

Planning Board
Village of Tarrytown
Regular Meeting
November 25, 2019 7:00 pm

PRESENT: Chairman Friedlander, Members Aukland, Birgy, Raiselis, Tedesco;
Counsel Addona; Alternate Member Lawrence, Village Planner Galvin;
Secretary Meszaros

ABSENT: Village Engineer Pennella

Chairman Friedlander called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES – October 28, 2019

Mr. Tedesco moved, seconded by Mr. Aukland, with Member Birgy abstaining, to approve the minutes of the October 28, 2019 meeting, as submitted. All in favor. Motion carried.

Dr. 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.
- Artis Senior Living LLC - 153 White Plains Road – Construction of a 35,952 s.f. Alzheimer/Dementia Care Facility and review of petition for Zoning Amendment to allow a floating/overlay zone for Alzheimer/Dementia Care Housing.

CONTINUATION OF PUBLIC HEARING – Annette Simao - 11-13 Emerald Woods

Annette Simao, owner of 11-13 Emerald Woods, appeared before the Board to amend the site plan approval dated 11-26-18. She introduced her husband, Andre Fernandes, who briefly explained the minor changes to the plan which included the addition of porous pavers to the driveway area with an electronic gate, the removal of a tree leaning toward the new garage, the addition of 25 pine trees close to the neighboring property line and another 20 pine trees along Gracemere with boulders to act as a barrier from the street to his backyard.

Mr. Birgy asked if they intended to keep the boulders where they are now. He thinks that they have done a great job with the project so far but the boulders in those locations take away from the project. It was a shock for him to see them.

Mr. Fernandes said that they will be planting pine trees between the boulders. They do not want a fence or guard rail. Mr. Birgy does not think the boulders improve the property and thinks that they may be a hazard for cars driving on the road in the winter should they hit them. He asked Mr. Fernandes if he spoke to the building inspector about the boulders.

Mr. Fernandes said that the boulders are on his property line and he is 3 or 4 feet away from the property line. He does not want to add a fence which will close the view or a guard rail. He does not feel that he needs a wall. He placed the boulders since they came from his property and he has spent a lot of money. He just wants to get this done. The trees will close the gaps between the boulders. He wants to protect his property. If the cars get too close to the edge, cars will slide down. The boulders will prevent this from happening.

Chairman Friedlander asked if they once proposed a wall since there are existing walls along the property and he feels a wall would look better and be safer. He also thinks the boulders are too large and not very attractive. He thinks that a solution could be to have a small stone wall about 2 ½ to 3 feet wall along the property where the steepest slope is and have the trees as a backup. This could be the safest and more aesthetically attractive solution. He thought that they had a discussion with Mr. Pennella.

Mr. Fernandes said that they spoke with Village Engineer Pennella on site and he thought that the boulders should be more uniform. They talked about building a wall 15 feet away from the property line which he does not feel will protect the property. Mr. Fernandes said that this project is costing him a fortune and he feels it is the safest way, and he will plant trees in between the boulders to make it look better.

Chairman Friedlander understands their situation but said they have to find a better solution than just the boulders. He thought that Dan Pennella would speak to him about this. Mr. Galvin said they have not had that conversation yet and Dan is not here this evening.

Mr. Fernandes showed the proposed trees on the plan. Mr. Galvin said that the cover letter said there will be 9 at the top and 29 on the bottom.

Ms. Raiselis commented to the applicant that the proposed trees to be planted are the same species and, if they get diseased, they will all die. It would be better to have a mix of deciduous and evergreen that is more naturalized into what is there and has been before. You said you did not want a wall, but this seems like it will be an evergreen wall

which will be very unnatural. Having a monoculture of trees is not a good idea for you should they die and need to be replaced.

Mr. Galvin said that we have not received Ms. Nolan's landscape report yet.

Mr. Tedesco commented that the tree commission will not be happy with a monoculture in terms of the plantings since a disease could wipe out all of the trees; he also thinks that a variety of trees will be best.

Mr. Aukland commented that when the project was approved a year ago, everyone was pleased and it has been wonderful. He referred to the site plan approval which stated that there would not be an undesirable change in the character of the neighborhood. That was true until now. He does not like the rocks that have been placed or the idea of a row of pine trees compared to what used to be a secluded country lane with trees lining it. He feels the character of the neighborhood has been destroyed and finds it very disappointing. He hopes that they can do better than the jagged rocks or the row of pine trees.

Dr. Friedlander suggested that the applicant talk to the Village Engineer for other possibilities or suggestions and also await the landscape report.

Dr. Friedlander asked Mr. Fernandes what size the pool was and the secondary building. Mr. Fernandes said he didn't know the size of the building off hand but the size of the pool is about 18' x 38' and is installed.

Mr. Galvin said that the Planning Board has presented comments to Dan Pennella who will speak with the applicant.

Dr. Friedlander asked if anyone in the public would like to comment.

Linda Viertel, a resident of 8 Gracemere, for over 30 years, came up to the podium and said that many of the residents are pleased that the Macy house is being restored. She wants assurance that there is no driveway coming out onto the Gracemere Road. She does not see it on the plan, but there is one right now. Mr. Birgy confirmed that the open driveway is just for the construction period.

With regard to the boulders, during the original approval process, Ms. Viertel said that Mr. Pennella indicated that he did not want a fence. She asked the Board if these boulders constitute a fence. She noted that some of them have since toppled over; are not 4 feet in from the road and are a hazard. In addition, there are tons of potholes on the road and she has lost two tires during the process and her car has also slid on black ice. She asked the Board where the plowed snow will go. She feels that the rocks/boulders constitute a fence and are not in keeping with the aesthetic nature of Gracemere as it has existed over the past 120 years. The house and the walls are nice and she likes the Chairman's idea of a lower wall along the property. She does not know why they can't have trees too but everyone in Gracemere agrees that the boulders have to go. She is glad that they are not cemented in which would make them

harder to remove. She invited the Board to come have a site visit to see that they are falling over already. She said the Board will get a lot of pushback if the boulders do not come down. She would like natural greenery and a wall for the back. There are beautiful stone walls already on the property and that could be a solution but the boulders cannot stay.

Dr. Friedlander asked if anyone else in the public had any comment.

Les Jacobs, of 47 Stephen Drive, came up and asked Mr. Fernandes if trees will be planted along the line of the property abutting his home. Mr. Fernandes confirmed on the map where they will be planted. Mr. Jacobs also commented that he has lived in this area for 28 years and there has yet to be a car that has gone off the road; not that it can't happen but it has never happened.

Ms. Simao came back up and said that a portion of her property has been paved and is part of the private road. It is hard to say whether or not a car could come down. There is much more traffic than she expected because people cut through. She just wanted to be safe and not have a guard rail installed, which she thought would be much less attractive than the boulders.

Mr. Fernandes said that the walls look great but he has already improved the house a lot. It is a dream house. The road is private and he can't believe how much traffic goes through there now. He is also concerned about a car coming into his pool while people are swimming. He does not know why there are so many cars. He said he can downsize the boulders and make them more uniform.

Mr. Aukland would welcome a provision for safety there and also noted that a new subdivision Jardim East will eventually be coming which could increase the traffic.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing at the next scheduled meeting. All in favor. Motion carried.

CONCEPT PRESENTATION - Tarrytown Marina LLC - 236 Green Street (Tarrytown Boat Club)
Conceptual presentation of a project consisting of Residences, Hotel and River Suites with parking.

David Steinmetz, Attorney with the Law Firm of Zarin & Steinmetz, appeared before the Board, representing Tarrytown Marina LLC, to present a conceptual project for the proposed re-development of the area around the Tarrytown Boat Club and Marina located on the waterfront, and to have a pre-submission informal discussion about this project, the Station Area Overlay proposed zoning, and its implications.

He introduced members of his client group, Tarrytown Marina LLC, and their partner, YZK Development Group. Carlos Zapata, of YZK Development, an internationally acclaimed architect who has done a large variety of work throughout the world, including skyscrapers, airports, and innovative mixed use projects. His partner, Michael Yanko, also of YZK, a cutting edge developer with expertise in the hospitality and hotel industry, and Melissa Koff, the managing partner of the entity. YZK has partnered with

National Resources and they have assembled a Development Team which includes John Canning, of Kimley Horn, who will be doing traffic engineering and analysis associated with the bridge, train station, etc., and Brad Schwartz, Attorney with Zarin & Steinmetz, who will also be working on this project.

With regard to the SAO zoning which is before the Board of Trustees for study, Mr. Steinmetz said that they intend to be at the Board of Trustees public hearing next month to support the adoption of the SAO zoning. The purpose of the presentation this evening is to share their concept with the Planning Board and get the Board's feedback to help them better present to the Board of Trustees next month.

Counsel Addona clarified for the public that the public hearing for the SAO Zoning will be before the Board of Trustees on December 16, 2019, not the Planning Board.

Mr. Steinmetz presented the 4 proposed parcels on the site plan that will be developed. He pointed to the Boat Club property and advised the Board that his client is in contract to purchase the Boat Club property. He showed the parcels to the north and south of the Boat Club and the boat slip area. He explained that the team sought to capture the excitement of the development of the new bridge, the open space, the views of the Hudson, and the RiverWalk. The proposed project will be a sustainable, publicly oriented waterfront development with the ability to stimulate the interaction and access for pedestrians, trains, cars, boats, bikes, walkers, runners, all in connection with the proposed mixed use development of the property.

Mr. Steinmetz briefly went through the proposal which consists of a hotel with a gym, spa, 2 restaurants and amenities. The Hotel will be 168 keys with 132 rooms, 36 suites and 18 River suites, 52 residential units associated with the hotel but residences. They have had interest from Radisson which Mr. Yanko will describe in further detail. The marina and boat club will still be there, with a kayak and public boat launch, but it would be modernized. There will be significant public space and the open esplanade for restaurants and dining will bring people to the waterfront. The project can be done with the parking as it but it would be a far more productive use of space to have the commuter lot parking moved to the east side of the tracks, adjacent to village hall, which of course would require further study.

The SAO, if adopted, will create an opportunity for a true Transportation Oriented District (TOD) that would stimulate new types of interesting, productive, and fiscally beneficial development to the village. They believe that this project would generate easily between \$700,000 and \$1,000,000 dollars in real property tax revenue. It would also create a substantial number of both part-time and full-time jobs in addition to the construction jobs. He hopes that his team will have the opportunity to work with the Planning Board, the Board of Trustees and Village Professional Staff to move this project forward to create something special for the village. Mr. Steinmetz introduced Carlos Zapata, the architect for the project, to share his vision of the project.

Carlos Zapata, the project architect, of YZK Development, came up and said that he feels that the most interesting part of this proposal is that it will give the residents the

opportunity to enjoy the RiverWalk and the water. They are proposing a hotel which will require public gathering space in order to work. During their brief meeting with some village representatives, he was asked if he had read the Tarrytown Connected Comprehensive Plan. At that point, he said he had not, but he was pleasantly surprised after reading it to see how well this proposed project fits in with the comprehensive plan. He thinks they can do better and will work toward meeting the Tarrytown's sustainability goals.

Mr. Zapata briefly described that they are proposing residences and a hotel with suites. They are hoping to move commuter parking to the other side of the tracks which will relieve a lot of trips over the H-bridge. Once the parking requirements are in place, taking into consideration that the project is near the train, they will be able to make changes to the project. One of the changes mentioned was that we were too close to the Losee Park and they wanted a larger buffer. The train station will create pedestrian access to the waterfront. It will be a destination place for all and fits in with the Comprehensive Plan which included residences, parking, and a boutique hotel. They have started negotiations with Radisson, who has a strong sustainable approach to their projects.

Mr. Zapata went over the site plan and numbers again. There will be 52 residential in one building with a restaurant and amenities. The other building will consist of a hotel with 132 guest rooms and 36 suites with a parking structure. On the marina, there will be sustainable river suites or river pods elevated in the air attached to the marina. They will have wind energy and solar and go up and down with the tide.

Mr. Zapata showed the parcels that the property will be on. They are proposing a riverwalk which will extend into the existing RiverWalk to make it continuous with links to the north and south. They will continue to make changes to the project, for example there found out there was a 50 foot setback from the river. He showed the open space and the pods on the plan and the layout of the buildings with respect to the 4 parcels. The height has also been considered and they would like to work with the village on this. They think they can meet the 60 foot requirement. The residential units as proposed will be approximately between 900, 1,000 and 1,300 s.f. The hotel rooms will be about 350 s.f. The suites will be about 600 s.f. This will all depend on what operator they work with and Mr. Yanko will speak about this in further detail.

Ms. Lawrence asked about the pods. Mr. Zapata said they are hotel suites or house boats. He said it is proven technology there is a need to attract people onto the water. The river is not used as much as it should be in the village. People who love boats, love the water, and want to be near the water.

Michael Yanko, of YZK Development Group, came up and said he would like to preserve the Boat Club and re-instate the marina to bring it back to its glory with a 180 slot marina with bigger boats. He feels that we owe it to ourselves to preserve the marina and not lose it. What attracted him first was the fact that there is a point lookout on the north side of the bridge. All eyes will be on Tarrytown. It is the first town that you see. The river suites will be green, full force sustainability, rotating by the sun. One or

two of them will become conference or party rooms, if permitted. The size of the suites will be from 500 to 1,000 s.f. The river suites are also what attracted Radisson. They would like to get into the U.S. market. They have visited the area and will propose Radisson Blue. They would love to be in Tarrytown. There will be amazing F & B (food and beverage) as well as restaurant chefs.

Dr. Friedlander asked how they determine the number of hotel rooms. Mr. Yanko said that Radisson would determine that. It will be an upscale hotel with no more than 150 rooms.

Dr. Friedlander asked if anyone on the Board had any questions.

Ms. Raiselis just wanted to clarify that the two properties north and south of the Boat Club are not owned by the applicant, they are village owned property. Mr. Yanko said they are aware that they do not own these parcels. They are proposing to work with the village to either purchase the lots or build the parking structure on the east side.

Dr. Friedlander asked if anyone in the public would like to speak.

Dean Gallea, Co-Chair of TEAC, who lives on Wildey Street, came up to speak. He said that it looks like this project will completely take over where the boat storage is for the marina. He would like to know where the applicant plans to store the 180 boats over the winter? He also would like to know about the river suites that rotate with the sun and how are the utilities will be secured so that there is no leakage into the river.

Mr. Tedesco said he is impressed by the presentation but has not read through it in detail yet. He will not comment on the proposal since this Board will need to wait until the SAO zoning is actually approved by the Board of Trustees and they have made their initial response to the plan in light of the specific zoning. At that point, then the Planning Board will be in a position to begin its review of the proposal at a public hearing. By the time it comes to this Board, the proposal may have changed, perhaps significantly, so it is premature to comment at this time. The public should realize that this project is at a very initial stage and that dealing with details at this time would not be advisable.

Dr. Friedlander asked if anyone else in the public would like to speak.

Lou Monaco, the current commodore of the Tarrytown Boat Club, came up and said he is excited about the project which will keep the club active and ongoing and it would be nice for the riverfront and the club. He has watched the Boat Club decline over the years and he is hoping to have the riverfront developed into something spectacular for everyone.

Dr. Friedlander asked Mr. Monaco about the status of their contract with the applicant. Mr. Monaco said they do have a contract and are hoping to close by December 17, 2019.

Dr. Friedlander also confirmed with Mr. Monaco that the Boat Club needs a lot of work including dredging of the river. He asked Mr. Monaco if the applicant will be dredging. Mr. Monaco said they are contracted to provide a certain number of slips; they are not obligated to dredge but if they want a viable marina they will have to dredge and re-build the seawall.

Dr. Friedlander said he is asking this question because he wants to determine the public benefit for the project, other than taxes. He wants to know what will happen to the boat club if it is not dredged. Mr. Monaco said the river was last dredged in 1988; if they want the bigger boats they will have to dredge; the river in this area can only accommodate boats up to 35 feet now. Rebuilding the sea wall is also very important.

Alan Bednowitz, of Hudson Harbor 1, came up and expressed his concern about the parking in the area. He is concerned about where the commuter parking lot is being moved to. He sees a fully used parking lot every day. There will also be an additional 1,000 cars coming from Sleepy Hollow's 1,109 units in the future. Where is the parking going to go? How will it be constructed? And how many cars can it hold?

Dr. Friedlander said that we all share these concerns.

David Steinmetz came back up and said that final plans or designs have not been drawn. It is village property. They plan to at least accommodate 170 vehicles which is the current number that park on the south lot on the west side of the tracks with a café or rooftop. It has not been designed and cannot until the village engages in the process. Also, the marina has to be functional. An analysis has not been done yet, but to have a state-of-the-art marina, it would have to function well. In terms of overall benefit, it will open up to the area to something exciting and productive with a commuter lot. The idea is to make it a destination. If it is a hotel, anyone can come in anytime of the day and enjoy the river. These are some of the amenities in addition to the taxes.

Mr. Steinmetz said they are well aware they do not own the lots to north and south. If they can come up with a concept that make this project viable they are willing to do a fair deal with the village. It is just a concept, but the applicant has invested a bit of time, money to get to this point, but all they have now is a commitment to pay Lou Monaco fair market value for the Boat Club. He would welcome any Board Member's thoughts or concepts they would like to share. They are here to become smarter and wanted to share their vision with the entire Planning Board and are delighted that the public is here. It will be a public private partnership.

Mr. Tedesco said the presentation was enjoyable if we can make this area a benefit to the public, this is a wonderful goal and he hopes that progress can be make in that direction.

Dr. Friedlander asked Mr. Steinmetz if they have changed their project after reading the SAO since the original plan did not include the SAO criteria. Mr. Steinmetz said it is a work in progress but the SAO has fulfilled the goals that they were already analyzing

and designing to. If the SAO zoning had not existed, they would have proposed zoning text to amend the zoning in the area, which is what their firm normally does.

Mr. Zapata said this is a work in progress but he was pleasantly surprised with how this proposal works with the overlay. The project will change and improve once they have the overlay and framework in place. Right now they do not know what to work with since the parking situation will affect the project. It is only logical to get the zoning in place so that they can apply it to our project. He feels that commuter parking should be put where it is logical. It does not make sense to have it on the west side of the tracks where cars have to go over the bridge every day.

Howard Smith, of 87 Main Street, has two questions. These structures are not consistent with architectural character of the village, in general. He is curious as to what inspired the aesthetic and how it fits in with the village? Also, is the viability of the project dependent on a 60 foot structure?

Mr. Carlos said, historically, riverfronts have their own character. The area on the east has a clear set of style. When you cross to the west, you start to see more of a marine like, industrial character so the water's edge has its own character. The distinguishing factor should be quality, not necessarily the architecture. The new bridge has set a precedent. It is a modern interpretation, that does not look like the Brooklyn Bridge, but it is functional.

With regard to sustainability, Mr. Zapata said gas is not available. There are other alternatives to look into such as geothermal with heat pumps. They need to study the conditions on the ground. They will have systems to capture the water for irrigation, etc. and use the water to create heat exchange which is another possibility. They also could use the river water for heat exchange, evaporate it, cool down and return to the river which would not affect the river. These are all options. He is excited about this project and wants to work with the village.

Linda Viertel, of 8 Gracemere, and one of the founders of the RiverWalk, wants to know when the environmental protectors of the river will come into this process. Those who know the science of the river need to be kept in the loop and fairly soon. Before spending time and money, someone should be involved. Ms. Raiselis said there are so many ifs about this project, and this is within the purview of the Board of Trustees. It will need to go through the complete SEQRA process. Every interested party that has a stake will be apprised of the project and be able to comment and make suggestions and protest. Anything developed on the river will be minutely scrutinized because this is our resource.

Linda Viertel said she has been through many SEQRA processes. But she also understands that SEQRA is a pushback and can be gamed in all kinds of ways. She feels that there should be some expertise on the very issues that involve the Hudson River since it is clearly right at the river's edge and dredging has been mentioned. As a resident and someone familiar with these studies, she would appreciate having that expertise before rather than saying that it will be taken care of in SEQRA. The SEQRA

process will be done and there will be people like her pushing back; she is just suggesting that there be someone in the room who can help advise before spending money. Not that they have to get in right at first, but in the end, time and money could be saved.

Dr. Friedlander thanked Ms. Viertel and said this is good advice for the applicant. They should line their ducks up before they go into the water. The earlier they come on, the better off everyone will be. Ms. Viertel said there are stakeholders in this and that's how they got the park done.

Mr. Steinmetz said he agrees with all of this. This is not his first project and rest assured, none of them are going to game the system. They fully intend to get all appropriate experts and consultants but cannot do this until they feel that they have a project.

Mr. Galvin suggested as they go forward to speak with Scenic Hudson, who may be a valuable resource to them. They are very concerned with resiliency and sea level rise and the State is very serious about these issues. Mr. Steinmetz said he looks forward to this opportunity and hopes they have the chance to work together on this project.

David Barnett, a Main Street resident, would like to go on record regarding parking. As a Main Street resident, the parking on Main Street and at the train station, with each new project, seems to be shrinking. Tonight, he has heard about reducing parking with this project. He feels that there is going to be a lot more cars, it is a problem, and it will get worse as we add projects.

Howard Smith, of 87 Main Street, returned and asked about the viability of the project relative to the height assuming the project is not viable if it can't be 60 feet. He would like to know what the current height is on the west side. Mr. Zapata came up and said they are here with total flexibility and want to work with the village.

Dr. Friedlander said the current height for Hudson Harbor was 52 feet. There may be possibility of bonus densities. The Planning Board did recommend to go ahead with the SAO zoning. They worked on it for a long time. It provides flexibility and is an exciting opportunity for the village. The SAO zoning will determine the height which is in the hands of the Board of Trustees.

Mr. Aukland said it is also not simply a question of height; it is also the view sheds.

Stewart Schectman, 87 Main Street, is just following up on the heights in Hudson Harbor and said the negotiations that went on for the Riverhouse (now the Lighthouse) were negotiated at 45 feet, not 52 feet. Dr. Friedlander said he gave him the highest height.

Mr. Zapata came up and said with regard to the height they are simply responding to the proposed height in the proposed SAO zone which is 60 feet on the west side.

Michael Yanko returned to comment that the parking will get better and will be hidden in structure. Parking is very important for hotels so that the client is happy about their experience. The project will also interact with Main Street and the businesses that are a little bit struggling. They will encourage clients to use Main Street.

Dolf Beil, of 108 Main Street, came up and thought it was strange that the SAO zoning and this project are being considered within a week of one another. He asked what the relationship is between the SAO zoning and this proposed project. Ms. Raiselis said she can't stress enough how independent these two projects are. They have been working on the SAO zoning for four years. The Board only met this group a month ago and had no concept that they even existed. The SAO zoning was drafted over a year ago with the same numbers. The idea that there is some sort of collusion going on between these two groups is shocking. Mr. Beil just wanted to make sure and thanked the Board.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 8:45 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary