as being used at 49 Mallard Rise). The Walls are indicated on the plans as: Wall # 1 at the rear (a new approximately 3-foot high landscaped retaining wall), Wall # 2 on the western side of the property and Wall # 3, a 3-foot high tiered wall to the rear of Wall #1. French drains are shown as being installed at three locations at the toe of the retaining walls. The remainder of the work shows the demolition of the existing rear porch and the construction of a new deck with a hot tub.

The Village Landscape consultant provided recommendations in a landscape review dated 9/18/19 related to tree protection details and indicate the replacement trees to mitigate the removal of the 16' Maple tree and screening planting for the hot tub at the rear of the house facing 49 Mallard Rise. The landscape plan was revised by the Applicant to provide the requested information in response to the Village Landscape consultant's recommendations.

The revised landscape plan was reviewed by the Village Landscape consultant in a final report dated 10/23/19. This final review indicated that the Wall replacement at 51 Mallard Rise will occur within the drip lines of existing trees located on the neighbor's property at 49 Mallard Rise. One (1) 16" Maple tree has been identified for removal. The tree is a fast-growing Norway Maple that seeded itself in that location and has undermined an existing wall on the adjoining property at 49 Mallard Rise. A tree protection detail has now been provided to address the other on-site trees. A root protection detail has also been included that describes procedures for having a Certified Arborist present during wall excavation and installation to ensure that roots are protected to preserve the structural soundness of the trees. The Village Landscape consultant recommended that if any trees are removed during construction due to conditions that the Certified Arborist feels have undermined their stability, the matter shall be referred to the Tree Commission for their decision regarding a replacement planting. This has been included as a condition of site plan approval.

## 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:

Plans by Jeffrey Gaspar, P.E. of Veritas Engineering & Inspection prepared for Ethan Schutz, 51 Mallard Rise Irvington, NY dated 1/8/19 unless otherwise noted entitled:

- P-01 "Plan View"
- P-02 "Erosion Control & Tree Protection" dated 10/8/19, last revised 10/24/19

- W-01 “Wall Profile, Details and Section” last revised 10/22/19
- N-01 “Retaining Wall Notes”  
(the “Approved Plans”).

III. General Conditions

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

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

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

(c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

(d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work

performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions:

- a) If any trees are removed during construction due to conditions that Certified Arborist feels have undermined their stability, the matter shall be referred to the Tree Commission for their decision regarding a replacement planting.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Raul Bello, Architect – 13 John Street

Raul Bello, R.A., the project architect, appeared before the Board, representing Dorothy Aguiar, the owner of the property, also present.

Mr. Bello briefly described the changes that have been made to the plans since the first public hearing. Originally, the house was set back 30 feet. Based on feedback from the Planning Board and the neighbors, they moved the house forward 12 feet and are now 18 feet in from the front property line. This allowed them to still accommodate a parking space on site and eliminated one of the retaining walls which allowed for nicer landscaping. In addition, the bumped out fireplace was moved to the rear to get a distance of 4 feet from the side lot line.

At the September 9, 2019 Zoning Board meeting, they received several variances needed for this project. The Zoning Board conditioned that the porch be moved forward to align more with the garage and that the size of the garage door be reduced from 9 feet to 8 feet. These revisions have been made.

They have responded to the village landscape architect's comments which are also reflected in the plan. Mr. Bello feels that he has addressed as many comments as possible while also being able to build a home that his clients will be happy with.

Mr. Tedesco commented Mr. Bello on the clarity of his presentation.

Chairman Friedlander asked if anyone in the public had any comment. No one appeared.

Chairman Friedlander asked if staff had any comment.

Mr. Pennella referred to the Board's request for the applicant to submit an aerial view of the homes on the street to show how the house is aligned with the existing homes. Mr.

Bello showed this plan to the public and explained that the house is set back a little more which was necessary in order to be able to park the car in the front yard.

Ms. Raiselis said that normally she would oppose this since she would like to see the homes aligned with the other homes on the street but, since John Street has a parking problem, she is okay with this. She feels that with the landscaping, it will work out. She appreciates the changes that were made to the plan.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing. All in favor. Motion carried.

Mr. Tedesco read through portions of the resolution and said that a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted October 28, 2019)**

**Application of Raul Bello, Architect for Manuel and Dorothy Aguiar  
Property: 13 John Street (Sheet 1.70, Block 34, Lot 7 and Zone RR)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval for the construction of a new single-family residence (modular dwelling) in the RR zoning district.
2. The Planning Board determined on July 22, 2019 that the Project was a Type II action based on *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."*
3. The Planning Board has conducted a duly noticed public hearing on July 22, 2019 and continued the public hearing on October 28, 2019 and closed the public hearing on October 28, 2019, 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 received comments and recommendations from the Village Consulting Planner in memoranda dated July 9, 2019 and October 16, 2019, from the Village Landscape consultant in a staff report dated October 10, 2019 and a final review dated October 16, 2019, and comments from the Building Inspector/Village Engineer in denial letters dated June 21, 2019 and August 21, 2019 and the minutes of the Zoning Board of Appeals dated September 9, 2019 which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant’s request for area variances and a variance to allow parking in the front yard. Many of the variances are related to the non-conformity of the lot. Applicant moved up the proposed residence by approximately 12’ to more closely align with existing homes on John Street while maintaining 18’ to provide room for the parking of two cars on-site. The ZBA opened a public hearing on this application on September 9, 2019. The ZBA closed the public hearing on September 9, 2019 and approved the requested variances on that date.
6. The Planning Board closed the public hearing on October 28, 2019. 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 subject property is located at 13 John Street between two single-family residences at 11 John Street and 15 John Street. The property is 3,175 sf with 20,000 sf required. The property is located 129’ from Main Street and has a width of 32’ by approximately 99’ depth. The property backs up to the S. Washington Street Village parking lot and is in the RR District. John Street is one-way south with parking on the west side. There is no parking allowed on the east side except for two hours on Tuesday and Friday for street cleaning. The lot is undersized in relation to zoning but is similar in size and width to the existing single-family properties located along the west side of John Street. The east side of John Street appears to have somewhat larger lots but also includes several parking lots along the street. The subject property was formerly occupied by a single-family residence but has been vacant for some time. The project consists of the construction of a modular dwelling. This will require access from the rear municipal parking lot to place the modular sections on the property. The builder from Westchester Modular indicated at the ZBA hearing that this should take less than a day. The Applicant will require approval from the Village for the staging of the modular sections onto the subject property.

There are also numerous area variances (16) required from the ZBA primarily due to the non-conformity of the lot. Residence has been moved up further to fit in and align more with existing homes on the street. Plans maintain room for the parking of two cars on-site (one in the garage and one in the driveway). Garage is now proposed on first floor instead of the basement. Garage is on slab. Plans eliminated chimney bump out on the south side in response to comments from Planning Board and adjacent residents which reduced the side yard

variance. The height of residence is shown at 29’ instead of 25’. The reason for the variance was that the lot is not level. If the lot were level, the variance would not have been needed. The house meets the 25’ height requirement in the front facing John Street. The Village Landscape consultant made several recommendations in her 10/10/19 staff report. These recommendations included 1) removing the Tree of Heaven on the rear property line together with a dead standing trunk; 2) back property line should be planted with (5) 8-10’ height specified Arborvitae; 3) relocate the existing chain link fence at the rear provide the sufficient room and distance from the underground stormwater treatment; and 4) use native plants for the foundation plantings. The architect has revised the landscape plan dated 10/12/19 to reflect these recommendations. The Village Landscape consultant verified these changes in her final review report dated 10/16/19. A revised streetscape plan was provided to the Board to indicate the alignment of the proposed residence with the existing residences along John Street.

II. Approved Plan:

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

Plans by Bello Architecture, PLLC and Anthony S. Pisari, P.E. prepared for the Aguiar Residence, 13 John Street, Tarrytown, NY 1059:

- SP-101 *Site Plans & Details* dated 10/1/19
- SP-102 *Comparables of Lots* dated 8/20/19
- A-101 *Proposed Plans* dated 9/27/19
- A-102 *Proposed Elevations* dated 9/27/19
- A-103 *Location Map & Street Scape* dated 4/29/19
- LS-101 *Landscape Plans* dated 10/12/19

(the “Approved Plans”).

III. General Conditions

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

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

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

IV. Specific Conditions:

- a) The Applicant shall obtain approval from the Village of Tarrytown to use the South Washington municipal lot for the staging and placement of the modular sections of the residence onto the subject property at 13 John Street. Such approval shall be required before the issuance of the Building Permit.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in favor. Motion carried.

NEW PUBLIC HEARING - Peter F. Gaito & Associates – 84 Central Avenue

This application was re-noticed to clarify the use of the space. Chairman Friedlander read the 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, October 28, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Peter F. Gaito & Associates  
333 Westchester Avenue, Suite S-303  
White Plains, NY 10604

For site plan approval in order to renovate the existing first floor space into a wholesale establishment for use by “Artisan Makers” for the fabrication of high quality functional goods geared toward the hospitality industry and dining room table.

The property is located a 84 Central Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 16, Lot 15 and is in the GB 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 is required by the Zoning Board of Appeals and the Architectural Review Board.

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: October 18, 2019

The mailing receipts were received and the sign was posted.

Peter Gaito Jr., the project architect, appeared before the Board. Mr. Tedesco advised that this application has been re-noticed and this is a new public hearing.

Mr. Tedesco moved, seconded by Mr. Aukland, that this is a Type II action with no further environmental review required under SEQRA. All in favor. Motion carried.

Mr. Galvin advised that the applicant received a variance for 5 parking spaces at the October 16, 2019 Zoning Board meeting.

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

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

Ms. Raiselis read through portions of the resolution and said that a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted October 28, 2019)**

**Application of Peter F. Gaito & Associates**

**Property: 84 Central Avenue (Sheet 1.40, Block 16, Lot 15 and Zone GB)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval to convert existing first floor space into a wholesale use for “Artisan Makers” to fabricate goods geared toward the hospitality industry and dining room tables in the GB zoning district.
2. The Planning Board on October 23, 2019 determined that the Project was a Type II action under SEQRA 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, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part. The building's lower floor has been vacant for over 2 years - the proposed action is a reuse of the existing commercial building for maker space which is allowed by the Code. There is no expansion of the building. The proposed action is subject to Planning Board site plan review and a parking variance from the ZBA . The building's infrastructure is adequate for the use and, therefore, no further SEQRA review is required.*
3. The initial application was revised by the Applicant and submitted on September 24, 2019 with a new description of the proposed action. This required the re-noticing of the application and a new Public Hearing before the Planning Board was set for October 28, 2019.
4. The Planning Board has conducted a duly noticed public hearing on October 28, 2019 and closed the public hearing on October 28, 2019 at which time all those wishing to be heard were given the opportunity to be heard.
5. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated September

10, 2019 and October 16, 2019 and comments from the Village Engineer in denial letters dated August 12, 2019, September 3, 2019 and September 30, 2019 which they have considered.

6. The Zoning Board of Appeals reviewed the Applicant's request for a parking variance for five spaces with no spaces now being provided. The Zoning Board of Appeals opened a public hearing on this application on October 16, 2019. The ZBA closed the public hearing on October 16, 2019 and approved the requested parking variance on that date. The ZBA imposed the following conditions on their approval: 1) that the collaborative managing the shared artisan space on the first floor (known as "Makers' Central") limit its membership to a maximum of ten members; and 2) provide an ADA parking space adjacent to the loading area on the first floor. The Applicant has revised the *Proposed First Floor Plan (Drawing A-101 revised 9/24/19)* to reflect this new ADA parking space adjacent to the loading dock/driveway.
7. The Planning Board closed the public hearing on October 28, 2019. 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. The Subject property is on a 7,974-sf property on Central Avenue 139' west of Ann Street. The property is occupied by two story brick building with mezzanine which essentially covers the entire site. The two-story New Hope Baptist Church is located to the east. A printing business in a former residential property is located opposite the site. A two-story residence is located adjacent to the west and a large parking lot with school buses is just down the street from the subject property. The property has approximately 51' frontage on Central Avenue.

The proposed action consists of the interior renovation of the first floor for conversion into a wholesale use for "Artisan Makers" to fabricate goods geared toward the hospitality industry and dining room tables. Makers Central is a collective membership group that will manage the shared artisan space on the first floor with a limited membership of ten artisans. Makers Central has provided a Membership Handbook for the Planning Board providing its house rules and policies for its ten members. The members will use the artisan space at different times both day and evening and not necessarily during standard 9 am – 5 pm workday. *The Makers Central*

*Handbook reinforces that Makers Central is not a retail shop and, therefore, is not open to the public. The Handbook states that “Makers Central is a workspace and is intended to be used as such. When the weather is nice, the garage door will be kept open to let in some fresh air and sunlight. However, in these instances Makers' Central will create a physical barrier (either a rope with a sign, or a low wall of plants) to prevent passerby's from entering the space”.*

The renovation includes 4,648 sf of the first floor for its members. An ADA parking space has been provided within the first floor adjacent to the loading dock/driveway. Access to the first floor is provided from Central Avenue while the mezzanine is accessed from Ann Street. The existing

exterior windows, garage door and entrance door will be cleaned. The window mullions will be painted black; the garage door will be painted white and the outside entrance door will be painted black. The building signage will be removed and replaced with gray lettering signage. There will be no other exterior changes to the building.

Applicant required a parking variance from the ZBA for five parking spaces based on the Building Inspector’s denial letter dated 9/30/19. There is meter parking along Central Avenue. Applicant received the parking variance from the ZBA at its meeting on 10/16/19.

II. Approved Plan:

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

Plans by Peter F. Gaito & Associates dated April 30, 2019 and last revised September 24, 2019 prepared for *Makers Central, Proposed Interior Renovations of Existing First Floor into a Wholesale Shop, 84 Central Ave., Tarrytown, NY 10591* unless otherwise noted:

- T-001 “Title Sheet”
- A-001 “Existing Site Plan”
- A-100 “Existing/Demolition First Floor Plan”
- A-101 “Proposed First Floor Plan” last revised 10/17/19
- A-102 “Partial Roof Plan & Notes”
- A-103 “Section, Interior Elevation & Detail”

(the “Approved Plans”).

III. General Conditions

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

- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans

complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”

- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
  - (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
  - (d) 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 as required in accordance with applicable provisions of the Village of Tarrytown Code.
  - (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- IV. Specific Conditions:
- a) The Applicant shall comply with the condition imposed by the Zoning Board of Appeals in their resolution dated October 16, 2019 granting the Applicant’s Parking variance including but not limited to:

- i. that the collaborative managing the shared artisan space on the first floor (known as “Makers’ Central”) limit its membership to a maximum of ten members;
- ii. Applicant shall provide an ADA parking space adjacent to the loading area on the first floor. The Applicant has submitted a revised plan to reflect this new ADA parking space adjacent to the loading area (*Proposed First Floor Plan - Drawing A-101 revised 10/17/19*).
- iii. Pursuant to §166.2 (c) of the Village Code, a fire sprinkler plan is required to be submitted with the application for a building permit for review and approval by the Building Inspector/Village Engineer.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 8:05 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary