

Board of Trustees
Planning Board
Village of Tarrytown
Special Joint Meeting No. 28
March 4, 2015
6:00 p.m.

PRESENT: Mayor Fixell*, Deputy Mayor Basher, Trustees Butler, Hoyt, McGovern and Zollo; Planning Board Chairperson Friedlander, Members Aukland, Birgy, Raiselis and Tedesco; Village Administrator Blau; Village Engineer McGarvey; Village Attorney Shumejda; Village Clerk Booth

ABSENT: Trustee McGee

RECUSED: Planning Board Member Raiselis

*ARRIVED LATE: Mayor Fixell arrived at 6:28 p.m.

APPROVAL OF THE MINUTES OF THE SPECIAL JOINT MEETING OF THE BOARD OF TRUSTEES AND THE PLANNING BOARD HELD ON DECEMBER 3, 2014

Trustee McGee moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special joint meeting of the Board of Trustees held on December 3, 2014 as submitted by the Village Clerk.

Mr. Aukland moved, seconded by Mr. Tedesco that the planning board approves the minutes of the December 3, 2014 special joint meeting of the Board of Trustees and the Planning Board; all in favor. Motion carried.

Trustee McGovern moved, seconded by Trustee Hoyt to open the special joint meeting with the Planning Board to discuss a proposed amendment to the master plan for the construction of the new River House at Hudson Harbor. Motion carried, all voting "aye". Approved: 5-0

Planning Board Member Aukland moved, seconded by Member Tedesco to open the special joint meeting with the Board of Trustees to discuss a proposed amendment to the master plan for the construction of the new River House at Hudson Harbor. Motion carried, all voting "aye". Approved: 4-0

Administrator Blau stated that tonight's joint Special Meeting with the Board of Trustees and the Planning Board is to discuss the amended proposal from the developer of Hudson Harbor to construct the new River House on the northwest corner of the property. On December 3, 2014 and December 16, 2014, the developer of Hudson Harbor presented plans to the Board of Trustees and the Planning Board for the new River House that

required amendments to the Finding Statements regarding height and other development requirements. The amended plans presented tonight from the developer of Hudson Harbor will not require amendments to the Findings Statements regarding height and other development requirements. The proposed amended plans for the construction of the new River House are in compliance including heights and setbacks.

John Meyer stated that the amended plans submitted tonight are the original findings that were approved by the Village to construct the new River House on the northwest corner of the Hudson Harbor property. The plan we are proposing tonight shows the 55 units for the River House, which consists of 43 units in the main building and additional 12 units in the 2nd phase. In addition, they were asked to show the remaining 8 units as mini-carriage townhouse setup similar to the townhouses immediately to the south. This plan shows the townhouses as a “J-shape” that was approved by the Village in the original findings statement with two clusters of buildings in the original site plan meeting the setbacks. The height is 42 feet above the average grade of the site. The average grade has been determined in the amended findings statement from 2006 and 2010, both showing that the height is determined from the average grade of the site. The calculation of the average grade elevation came to 11.69 feet. That is the starting point of the grade to measure. Therefore, the elevation would be 53.6 feet in height. Therefore, when you are looking at the River House site from the water, you are looking at a 10 – 11 feet elevation above land. The 53.6 feet would start at the 10 – 11 feet above land.

Trustee Butler noted for clarification that the zero grade comes in at 11.69 feet. And the 53.6 feet in height is above that zero grade elevation.

Paul Birgy noted that when the turret/roof design was not approved, the traditional look of the building was replaced with a more contemporary look and he thought the traditional look was a better fit.

John Meyer noted that it was their intention for the building plans for the River House was to mix all the looks and architecture of the Hudson Harbor buildings to include brick, stone, glass and timber.

Joseph Cotter noted that this meeting tonight is not to discuss architectural design, but to discuss re-allocation of the units within the master plan.

Administrator Blau agreed and noted that the architecture design will be subject to site plan approval and architectural review at a later date.

Administrator Blau noted that there are two buildings proposed. He asked Mr. Meyer how many units in each building.

John Meyer responded that we are proposing 12 units in the smaller building and 43 units in the larger building. The larger building has a garage which has 61 parking spaces.

Stanley Friedlander noted the following:

- He believes we would all agree that the new plan presented tonight conforms to the height and set back requirements in the amended finding statements.
- The difference is the massing of the building which was originally approved with an open space at the center, now has garages in it. The front had a 4-story town house and where there was space in the middle now has a 2 story garage. That parking meets most of the parking requirements for the townhouses. What we now have is a bigger building, more units, more density, more people on the front piece of property by the river.
- And 12 apartments in the front.
- The 20 residences minus the Cooney building

- The original 48 residences on this last section minus the Cooney building has now been changed to 63 residences. Changed from the back to the front.

Stanley Friedlander asked Mr. Cotter what the rationale was behind the change of the master plan.

Joseph Cotter responded that there are two reasons why they changed the master plan. 1) Allows them to adapt to market conditions and 2) Allows the redirection of the new units from the DPW site, which may have been difficult to sell.

David Aukland asked if there was any change of use from the original plan with primarily residences and some retail.

Joseph Cotter noted that there is no change of use in the development; however, tonight's presentation is addressing residential only. We are looking at some commercial in the Cooney building at a later time. They are currently looking at a possible presidential memorabilia museum in that space.

Stanley Friedlander asked Mr. Cotter if he thinks that this development is too dense. On the footage that is allowed, you have maxed out with 55 units. On a marketing and planning point of view, do you think that is squeezing too many units into a small space? There will be more car traffic with 55 units instead of the 28 units in the original plan.

Mr. Cotter noted that the original townhouses were 3,500 to 4,000 square feet. These units in the new plan average 1,600 to 1,800 square feet. He believes the proposed gross buildable is slightly less than if we had the original townhouses; however, we do have the

garages in the center. Stanley Friedlander noted that the massing of the proposed building is 27,000 square feet x 4 stories = 108,000 square feet and the garages are 19,000 square feet x 2 stories = 38,000 square feet. Stanley noted that the new building with the garage is still a larger mass.

Mr. Cotter asked if the Boards would accept the proposed plan for the River House, a 55-unit building and we can re-visit the stable building area at a later date.

David Aukland noted that he doesn't want to hold up on the River House plans; however, he wants to further discuss a proposal by the stable building to create a mixed use green area, livelier, more attractive use for the residents of the Village. To avoid any further delays, Mr. Aukland is going to hold his questions on future use by the stable building. He agrees to adopt the River House building now and adapt the future uses later.

Ron Tedesco noted that he agrees with David to further discuss use plans by the stable building and to move forward with the River House plans tonight.

Michael McGarvey asked if the parkland by the 8 unit building was a public or private park. Mr. Cotter responded that it is private. In the future, we can work on alternate uses with the Planning Board.

Stanley Friedlander summarizes the following as a reference point:

- The number of units that are condos versus number of townhouses has dramatically shifted under the new master plan. On the original master plan, the number of condo units on the water is much different from the proposed amendment to the master plan. On the original plan, we had two buildings with a building in the back and there was space between the buildings. On the proposed River House building plan, the space is now a parking garage. Unlike the new building in Sleepy Hollow has a small gray space. It really changes the configuration from what it looks like from the park. In the proposed plan we would have 4 large buildings surrounding the River Walk.

Joseph Cotter noted that there is no difference from the plans with regard to parks and green space. This site is completely screened by the Cooney building. From the direction of the river, north-west and south, both plans are mirror images. You referenced the gray area at the Castle Oil building in Sleepy Hollow; that gray area is a parking lot. What is exciting about this site is that we will be connecting the RiverWalk Park and restoring the 300 ft. fishing pier and a small seafood restaurant (Farmer and the Fish) will also be here. It will also connect to Ichabod Landing. He believes this will enhance this area for the Village of Tarrytown. He believes that this is the missing link, a public benefit and give our parks more life.

Stanley Friedlander continues:

- He thought that Joe Cotter would want to keep the 12 unit building open to decide that he may want to something different there. To use those units in the back to provide more flexibility and more imaginative planning. Instead of linking all the buildings, maybe you should leave that building alone for now. You still have the 19 buildings in the back to build and you might have different market conditions at that time. Since the 12 unit building is a separate building, it may beneficial to keep these plans open and then you can get creative with this development in the back. You can then decide you may want more retail or residential with retail. This may be a better plan instead of sticking in 12 more units now because they have to be there. They don't provide great river views; they would be facing the massing of the building in Sleepy Hollow. He would recommend that Joe Cotter keeps his approved count of units and don't put anything on that property right now until all the other units have been built. You may want to do something different with that piece of land with respect to the Cooney Building. It gives you flexibility and imagination to create something different. In the meantime, he recommends to move ahead with the first building, the River House building and leave the space for the 12 units in the back piece to a later date.

Joe Cotter noted that he respects all of the input and he believes together with the Planning Board, they have done a great job with a lot of the buildings. However, he doesn't believe he has the ability to segment on this. He believes at this time, they need to seek approval for the changed master plan and account for all of the units. At any time in the future, we can come back with both the Planning Board and the Board of Trustees consent to come up with a better plan. We don't have any plans for the 12 units until the Tappan Zee Constructors leave. However, we would like approval on our proposed amended master plan which includes all of the units.

Stanley Friedlander noted that the Planning Board has bent over backwards and have made many adjustments to make this project work – Changing the number of units in the stone house, changing the interior of the buildings by putting more units in the lookout buildings and changing locations of the carriage houses and halving the amount of units of the town houses on the south side, putting balconies in where there weren't balconies, increasing building heights. He is asking instead of approving something that the Mr. Cotter will come back to request changes and that the Planning Board has not been able to have any input and Mr. Cotter does not have plans right now for the 12 unit building. Stanley Friedlander proposes that Mr. Cotter gets approval for the River House building of 43 units and puts on hold the 8 and 12 townhouse units in the back. He recommends this for three reasons, 1) he believes that putting all the units in the front makes it too dense and too much traffic and 2) he is concerned that the Cooney building has to be built

and how the plans would affect that connection and 3) if we are going to do something with the fishing pier, maybe we should do something different with that space.

Mr. Cotter stated that if the Boards approve Stanley Friedlander's proposal tonight, he will accept it.

Paul Birgy stated that he feels that Joe Cotter has spent a lot of time on the proposed amended master plan, but the Planning Board just received it and now we are being forced to approve something that we don't entirely agree with the project as a whole. He also noted that Mr. Cotter has spent a lot of time not listening to the feedback of the Planning Board. He feels that Mr. Cotter and the Planning Board work well together, but he is feeling rushed into making a decision tonight.

Ron Tedesco agreed with Stanley Friedlander's proposal to move forward with the main River House Building, but hold off approval for the 12 units to be held in abeyance for other layout options.

Village Engineer McGarvey asked if the Boards agree with Stanley Friedlander's proposal, will there have to be an amended master plan to go along with it that would be a conceptual plan.

Administrator Blau stated that if both the Planning Board and the Board of Trustees are looking at the possibility of the River House building in the front and the remaining 20 units in the townhouse configuration that would be the conceptual master plan.

Stanley Friedlander reviewed his recommendations as follows:

The changes to the master plan include:

- Changing 28 townhouses with the same height and footprint to 43 condo units on the same footprint and height. Footprint a/k/a boundaries don't change. The density changes, the number of units change and traffic changes. He is willing to go along with the additional 13 units, holding off on everything else including the 20 units in the back. Legally, the Village should have the right to reserve an amendment to the master plan for the 20 units for the reason that the Village may approve more or less depending on the density of the River House building and depending on what happens to the pier, Cooney building etc. Stanley Friedlander stated that he proposes to amend the master plan to approve the 43 condo units on the river in the front of the property instead of the back and Mr. Cotter still has the development rights in the back of the property for 20 units for approval at a later date. Currently, Mr. Cotter has 20 townhouse units in the back, but that configuration can change. It could be different type of residences. That's what you have on the books right now, not to say that back property can't be something else.

Mayor Fixell noted his concern is the massing of the building from the west elevation of the building is a very uniform, long, stretch of building that would be seen from the park. Have you given any thought of moving the building to the east and provide drawings where visually you can break up the façade that we would be looking at.

Joe Cotter noted that the building size was approved in the original master plan. Of all the buildings at Hudson Harbor, the River House is the least impacted by views because it is masked by the Cooney building. Mr. Cotter respectfully requested that the Boards move forward with the amended master plan suggested by Stanley Friedlander.

Paul Birgy noted that he disagreed about the massing of the building and stressed that 8 months ago the Planning Board asked Mr. Cotter to get away from the massing.

Jackie, Rivercliff Condominiums, asked how many stories is the River House building and where is the garage? Mr. Cotter responded that it will be 4 stories and the garage is behind the building. Jackie also noted that from her apartment, she can see all the Hudson Harbor buildings. She also asked what Mr. Cotter meant by the current market conditions. Mr. Cotter responded that this is their opinion on what the market wants for this site. The current plan is 28 townhouses. We changed it to 43 condos, because we found that people want one-floor living and this seems to be a better fit and a better product for the market conditions. Mayor Fixell noted that the Boards are not approving solely based on the market conditions. The developer was motivated to amend the master plan due to market conditions. However, the first proposed plan was denied due to height and setback issues.

Amy Wesson, Vice-President of Rivercliff Condominiums, noted that the residents in Rivercliff Condominiums look right down on the Hudson Harbor development. Speaking of market conditions, a few units at Rivercliff used to have full river views and now because of the Hudson Harbor development, have a slice view of the river. The resale value of these units has been directly affected by this development. She agrees with Mayor Fixell that it looks like a long wall and aesthetically, it looks like a warehouse and contemporary.

Resident from Rivercliff Condominiums noted that from her unit, the two look-out buildings look like two burned out buildings. However, when you get close, the buildings do look attractive.

Resident from Rivercliff Condominiums noted that he believes the development of the River House will destroy the river views of some of the residences in Hudson Harbor and believes they should have input on this matter.

Mayor Fixell stated that the amended master plan that we would be considering tonight has changes of the location of the buildings, footprint of the buildings and number of

units in the buildings. The total number of residence in the Hudson Harbor development still remains at 238. The change would be the allocation of units between buildings in the last phase.

Deputy Mayor Basher noted that there are 63 units left to build of the total 238 buildings. We are considering approval of 43 units in the River House building and holding off on the remaining 20 units until a later date.

Paul Birgy understands Mr. Cotter, as a businessman, wants to get this project moving, but he doesn't want to feel rushed and wants the plan to be the best for the Village of Tarrytown.

Mayor Fixell and Stanley Friedlander noted that both boards can continue this meeting to the Board of Trustees' work session on Wednesday, March 11, 2015 to make a final decision then. Members of the Board of Trustees and the Planning Board were asked if they wanted to vote tonight on Stanley Friedlander's amendment to the master plan and both boards agreed to do so.

Stanley Friedlander, Chairman of the Planning Board read the following resolution amending the master plan for the construction of the new River House:

- Changing to 43 units on the waterfront called the River House. We are not doing anything with the green space; it will be left open.
- The 20 units in the back to be discussed at a later date.
- Approval of the stable building with parking along the side of the property.

Attorney Shumejda noted that he would like to add to Stanley Friedlander's resolution, subject to Mr. Cotter providing a copy of the amended plan for review by Michael McGarvey, the Planning Board and the Board of Trustees.

Michael McGarvey asked for the plan to be emailed to him. Mr. Meyers handed Mr. McGarvey a flash drive which contains a copy of the amended plan.

Deputy Trustee Basher motioned to approve the modified amended plan described by Stanley Friedlander subject to the conditions stated by the Village Attorney. Seconded by Trustee Butler and motion was carried Approved 6-0

Mr. Tedesco moved, seconded by Mr. Aukland that the Planning Board approves the proposed amendment to the master plan as described by Planning Board Chairman Friedlander as follows:

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- Changing to 43 units on the waterfront called the River House. We are not doing anything with the green space; it will be left open.
- The 20 units in the back to be discussed at a later date.
- Approval of the stable building with parking along the side of the property.

And subject to Mr. Cotter providing a copy of the amended plan for review by Michael McGarvey, the Planning Board and the Board of Trustees. Three in favor, with the exception of Mr. Birgy voting no and Ms. Raiselis recused herself. Motion carried.
Approved: 3-1-1

Adjournment

Special Joint Meeting was adjourned at 7:40 p.m.

Carol A. Booth
Village Clerk