Planning Board
Village of Tarrytown
Regular Meeting 7 pm
September 26, 2023

PRESENT: Chair Raiselis, Members Friedlander, Gaito, Mendez-Boyer; Counsel Zalantis, Village Engineer Pennella, Planner Galvin, Secretary Meszaros

ABSENT: Member Aukland, Alternate Member Mezey

Ms. Raiselis opened the meeting at 7:05 p.m. She announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to lmeszaros@tarrytowngov.com or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed to the Board and the applicant in advance of the meeting.

APPROVAL OF MINUTES - August 28, 2023
There was no quorum to approve these minutes. They will be considered at the next regular meeting.

CONTINUATION OF PUBLIC HEARING -First Korean Methodist Church of NY - 500 S Broadway
Site plan approval for the construction of a parking lot with related stormwater and site improvements.

Joseph Riina, RA, the project architect, appeared on behalf of his client and presented the site plan with updated changes as follows:

The existing driveway is being reconstructed and widened up to the corner of the building. The sidewalk is shown to be replaced across the driveway entrance. The stairs running along the north face of the building from the existing driveway will be removed and replaced with a concrete ramp. They have removed the "V" shaped concrete curbing within the proposed lot and replaced that with porous pavers. They have eliminated the large radius at the new driveway entry to better accommodate the ADA ramps and have updated the porous asphalt detail. One addition not in this plan set are recommendations from Suzanne Nolan, the Village Landscape Architect consultant, and they have added some plantings.

Mr. Riina would like to move forward to the Zoning Board for the necessary variances.

Ms. Raiselis confirmed that most of the changes were related to stormwater and drainage improvements. Mr. Riina advised that they have went from full asphalt to porous pavement, have reduced the width of the entryway, and will be replacing the sidewalk. Ms. Mendez-Boyer confirmed that the ramp at the south side will remain.

There were no additional comments from the Board or staff.

There was no one in the public who wished to comment on this application.

Ms. Raiselis read through portions of this Negative Declaration which is attached as "Exhibit A" of these minutes.

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, that there will be no significant adverse environmental impacts as a result of this proposed action that would rise to the level of a positive declaration.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – Hudson Harbor Station LLC– 29 S Depot Plaza

George Distefano appeared, representing the applicant, Hudson Harbor Station, LLC. Anthony Guccione and Lucille Munz, with JMC Site Development Consultants, the project design engineers and landscape architects, were present to answer any questions. Mr. Distefano briefly went over a PowerPoint Presentation, attached as "Exhibit B" to these minutes, and noted the major points since the last submission.

Mr. Distefano advised that they have submitted a full SEQRA review package for review by the Board and are happy to answer any questions. They have also presented to the Architectural Review Board at their September 20, 2023 meeting. He showed the plan reviewed by the Architectural Review Board, and noted that the Board, in general, had strong support for the project. They liked the proposed mobility hub and accessible ramp to the MTA platform leading to Franklin Courts. They appreciated the different materials proposed and the contrast of the brick and contemporary lighter metal as well as the large windows with the gridded configuration and dark metal lintel with vertical coursing above. They were pleased with the proposed artists and gallery space. They had one request to add more detail at the pedestrian level at the corner entry. They will incorporate more detail to include some granite or concrete curbing at the base in their next submission. The ARB acknowledged that the building is long, but they felt that the applicant had done a good job breaking up the massing. Mr. Distefano presented a simplified elevation plan that was discussed at the ARB meeting showing that the segments are all less than 150 feet. They are using setbacks, ground floor voids, carving and material changes between the brick metal panels, and the darker areas of more transparent glass.

He shared a view of the project from the Franklin Courts which was submitted as part of the zoning change SEQRA review application a few years back. It shows massing 60-feet tall and 5 stories high at the entry of the Franklin Courts community. They super-imposed their building which is a full story less or 12-feet lower. He noted that there will be no building on Lot 37 which also helps to reduce the bulk of the site. He showed a seasonal view and noted that when there is more vegetation, the view is not as apparent and since Franklin courts will be redeveloped, it is hard to see how it will impact that view.

With regard to the next steps, they will respond to landscape comments and any other comments the Board or staff have this evening and incorporate them into their next submission. They understand from the work session that the preparation of a preliminary Negative Declaration was discussed by the Village Planner, but the Board wanted to wait to receive comments by the Architectural Review Board. Mr. Galvin advised that he was going to develop a preliminary negative declaration for the Board's review. Mr. Distefano said the support for the architectural aspects and massing of the building was strong and he asked the Board consider voting on a negative declaration at the next hearing.

Ms. Raiselis asked if any Board Members had any questions or comments.

Dr. Friedlander asked the applicant to go over the access from Franklin courts to the station and the park and recreation area. Mr. Distefano showed the route on the map and noted that from their platform there could be a connection to waterfront through the stairs or elevator. Ms. Raiselis asked about the route from Franklin Courts to the Bakery. Mr. Distefano said you could also enter at Lot 37, go across to the plaza and turn north to the bakery, or go through Franklin Courts main entrance. Dr. Friedlander asked about the status of the development of Franklin Courts and the fence buffer. Mr. Distefano said there is a fence shown at this point with a heavily landscaped buffer. Again, they will work with the applicant of the future Franklin Courts to develop the buffer in more detail when the time comes. Mr. Pennella advised that when the property ownership transfers, the Franklin Courts project will be subject to site plan review. Ms. Munz, with JMC, the project architect, came up and noted the proposed mix of small trees and shrubs along the border. She said that depending upon the time frame, site development changes can be made modified to allow for more connectivity if that is the direction the Board wants to go. At this point, since it is a HUD property, they have been advised that the fence may have to stay. Currently, there are invasive weeds and vines which will be removed, the soil will be restored, and shrubs planted, keeping in mind of the height of the trees due to the overhead wires. Ms. Raiselis believes that the more trees planted in the parking lot, the cooler and more pleasant it will be. Ms. Munz agreed and noted that the proposal is a combination of the shade trees to mitigate the heat and buffer the building, and the lower shrubs help to create a screen and mitigate the invasive species.

Dr. Friedlander asked about the protection of the sidewalk from big trucks heading to the recycling plant. Ms. Munz advised that they have provided two raised pedestrian crosswalks and curbing to help slow the trucks down. She believes that, once developed, all of the elements such as sidewalks, trees, signage, curbing and people, should also

slow the truck traffic down and essentially act as traffic calming. Dr. Friedlander was concerned about a truck hitting the building since it is an industrial neighborhood, and the safety of pedestrians, especially the children. Anthony Guccione, with JMC, came up and showed large portions of the sidewalk that are protected with a landscaped area. He showed the raised crosswalks and pedestrian crossing signs. He noted that there is significant signage and the traffic calming measures proposed that are considerably more than what exist on most streets. This street is no different than any other street. The idea is to keep the traffic and pedestrians separated from the vehicles.

Ms. Raiselis asked about the trees in the front of the development adjacent to the MTA lot. Mr. Guccione said they are trying to keep sidewalk on their property, not on MTA property. Mr. Distefano said they could look into installing tree pits in this area. Ms. Raiselis asked if possible, she would like trees planted between the pedestrians and the street in that area. It gives the area a nice feeling when trees are between the sidewalk and the street.

Ms. Raiselis asked Mr. Pennella about his progress with getting a traffic consultant. Mr. Pennella advised that he has sent out proposals which included DTS, who is currently doing work with the village and has worked on Depot Plaza in the 80's. As soon as he gets these proposals, he will share them to the Board. Ms. Raiselis advised the public that the Board asked Mr. Pennella to reach out to traffic engineering consultants to review this area and present possibilities to the Board, beyond the basic striping of Depot Plaza, that can be implemented to improve the traffic circulation in the area. This will be done as part of SEQRA. Ms. Raiselis advised that the Board still needs to review the SEQRA responses that were submitted by the applicant in order to make more comments and perhaps they can begin to draft a negative declaration but cannot guarantee that it will complete before next month since they still have work to do.

Ms. Mendez-Boyer appreciated the view shed analysis that was submitted from the Franklin Courts, but would like the applicant to submit views from the train station and the water. The community may be concerned of how people perceive Tarrytown from the station with the long building. She liked the sketch that the applicant provided. Ms. Raiselis said you can sit at the recreation center and get a full panoramic view of that area. Mr. Distefano will submit more views.

Mr. Distefano referred to the traffic study that they have submitted and in terms of the timeline of conducting the study, they are prepared to make the improvements to help the station area. Ms. Raiselis said they are not talking about the whole station area just the area right in front of the property where all the traffic merges. He asked the Board that the timeline not be tied to this project since there are other projects that are coming before the Board. They want to improve the traffic but it should not be isolated just to their project. Ms. Raiselis agreed. Mr. Galvin said the study they are doing is more about safety and complete streets and finding more innovative ways to make it safer.

Mr. Gaito asked Mr. Distefano to elaborate on the artist workshop studios. Mr. Distefano showed them on the plan. The idea is for the 9 artist workshop spaces to be offered to residents for a reduced rent with a guarantee to use the space with some kind of creative endeavor to activate the sidewalk. They have not fully flushed out the program and are not sure if they will have to live there. It will be open to the community but it could be offered to the renters at a reduced rate. Ms. Raiselis does not feel that they will have to entice them and believes the spaces will be very popular. Ms. Mendez-Boyer asked if restrooms will be provided should the spaces be for the public. Mr. Distefano said they will look into adding a centralized bathroom keeping in mind the building code. Mr. Gaito would like the colors on the plan changed to differentiate the public plaza and private spaces. Mr. DiStefano will also look into activating the public space area from the street by adding a door.

Mr. Gaito is concerned with safety in this area they may want to the change the garage location to a central or southern location. Mr. Distefano said they looked at moving the entry further south from a pedestrian point of view but felt that, given the ADA spaces and the need for deliveries, it would be more convenient to have it further north, but from a pedestrian point of view, it could be further south. Ms. Raiselis said if the only reason to have it closer is to drop someone off or take in groceries, then maybe it can be moved. Mr. Distefano will explore other options. He does not think it will affect the site plan but they will have to look at it internally to see if there are impacts. There is only one entry for the garage. Ms. Raiselis asked about the space for the moving truck. Mr. Distefano said it is proposed directly adjacent to the crosswalk to be closer to the elevator in the loading space. Ms. Raiselis said that having the loading space there may be another reason to move the garage entrance further south where there is less activity.

A brief discussion took place about the sidewalk jog and it was determined that the road is a consistent 26-foot width from the beginning of the driveway, which is required by the fire department for access. Ms. Raiselis said it would be nice if you turned into the property and saw the trees. Anthony Guccione suggested maybe adding in tree grates that was discussed earlier. Ms. Raiselis suggested adding bollards in the entryway area for pedestrian protection where it swoops.

Ms. Raiselis asked if the public wished to comment.

PUBLIC COMMENT PERIOD

Steven Novelli, of 24 Riverview Avenue, is concerned about traffic coming onto Riverview Avenue. He would like to know if an environmental study included a soil analysis. The area was a marsh in the 1850's that was filled in with railroad ties by the MTA. He has health concerns about what will come up into the air when they start digging.

Peter Bartolacci, 67 Miller Avenue, has concerns about traffic and would like to know why other applicants have to have an independent study done but this Board is accepting the applicant's study. Ms. Raiselis advised that an independent study will be done, and in

order to contemplate the circulation, they will need all the data first, which includes traffic counts. Mr. Bartolacci hopes the study will include Edge on Hudson traffic impacts since there will be a theater, hotel and supermarket soon, and all those cars will be passing by his house, so it an important piece to be included. He would like to know the expected tax revenue and the expected number of children to determine school impacts. Ms. Raiselis advised that the SEQRA document is posted on the website and that information should be included. Mr. Bartolacci advised that there have been four lawsuits from the Board of Managers from the developments down by the river in the amount of $20.5 MD for neglect, negligence, defective construction, breach of contract, fraud, deception, construction defect, breach of fiduciary obligations, misrepresentation, negligent building practices, code violations, concealment, fraud, misrepresentation, concealing construction defects, and he believes that they are getting into bed with a developer…Ms. Mendez-Boyer interrupted and said the Board is listening and she feels that the speaker's words are inappropriate. Mr. Bartolacci apologized but believes it is important to make sure that there are safeguards in place so it doesn't happen again. He advised that materials are falling off of the condos which is dangerous for people walking by this project and he does not want that to happen with this project. He is unsure why these problems were not detected during the construction phase. Mr. Bartolacci is not sold on what the applicant is doing to break the 350-360-foot building with the architectural features. He showed a picture of a recent project in Nyack, which he thinks is suitable for this location. It is 3 stories high and to scale, and while it is long, it is really broken up. He thinks the village could learn a lot from this development. He does not want the village to have buyer's remorse, and once built, it will be there forever. He would also like a view shed analysis to be shown at the ground level from Franklin Courts. Ms. Raiselis said that the other view should be at ground level from the river. Mr. Bartolacci is concerned about the impact to the residents at Franklin Courts, not from the river. When the residents walk out their front door they will see a 48-foot-high building.

Mr. Gaito would like all the items discussed to be put on paper, in terms of bulk scale, shed view analysis, including winter and summer views, etc., so that the applicant can address the concerns of the public and the Board. Mr. Distefano said it is helpful to have all the concerns of the Board and staff in writing so that they can respond.

In response to the public comment, Mr. Distefano reiterated the traffic count results from their Kimley Horn study. The existing use of site as is, generates 24 vehicles per hour. With their proposed use, of 88 units, it would generate 33 vehicles per hour, which is only 9 vehicles more per hour than the existing use. They also took into consideration the other developments in the area and it shows that that the increase of 9 vehicles would make up 1% of the vehicular traffic. He noted that this traffic study has been publicly available for the last three months. In terms of the Nyack Development, they are happy to look at other examples. With regard to the gentlemen's comment about the building being three stories, the village passed the height limit of 4 stories, which they have followed, along with taking measures to break up the massing of the building, not

to exceed 150 feet in length. He wanted to make it clear that they didn't develop this plan out of thin air and that it was designed in accordance with village code.

END OF PUBLIC COMMENT

There were no more comments from the Board or staff.

Dr. Friedlander moved, seconded by Mr. Gaito, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – Benjamin and Julie Green- 25 Rosehill Avenue

David Verespy, Landscape Architect, with Rock Spring Design Group, appeared before the Board and presented the site plan. David A. Goessl, PE, the project engineer, and the applicant, Benjamin Green, were present. Mr. Verespy presented the alternative plan that they were asked to reduce in size and scope which was reviewed by the Board at the last work session. He noted the elimination of the walls on the side of the property and the reduced tree removals (from 25 to 11 trees), reducing the project by 31%. They revisited the location of the walls to set the outer limits of the project, with the walls placed on the most stable portions of the property to reduce the chipping of rock. Mr. Goessl, PE, the project engineer, was present at the work session. The Board commented that they would like to see some pitching of the lawn and regrading, reducing the footprint further, and reducing the height of the walls. They sharpened their pencil and came up with an evolution of the plan that keeps the minimum distance between the existing house and the first retaining wall by the pool to 5 feet. They lowered the entire pool area by a foot and there is five feet between that wall and the pool since staff did not want them getting too close to the building and they don't want any rock chipping. In response to Ms. Mendez-Boyer's comment that maybe the pool could be turned 90 degrees, Mr. Verespy showed the exposed ledge on the plan and the test pits which were 18 to 24 inches to ledge, so, if the pool were turned as suggested, they would have to chip to get the pool in and chip even more to get any circulation space around the pool. This rock chipping would further impact the slope and the neighbors would not be happy with the noise. They believe that the proposed location is best with the least disturbance to the neighbors and the slope. They are trying to work above the rock and not push into the slope. They tightened up the area around the pergola and condensed the space to keep it closer to the existing grade. They moved the steps to allow them to keep it closer to existing grade. The sun shelf will not require as much excavation. They reduced the size of the stairs to access the pool. They have continued to refine the plan based on comments and feedback from the Board and they feel they have responded.

Dr. Friedlander believes that progress is being made. Ms. Raiselis does not see how this project is any smaller than the last plan, except for the side yard. She would like Mr. Verespy to show how it was reduced. Mr. Verespy said he cannot show an overlay of the differences at this time but they have pulled the walls in by 5 feet from the original plan. The middle wall is at the elevation of where the rock ledge is exposed and that is as far back as they can go based on structural recommendations. The pool area was originally at elevation 250 and it has not dropped by one foot, to elevation 249. Dr. Friedlander had noted at the last meeting that the driving force of the project is the pool, and they agree, which is why they designed this plan. Ms. Mendez-Boyer asked if the pool size can be reduced; she is trying to find middle ground. Mr. Verespy said the standard pool is 20 x 40 feet and they are doing 15 x 33 feet. Ms. Raiselis does not feel that a 15 x 33 size pool is appropriate for this decent. Mr. Verespy feels that this size is reasonable. Mr. Gaito noted that if the pool is custom, size standards shouldn't apply in this circumstance. Mr. Gaito said if the western end was five foot in, it could help to bring things in tighter and also reduce the amount of fill. Mr. Verespy said they looked at bringing things closer but the owner wants to maintain 5 feet around the pool to have space for furniture. The outer walls cannot be brought further in because the foundation will be set on unstable rock. The project engineer has confirmed that this is the best place for the walls to be. Ms. Raiselis would like a better explanation of unstable rock. She asked if this has been confirmed. Mr. Goessl came up and said that it is not that the rock is unstable; the rock is sloped in a region where they do not think they will get the best footing without having to modify the rock. They are trying to limit chipping and splitting. Ms. Raiselis said there has to be a balance between giving a ginormous waiver that the Board is not comfortable giving and the size of the pool and how much they have to chip. There has to be a little bit of give and take here. Mr. Verespy said they have been working with the Board taking comments and feedback and addressing the plan and they are willing to continue the conversation. Mr. Goessl said they have reduced about 25 feet of modular block wall. There have been pretty significant reductions. Mr. Verespy said structurally, the walls need to be where they are. Mr. Goessl said if they pull the modular block wall in, it will be on sloped rock. If they were to pull it in closer to the house they would have to modify the rock which will be expensive and will be a big disturbance to the neighbors. He believes that, based on stability, this is where the wall should be and to gain a couple of more feet, he does not think it is justifies the disturbance to the neighbors. Mr. Goessl said they looked at moving the pergola but there is too much rock. They are trying to fit the pool within the contour of the rock. Mr. Verespy noted the pool is tucked in with the design.

Mr. Pennella commented that rock removal is a significant concern to him and the neighboring property, and he would like to stay away from option as much as possible. He asked if they can go up rather than down and then tuck everything back in. Mr. Verespy said they would end up with taller walls which they are trying to avoid and it would also require chipping of about 4 feet of rock.

Mr. Galvin said you may need a variance for the wall height, but the plan maybe a better approach. Mr. Verespy showed the existing conditions and the contours and exposed

ledge rock on the plan. Mr. Goessl said they did a dozen test pits and the rock is 1 foot to 2.5 feet below the surface up to the pergola and garden area.

Ms. Raiselis asked if they are committed to making the pool orthogonal to the house and asked about putting it on an angle. Mr. Verespy said they are for the best use of the space. Ms. Raiselis said it may help geologically in terms of foundation and putting it on stable rock. Mr. Verespy said they will be digging into the hill on one side, one way or the other. Ms. Raiselis asked if they thought about a lap pool. Mr. Verespy said lap pools are generally 50 feet.

Ms. Mendez-Boyer understands the constraints of the site but is concerned about setting precedent. Mr. Verespy said every property is different and each application should be viewed on its own merits. The property next door has a high uni-lock retaining wall. Ms. Raiselis said you can't compare all of the old walls to this site. One of the reasons for the issue of steep slope is because they don't want a whole neighborhood of terraces and they don't want retaining wall after retaining wall. It is not up to this Board; we did not write the law. It is incumbent upon this Board to look at this very carefully to see if this is what the village wants. They often grant some sort of waiver but not generally for the entire back yard. She would like the applicant to understand the Board's point of review and responsibility. The Board is trying to figure out a way to get what your client wants.

Mr. Verespy appreciates the comment and noted that they have been working with the Board in this dialogue to come up with what they think is the best solution. They have kept this project to the upper one third of the back yard and they are doing a Forest Management plan for the lower two thirds. That area will remain undisturbed. The owners are not looking to go down into this space any further. The area is off limits and the character will be preserved with the Forest Management plan. Mr. Verespy said they respect the position of the Board and the character of the neighborhood which is why they contained the project to the upper one third of the yard. They do not wish to expand down into the hill and into areas of the property that have not been touched. Mr. Goessl confirmed that there is a hard line of demarcation and that area is off limits.

Mr. Galvin noted that the applicant will introduce an understory and shrub layer to improve that area. He asked the applicant if they could possibly cut back the 5-foot perimeter around the pool. Mr. Goessl said they could, but ultimately the walls would remain where they are. Mr. Goessl showed sheet SP 5.1 of the plan. Mr. Gaito noted that if they pulled everything in closer to 5 feet, you can see how much the project is reduced with less fill. Ms. Mendez-Boyer asked what is stopping the middle wall from going further down. Mr. Verespy said they looked at the elevations and tried to set the bottom of the footing on the middle wall at the elevation of the rock. Otherwise, they would have to sit the wall on top of a slope and rock, which would require chipping and modifying. Mr. Goessl said they could run a model, but it could affect the stability.

Mr. Goessl asked the Board what model they feel comfortable with. They can engineer the plans but would like more guidance with regard to the comfort level of the Board. Ms.

Mendez-Boyer would like to know how much they can move in to reduce the impact to the slope as much as possible. They understand the rock location and the proximity to the house. She noted that there is some space included for furniture. Mr. Verespy said he started this re-design of this project with where the walls need to be based upon site conditions, engineering, and stability, and worked inward from that envelope. Mr. Pennella asked if they explored the rock situation if one of the walls proposed was a reinforced concrete retaining wall that sits on the rock. Mr. Verespy said they did not look at that; they felt the redi-rock wall was the most efficient way to approach the project. Mr. Goessl noted that the time line of the overall construction is reduced significantly with redi-rock than with a poured wall.

Ms. Mendez-Boyer asked if the wall can follow the bedrock. Mr. Goessl said you would have to manipulate it to get to the footing. He noted that the cross sections are not all uniform from south to north. Each slice has a different characteristic of the rock profile, but there is a lot of rock in the wall zone. Mr. Verespy said they have 7 feet between the corner of the pool and the top wall which could be tucked in a bit. It does not gain a lot in terms of reduction and scope. They could also bring the outer walls in a foot or so, but these are small adjustments, they are not 10 to 15-foot changes.

Ms. Mendez-Boyer asked if they could maintain the wall outside the bedrock but bring it in more. Mr. Verespy said you could bring the corner in further but the wall system they have proposed does not like curves. Ms. Mendez-Boyer advised the applicant that they want them to have a pool. They just want it done in the best way possible without impacting the slope as much as possible and using a particular wall system should not determine that. If the applicant wants a pool, they are going to have to put the money in, and find a balance. Mr. Verespy feels they have been working toward that balance. They can certainly adjust some of the limits. Ms. Raiselis suggested looking at using a different wall system or concrete which may give them a little more flexibility to get to a place where they can reduce the project. Mr. Verespy said they are not going to be able to do 10 to 15-foot changes. Mr. Goessl commented that the lower two walls need to stay where they are, based on the rock conditions, but they can look at the upper wall. Mr. Verespy said they will go back and sharpen the pencil. Ms. Raiselis advised Mr. Verespy that from the very beginning, the Board had concerns that it was just too much and we spoke to you then and you have heard what has been said. Mr. Goessl said we are only using one third of the yard. Ms. Raiselis said they are working toward getting this done, but it has been really hard. Mr. Verespy believes they are getting close to the smaller package. He is happy to go back and see what they can do for more reduction.

Ben Green, the property owner, came up and said they respect the protections in place. They need guidance. They have looked at how they can cut. The engineering is a huge component and the very first comment that was addressed was concern about the structural integrity so that the pool does not slide down the hill. They can look at different wall systems but asked if there is an envelope that they can work with.

Ms. Raiselis asked Mr. Green if there something in the program that can be reduced in some way to make it smaller than it is. Mr. Green said the answer is yes, but within reason, and within the engineering limits. They can shrink it by a foot here or there, but actually, they have reduced the project by one third. Rather than coming back with increment changes, they are looking for an envelope. They have been listening and shrinking where they can. He asked again if there an envelope that they can work toward in the Board's mind. Ms. Raiselis agreed that reducing it 6 inches here and a foot there is not productive.

Mr. Galvin suggested removing the pergola and vegetable garden. Mr. Green said the vegetable garden is existing, it is just in disrepair.

Dr. Friedlander commented that he was not at the site visit. He recalls what Mr. Aukland said at the last meeting, that unless there is a compelling narrative, he would not support this project. He is not so sure he supports that since it seems stringent and he apologizes if the Board did not make their position clear. He noted that this is the 4th iteration of changes. He remembers when it was a much bigger pool with different wall locations, and giving up space on the side, which he believes is progress. The applicant's question is whether or not the Board is going to let anything on the steep slope and he is not sure what the answer is. With regard to giving direction to the applicant, the other members want to reduce it more. He is a swimmer and knows that pools have to be a certain size with a chair. He feels obligated to give the applicant direction or just say we are not doing it, one or the other. Ms. Mendez-Boyer said the direction has to come from the designer. The designer has to clarify where the bedrock is. They need to show where the bedrock is and why they can't move the walls. They need parameters to see what the challenges are and three-dimensional drawings would make it clearer. If they know that the walls have to stay where they are, they have to show the Board why. If the walls have to be set in a certain way, they need to understand that limit. If they cannot move the project in, they have to show the Board why they can't. The Board is envisioning that the walls can be moved in, so if they cannot, the applicant has to show the Board. Mr. Green said they will explore a further reduction and alternate construction methods and they will indicate the reasons why it can't be accomplished.

Dr. Friedlander asked how much of the slope is impacted. Mr. Verespy said they are impacting approximately 4,700 s.f. of the overall 18,000 s.f.,which is about 25 to 27%. Dr. Friedlander said the question is what percentage is the Board willing to entertain that is reasonable and preserves the character. Ms. Mendez-Boyer asked if there are samples from past projects they can look at to see if the amount of disturbance is in the ballpark. Ms. Raiselis said there may be but what bothers her is the examples of the stone walls that have been around for 100 years that the applicant has presented. More compelling would be if the walls proposed blended into the site and looked like the cut. If the Board can agree on a percentage and see a wall that looks like the cut along Altamont, that would be good. Mr. Verespy showed the wall pattern which looks like a stacked block wall with a dark color that blends in with the slope. The plantings will grow in and you will not see the walls. The upper wall could be a fieldstone veneer wall, but will not be visible

once the plantings take over. The walls will be fieldstone and terraced with plantings. Mr. Verespy noted the PowerPoint presentation which had an example of the wall system which he showed. He showed the wall which blends in and looks like a stacked wall. This pattern is a standard pattern. He believes that when looking up the slope through the plantings, it would be very difficult to tell if the wall is not a native wall.

With regard to guidance, Ms. Raiselis asked the applicant to try to reduce the impact of the slopes by another 5% if possible and present the Board with some samples of the walls. A sample board will do. She advised that they need more convincing. It is incredibly difficult to figure out how to make it work. Mr. Goessl said it is a cleaner installation environmentally to propose a veneer wall vs a natural stone. A stone wall will require cutting and noise which creates dust, which present noise and safety concerns to the workers. Mr. Green added that the walls proposed are naturally permeable and the water will percolate though the walls. Mr. Verespy showed another view of the wall system. Mr. Goessl advised Ms. Mendez-Boyer that in 20 years the wall will age but it will be covered with plantings and not visible.

Mr. Pennella believes what he is hearing from the Board is that they want some kind of reduction. He asked the applicant if they considered a single wall. Mr. Verespy advised that the wall would be very tall which would require a variance and they would also lose the ability to screen the wall with plantings. Mr. Goessl said it would be about 11 to 12 feet. Mr. Pennella said but there may be 10% reduction. He is not suggesting that they build this wall, but that they show alternatives to the Board. They should show the reduction of the sleep slopes, and whether or not it can work. This will allow the Board to consider other alternatives in their deliberation.

Ms. Mendez-Boyer wants to understand the minimal envelope that they can build based on the challenges of the site. Mr. Gaito feels they can bring the wall in; there is a lot of fill here and room for reduction. Mr. Verespy said we have to regrade the site each time we move something. Mr. Gaito said the project will change the character and he would like it look like the wall has been there for a while. The fact that they are not disturbing the bottom two thirds of the property is a plus.

Mr. Goessl will concentrate on the upper wall. Ms. Mendez-Boyer said they need clarity of what the challenges are. Mr. Goessl would like to keep the pool the same size. Mr. Verespy wants to know what size the pool needs to be. He feels there is a reasonable size and then it becomes a point where you question why even do the project. Mr. Green said the Board wants to be shown why the limits are the limits and what are the smallest possible limits. If they wanted a flat lawn, the limits are still the limits. They will clarify the current percentage, show potential wall systems alternatives, and the limits.

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

Peter Bartolacci, of 67 Miller Avenue, commented that there is a Board Member who should be recused from this application who has shown bias against retaining walls has

no business making decisions or judgements related to concrete block walls. A comment was made in the past that.... they did not want to californiaize Tarrytown and engineered concrete block walls belong in a shopping mall in Indiana. The applicant has been before this Board for 4 months and they have been asking for more guidance and the Board could not give it to them. This was a huge frustration when he was before this Board. Every time he provided information, at the next meeting, there was a list of 27 other things that were needed, and it has to stop. People want and should be allowed to improve their properties. This sounds like a beautiful project with minimal impact on the neighbors; maybe one owner came to complain. In terms of the interpretation of the steep slopes law, it has been bastardized. The intention was not for properties with existing homes. The law was developed 30 years ago and somewhere along the line someone decided to change the interpretation. He believes one of the Board Members said that there is not a lot of undeveloped (vacant) land left in Tarrytown, and those areas that are, are on steep slopes, and we need to protect them. This is not the case with this application. This house was built years ago; it is a large lot and the owner wants to take advantage of the property. It is not the end of the world. We live in Tarrytown, a village on a hill where practically every property is sloped. There are hundreds of retaining walls in Tarrytown which he presented during his site plan review process and the walls are not changing the character of the neighborhood. The Board has seen these pictures and if they say they haven't, then they are lying. Mr. Bartolacci believes that the Board needs to talk to the Board of Trustees and let them know that they cannot work with this law; that people want to improve their properties and that their hands are tied, and they just string applicants along. He appreciated Dr. Friedlander's comment saying that the Board should just tell them if they are not going to be allowed to do it and asked if the Board was aware of the costs to keep revising plans.

Ms. Mendez-Boyer said that she appreciates these comments but she does not want to be accused of being in bed with an applicant or being a liar. They are here as volunteers and do not need to be insulted by anyone that is here in the public. Insults are not necessary without saying an opinion that is contrary to the Boards.

Mr. Gaito moved, seconded by Dr. Friedlander, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – Joseph G. Thompson, 93A Highland Avenue
Construction of a single-family home.

Joseph Thompson, the project architect, appeared and presented the site plan. He advised the Board that they would like to make an application to the ARB for the October meeting and will update the Board this evening on the progress they have made.

Paul Berté, PE, with ARQ, the project engineer, advised that the landscape plan will be updated for the next submission with a tree survey to confirm that it matches the site plan. They are proposing some tree removals but will be revising some utilities to save some trees. To make the grading work, they will install a wall and lower the garage elevation which will keep the driveway at existing grade. They don't want the driveway too close to the intersection and they would like to keep the cluster of trees at the intersection of Gunpowder Road and Highland. They will provide for tree protection by the wall. They have made improvements to the erosion control and will update as the site plan is finalized. Ms. Raiselis asked about the water issues which the neighbors were concerned about. Mr. Berté noted they have increased the retention volume to be able to mitigate a 100- year storm and they have met the code. Dr. Friedlander asked about the percentage of coverage. 22 is allowed and they are proposing 18%. They are about a third under what is allowed. The height is 30 feet and they are just under that. Mr. Thompson advised that there are no variances needed for this project. Mr. Pennella advised that changes have been made since the original submission and the plan is zoning compliant. Mr. Pennella asked the applicant to consider using the back of the garage wall as the retaining wall, which could also save some money.

The applicant advised Mr. Galvin that they will meet the code with regard to the replacement of trees that they are removing.

Mr. Pennella noted that the applicant can go before the ARB for comments only, since they cannot approval the project until they receive site plan approval, and the ARB will meet before our next meeting. Ms. Raiselis asked if the approval could be conditioned on site plan approval. Mr. Pennella advised that typically that is not done. The Board had no objection to the applicant going to ARB at this time. Mr. Galvin advised that a Resolution has been drafted.

Ms. Raiselis asked if anyone in the public would like to comment. No one appeared.

Dr. Friedlander moved, seconded by Ms. Raiselis, to continue the public hearing.

The secretary recorded the vote:
Member Mendez-Boyer: Yes
Chair Raiselis: Yes
Member Friedlander: Yes
Member Gaito: Yes
All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – Samson Management - 177 White Plains Rd. For site plan approval for the construction of a dumpster enclosure area on the side of buildings 9 and 10 with related site improvements.

Steve Wrabel, the project attorney, with the law firm of McCullough, Goldberger and Staudt, LLC, appeared before the Board, on behalf of Samson Management and presented the site plan. He introduced Mike Santoro, with Samson Management and the project engineer, who are here to answer questions.

Mr. Wrabel showed the small portion of the property where they propose to install a larger dumpster for use by the residents to store occasional bulk items. They received comments from Mr. Pennella and the landscape architect and have incorporated their comments into the design. They are here this evening for site plan approval which includes the steep slope waiver. Ms. Mendez-Boyer asked about the steep slope. Mr. Wrabel said they are disturbing less than 200 s.f. and showed the area of disturbance on the plan. The site is 121 acres. Mr. Pennella advised that they have since revised the plan, so the slope disturbance has been further reduced.

There were no questions from the Board and no one in the public wished to comment.

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

The secretary recorded the vote:
Chair Raiselis: Yes
Member Mendez-Boyer: Yes
Member Friedlander: Yes
Member Gaito: Yes
All in favor. Motion carried. 4-0

Dr. Friedlander read through portions of the draft Resolution and noted that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 26, 2023)

Application of Samson Management, LLC
Property: 177 White Plains Road (Sheet 1.201, Block 121, Lot 3 and Zone M-4)

Resolution of Site Plan Approval

Background

1.The Applicant, Samson Management, LLC, the managing agent for the Sleepy Hollow Gardens complex, has requested an amended site plan and a steep slopes waiver to install an eight-foot by 22-foot metal dumpster on the Property for residents to dispose of larger bulk items. It is the intent of the Applicant that this dumpster only be used periodically, likely when tenants are moving off-site and need to get rid of large items. The dumpster is proposed to be located in a remote area in the northeast corner of the property adjacent to on-site parking and garages. The dumpster does not border any of the residences on site nor any other neighboring property. The closest neighboring building is 298' to the northeast of the location. The Applicant is proposing to install landscaping, a dry well and a 382-sf rain garden to manage and treat runoff from the storage area.

2.The Planning Board determined on August 28, 2023, that the proposed action was a Type II Action under NYS DEC 617.5 (c) (9) *"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 and consistent with local land use controls."*

3.The Planning Board conducted a duly noticed public hearing on August 28, 2023, and continued on September 25, 2023, 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 Applicant's *Cover Letter* dated August 10, 2023, describing the project, McLaren Engineering *Letter of Explanation* dated August 3, 2023 describing the construction of the dumpster area including a level concrete pad, perimeter fencing, rain garden, landscaping and stormwater treatment, Attorney's *Memorandum in Support of Steep Slopes Waiver and Amended Site Plan* dated August 10, 2023 and letter summarizing the changes in the plans dated September 8, 2023, set of Site Plans prepared by McLaren Engineering revised September 7, 2023 incorporating the changes requested by the Village Engineer for Dumpster Storage Area, landscaping and lighting plan, stormwater management plan, and chain link fence detail, *Environmental Clearance Form, Short Form EAF, Zoning Compliance Form*, the *Denial Letter* from the Village Engineer dated May 22, 2023, and an *Alternate Layout* which limited grading changes and a high 6" curb allowing Applicant to cut back into the slope and limit the grading changes, the specifications for an oil & water separator with an outlet pipe discharging into the proposed rain garden. The Planning Board received a receipt of GML Notification (TT N23-003) from the Westchester County Planning Department dated August 21, 2023. The Planning Board also received comments and recommendations from the Consulting Village Planner in a memorandum dated August 16, 2023, and recommendations from the Village Landscape Consultant to add additional perennial plantings and grasses in the rain garden and a final review dated September 13, 2023 with no further recommendations, which the Planning Board has considered.

5.The Planning Board closed the public hearing on September 25, 2023. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

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

I. Findings

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67 F of the Village Code and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The Planning Board has reviewed and evaluated the *Memorandum in Support of Steep Slopes Waiver* dated August 10, 2023, from the Applicant's Attorney and the Applicant's Steep Slope Site Plan (C-102) revised September 7, 2023, documenting the decrease in steep slope disturbance from 549 square feet to 179 square feet of steep slope disturbance. The Planning Board determines that based upon the findings and reasoning set forth below, the Application for steep slope waiver is granted.

(1) Justification for grant of waiver.

(a) Any aggrieved person may apply to the Planning Board for a waiver from the steep slope provisions of this chapter. Such request may be granted only if the applicant establishes that there is a compelling public need for development of the parcel in question based upon one of the following:

[1] The proposed development will serve an essential health or safety need of the municipality such that the public benefits from the proposed use override the importance of the protection of the slope area as established in this chapter; that the proposed use is required to serve existing needs of the residents; and that no feasible alternatives exist outside the slope area to meet such established public need; or

[2] The proposed development constitutes an adaptive reuse of an historic, ecological, or scenic resource and said reuse is necessary to ensure the integrity and continued protection of the resource.

The proposed dumpster, paving, and fence are all necessary for the operation of the multifamily development on the Property, to accommodate ordinary moving operations for residents. Such facilities are typical structures for multifamily developments, and allow for disposal of large items when tenants move from the Property. This is integral for the health and safety of the residents who are moving to the Site, as well as neighbors on the Property, by ensuring large items of waste are not left on the premises when a tenant moves out, or improperly disposed of elsewhere.

(2) ***Additional findings required. An application for a waiver to permit development on or near a slope area may be approved only if the Planning Board specifically finds that:***

(a) The proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area;

The proposed Improvements will in no way be injurious to other properties or improvements. The Improvements will be in a remote corner of the Property, and the Improvements will be screened with the existing significant vegetated buffer, as well as the new fence, such that there will be extremely limited visibility from outside the Site. As noted above, the Improvements will be 296 feet from the nearest neighboring building, and 385 feet from the road. This location is also not near any of the residential units on the Property, which will serve to avoid impacts to residents. Rather, it is located adjacent to an area of the Site improved with several garage structures.

(b) ***The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this chapter; and***

The waiver will be entirely consistent with the purposes, objectives, spirit, and intent of the Code. Dumpsters are a typical and necessary element of multifamily housing, which is a permitted principal use in the M-4 District.

It is further noted that a stated purpose of the Zoning Ordinance is to, "Promote and protect the health, safety, morals and general welfare of the community." Zoning Ordinance § 305-2. As such, the installation of a dumpster and related improvements and screening is entirely in keeping with the purpose of this Chapter, as it will further the goals of the Applicant to improve health, safety, and welfare for the residents of the Property, without any impact to the surrounding neighborhood.

(c) The waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant.

The requested waiver is the minimum relief necessary. The Property is already developed with a large multifamily community and has limited locations for a dumpster of this size. The only alternatives would be to place the dumpster in an area

of the Site that is utilized for much-needed parking, which would also result in greater visual impacts to the on-Site community and neighbors. In actuality, the proposed dumpster will be a benefit to the residents of the community as it will alleviate the impacts of residents moving out, by providing a reliable disposal area for large items that might otherwise be left behind.

Moreover, impacts to slopes have been limited to the greatest extent possible in the engineer's design, and shall be properly mitigated through appropriate erosion control measures.

The Planning Board has 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.

(1) The maximum safety of traffic access, ingress and egress.

There shall be no impacts on traffic access, ingress, or egress. The dumpster is intended to be used periodically, and will not result in any substantive change to traffic patterns. No changes are proposed to existing drive aisles or parking areas.

(2) A site layout (including the location, power, direction and time of any outdoor lighting of the site) which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use or properties in such districts.

The dumpster will be within a cleared space adjacent to on-site parking and garages, and otherwise surrounded by heavy tree screening. The area is largely flat, though the installation of the improvements will require some regrading and stabilization of land. Only the minimum lighting necessary has been proposed, which shall be located at a significant distance from the nearest lot line, with substantial intervening topography and wooded buffer. The Improvements will not change the day-to-day operations of the existing development, and it is anticipated there will be minimal impact, if any, on adjoining properties.

(3) The reasonable screening at all seasons of the year of all playgrounds and parking and service areas from the view of adjacent residential properties and streets.

The present application does not involve playgrounds, parking, or service areas. Nevertheless, it is anticipated the proposed fence will block views of the dumpster from all sides, and the Improvements will be more than adequately screened by the significant mature wooded buffer on the Property. Furthermore, a new landscaped area incorporating six (6) trees and a rain garden will enhance screening internally.

(4) Conformance of the proposed site development plan with such portions of the Master Plan of the Village of Tarrytown as may be in existence from time to time.

The Improvements are consistent with the goals of the 2018 Tarrytown Comprehensive Plan (the "Master Plan"). Notably, the Master Plan sets out to reduce local waste generation, control and address sources of pollution, and to maintain a diverse housing stock. Master Plan, pp. 27, 70, 104. The proposed Improvements will serve the residents of the existing multifamily development and ensure necessary waste disposal infrastructure is available for occasional removal of larger items.

(5) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problem.

Stormwater mitigation measures have been designed to provide proper mitigation. The Applicant is proposing to install landscaping, a dry well and a 382-sf rain garden to manage and treat runoff from the storage area.

(6) The reduction to a minimum of the dissemination of smoke, gas, fumes, dust, odor or other atmospheric pollutants or toxic substances outside the building in which the use is conducted.

The proposed Improvements will not result in any such pollutants. The dumpster is intended to house large bulk items, which will be fully contained within the receptacle. Additionally, all improvements will be at a significant distance from adjacent properties as well as residences on-Site.

(7) The control of noise perceptible beyond the boundaries of the site of the use.

It is anticipated that the Improvements will not generate any substantial noise. Any limited noise from intermittent waste collection will be properly controlled and mitigated by the significant wooded buffer and distance from surrounding properties.

8) The prevention of the discharge of untreated or insufficiently treated or toxic wastes into any watercourse.

It is not anticipated that the Improvements will have any such impact. The nature of the proposed dumpster is to handle large bulk items that will not yield such discharges. It is also noted that the Improvements are proposed to address an existing need for the residents of Sleepy Hollow Garden, which is an existing use with ongoing waste disposal measures.

(9) The prevention of the dissemination of vibration, heat or electromagnetic interference beyond the immediate site on which the use is located.

No such disseminations shall emanate from the Improvements, which shall be located at significant distance from the Property boundary.

(10) The prevention of physical hazard by reason of fire, explosion, radiation or any similar cause.

There is not anticipated to be any such hazard associated with the Improvements, which are ordinary elements of a multifamily development.

(11) The regulation and control of the generation and flow of vehicular traffic so as to help prevent hazardous conditions, traffic congestion and excessive noise in the streets.

The Improvements are not anticipated to have any measurable impact on vehicular traffic. Waste disposal will be intermittent, as the proposed dumpster is not to be used by residents with regularity. Moreover, no changes are proposed to internal drive aisles or parking areas.

(12) The prevention of objectionable glare from lighting sources extending beyond the boundaries of the site in use.

A new decorative 12' light pole is proposed to ensure adequate visibility (see detail on C-103).The lone new light fixture is a typical pedestrian light intended to provide adequate safety and visibility, will be heavily screened by the existing wooded buffer. The Improvements will be 168 feet from the nearest lot line (and nearly 300 feet from the nearest neighboring building). It is not anticipated that any such glare shall extend beyond the Property. The Applicant has provided a photometric model indicating the containment of light dispersion from the one luminaire at the north side of the dumpster area (see drawing C-103).

I. <u>Approved Plan:</u>

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:

-Civil Plans prepared by M.G. McLaren Engineering and Land Surveying, P.C. for Sleepy Hollow Gardens Dumpster Storage Area Addition, 177 White Plains Road, Tarrytown, New York dated 1/9/23 and last revised 9/7/23, unless otherwise noted.

Civil Site Plans

- C-001 *"Cover Sheet"* revised 7/13/23.
- C-102 *"Existing Conditions Plan, Proposed Site Plan"*
- C-103 *"Proposed Grading, Stormwater Management, and SE&SC Plan, Landscape and Lighting Plan"*
- C-104 *"Site Details"*

(the "Approved Plans")

II. General Conditions

(a) Requirement to Obtain Approvals: The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.

(b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."

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

(d) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(e) A monument for the rain garden has been incorporated into the site plans as requested by the Village Engineer.

On page 2 of the resolution, the disturbance of steep slope was revised to reflect a change from 202 s.f. to 179 s.f. of steep slope disturbance.

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, to approve this resolution, as revised.

The secretary recorded the vote:
Member Mendez-Boyer: Yes
Chair Raiselis: Yes
Member Friedlander: Yes
Member Gaito: Yes

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING- Gotham Design, Planning & Dev- 25 S Washington St

Padriac Steinschneider, with Gotham Design, Planning & Development appeared to update the public and the Board on the status of their project. Since the last time they were here they have presented their plan to the Zoning Board. He has learned that the Planning Board is Lead Agency and until a plan is in place, the Zoning Board cannot vote of the variances. He realized that a variance for ten parking spaces is a heavy lift. The Village Engineer made some suggestions at the Zoning Board meeting and he has submitted alternate plans based upon those recommendations that he would like to present to the Board tonight. This presentation is attached as "Exhibit C" of these minutes.

He showed the first plan that removed 6 spaces from the rear of the property. This plan is no longer in play since the Board of Trustees was not favorable to granting access due to snow storage issues and the possibility of limiting any future use of the lot by the village.

The Alternate 1 plan pushes the building back and allows for the creation of four parking spaces in the front. In a normal world, he would not want cars between a building and street in this kind of neighborhood and, aesthetically, it is not ideal. He noted that there are 3 parking lots in the immediate block area but he understands the village's parking concerns. The property is only 31 feet wide and to back up and pull out of these 4 spaces would require the use of neighboring property which is not documented in written form. They are getting to the point that if they can't do what they need to do because they are trying to accommodate the neighbor, maybe the neighbor at 21 S. Washington need to realize that they are currently parking on their property, which is very convenient for them and it may be in their interest to enter into an agreement.

He presented options 4 and 5, which are mirror images of each other. This design provides a driveway solely on the subject parcel. As expected, with a 31-foot-wide parcel, creating a driveway from the street to the parking behind the building has a major impact on what can be done. They have retained having an apartment on the ground floor that can be ADA accessible, but it is a bit quirky due to its narrowness. This configuration with the driveway under the building provides access to 5 parking spaces behind the building.

Ms. Raiselis asked if the neighbor would lose any parking with this plan. Mr. Steinschneider said the neighbor could still use 3 feet of their driveway which would give them 15 feet.

If there was less concern with the shared driveway being documented another possibility would be to do a shorter building with 5 spaces behind it and use existing driveway which would require agreement with the neighbor.

He proposed another alternative which is have the variances granted with the six spaces without an agreement with the village. He would have to go to the Board of Trustees again for permission with a condition that they would not use the area that the village uses for snow storage. Providing the 6 spaces could be beneficial to street parking.

He is asking for design advice request on the number of units. He thought 4 units was a good number for this site. If they cut the units from 4 to 3, it reduces the variances to 7.5 parking spaces and it would be a Type 2 action under SEQRA. Mr. Galvin said they could have less units, but they could make the units larger, with the same volume. Mr. Steinschneider said he is not required for ADA, but will do it anyway. The first floor would most likely be the bigger unit.

Mr. Pennella asked if they considered off-site parking in another location. He advised that is may worthwhile asking the owner at 28 Windle Park if they could their spaces.

Mr. Steinschneider said another concept would be to re-draw the RR boundary line to include this property in this district, which would allow them to pay into the parking fund and assist the village in creating parking somewhere else in the village. Ms. Raiselis said that is another letter to the Board of Trustees.

Mr. Pennella said that if this line only affected one property it could make sense, but the property next door would also be affected and they may not agree to it. He also advised that the RR district requires a retail component on the lower level.

Mr. Gaito appreciates the out of the box ideas presented by the applicant. He asked if they ever considered asking the neighbor to purchase the home at 21 South Washington Street. Mr. Steinschneider said it was a good suggestion and thought that the project could be quite good with that additional property. He will take that back to his client.

Ms. Mendez-Boyer appreciates the options presented this evening.

Ms. Raiselis said the skinny building plan would require very good drivers to maneuver through the area. She asked the applicant if the neighbor at 21 S. Washington Street is not willing to enter into an agreement. Mr. Steinschneider said they have not gotten a good line of communication. Maybe they are not taking the right approach or talking to the right person. They had the one conversation with them and they had no interest in entering into any kind of agreement. He noted that the neighbor currently parks cars in

their own backyard at 21 and also in the backyard of their property at 25 . They also park cars parallel adjacent to their building, and use a portion of the 25 property to get in and out. If a fence were to be put up, they would have to change their ways.

Ms. Mendez-Boyer wants to maintain the streetscape and does not like the parking in the front of the building. Ms. Raiselis said if the neighbor decided to sell, there would be no access to get out.

Dr. Friedlander asked about the other homes on the block. Mr. Steinschneider said there is a 3-story building across the street.

Mr. Pennella said that is #44 and has 6 units. The access to their backyard is quite narrow but they have parking in the rear with garages. Ms. Raiselis liked Mr. Gaito's suggestion. Mr. Steinschneider said perhaps that could spark a conversation with the neighbor.

Ms. Raiselis asked if anyone in the public wished to comment. There was no one in the public that wished to comment on this application.

Moving forward, if the units are reduced, will it be a Type II action for SEQRA purposes. Mr. Gaito said regardless of the action, it is important to get a plan together. The site is challenging. Mr. Galvin noted that the applicant is currently caught between the ZBA and the Planning Board. The variances can be only be considered by the Zoning Board if the number of units are reduced to 3, which would eliminate the SEQRA review. Counsel Zalantis agreed and advised that there would be no need to continue with the environmental review under SEQRA since the action would be a Type II.

Mr. Steinschneider will keep the Board updated on his progress.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

CONTINTUATION OF PUBLIC HEARING

Gracemere Partners, LLC - Jardim Estates East Subdivision Amendment

The applicant was not present for the public hearing. Ms. Raiselis asked for guidance from Counsel Zalantis. Ms. Zalantis read an email into the record that was received from the applicant just after 8 p.m. this evening as follows:

"Dear Madam Chairwoman,

We just received this draft resolution at 5:31pm the night of the meeting. After a quick review, we were surprised to see items in here which we did not discuss at the worksession, and which were not in the draft resolution that we reviewed previously. We're not comfortable accepting these last minute changes without having adequate time to review.

If the board isn't willing to approve the application as we discussed at the worksession, and as we marked up on the resolution (which was emailed to Kathy Zalantis yesterday), please accept this letter as formal notice to adjourn our applications. Please close the public hearing in the meantime.

Thank you,
Jim Zappi, Member
Gracemere Partners"

Counsel Zalantis advised the Planning Board that the applicant does not have to approve a resolution. The resolution is the Planning Board's resolution. The applicant is also asking, in his email above, that the public hearing be closed, so he believes that there is nothing further to be submitted to this Board for consideration. To further explain the background of the email, the applicant was sent the draft resolution prior to the meeting this evening. The Planning Board sends draft resolutions to applicants as a courtesy only to applicants. The original draft resolution was sent to the applicant this past Friday which had a significant number of blanks in it pending information that was needed from the village consultant engineer (Hahn Engineering). The revised resolution that the applicant refers to in his email was sent earlier today that filled in these blanks with other changes. Counsel Zalantis advised again that sending the resolution to the applicant is a courtesy and the applicant does not have to agree to the conditions of the resolution and the Board can proceed with considering the application tonight.

Dr. Friedlander asked how to proceed. Counsel Zalantis said she will go through the proposed resolution so the Board and public have an understanding of the entire resolution. After reviewing the resolution, if the Board wants to proceed, the Board would have to first adopt the Negative Declaration (for SEQRA purposes), then adopt the Resolution on the Subdivision Amendment, followed by site plan approval for 23 Browning Lane (Lot 1). She advised that the Board could also go through the draft resolution this evening and adjourn it to next month; however, she does not know what purpose that

would serve, other than to have the applicant agree to the conditions, which is not a requirement, since it is the Planning Board's resolution.

Ms. Raiselis asked what would happen if the applicant came back and said they do not agree to this. Counsel Zalantis said they could challenge the determination of the Board through the legal process or seek another amendment to the conditions.

Ms. Raiselis moved, seconded by Dr. Friedlander, to go into executive session for legal advice from Counsel. The Board left the meeting room at 10:13 p.m. All in favor. Motion carried. 4-0

The Board returned to the meeting room at 10:26 p.m. Mr. Gaito moved, seconded by Ms. Mendez-Boyer, to come out of executive session and resume the meeting. All in favor. Motion carried. 4-0

Ms. Raiselis advised that the Board will continue with the public hearing for the Jardim Estates East Subdivision to consider an amendment/modification to certain conditions of the Conditional Final Subdivision Plat. The applicant is not present so there will be no presentation by the applicant. A draft resolution has been prepared for this application and Counsel Zalantis will present the resolution and go through each section and provide an explanation to the Board and to the public.

Counsel Zalantis showed the Resolution on the monitor for the benefit of the public. She advised that she will go through the resolution and the public will have the opportunity to comment at the end of the discussion.

The entire draft Resolution will be attached as part of these minutes as "Exhibit D".

Counsel Zalantis commented as follows:

Page 1 - Provides background on the subdivision approval and a subdivision map filed December 2, 2014, which filed plat set forth 37 conditions of approval. It explains how the applicant Gracemere Partners LLC acquired the property and certain lots from the former owner, the Holy Spirit Association, and how other lots were conveyed by Holy Spirit Association to Perryco Homes of Westchester and Cornerstone Properties, the open space parcels were conveyed to Zappico Construction.

Page 2 – On July 21, 2022, the applicant made a submission to the Attorney General's office for the HOA agreement but before that was approved by the Attorney General, the applicant conveyed subdivision Lot 1 to 2 individuals, on November 1, 2022. The Declaration of Covenants, and Bylaws were recorded on December 13, 2022.

Counsel Advised that for the Board's understanding the recorded HOA Agreement specifically provides that *"Common Area" "shall mean all real property owned by" Gracemere*

2021 HOA, INC" including "all roadways and rights of way depicted on the Subdivision Map" including Gracemere, Browning Lane (the private section), the to be constructed cul-de-sac road and existing ROWs, including what is referred to as Gracemere Road Extension and Gracemere Road South Extension and the recorded HOA agreement specifically says that that the "Association" (defined as Gracemere 2021 HOA, INC.) "shall be responsible for the maintenance and repair of the Common Areas"

Counsel Zalantis confirmed with Dr. Friedlander that the pond is included in this common area, which is part of Open space Parcel B, which is where "Gracemere Lake" is located.

Dr. Friedlander asked who is in the HOA. Counsel Zalantis confirmed that the nine lot owners (including lots 1 and 2) are mandatory owners of the HOA. Counsel Zalantis said the out-parcel owners, which consist of about 5 homes, can join the HOA, but they are not obligated to be part of the HOA. Currently, Lot 1 (23 Browning Lane) is owned by 2 individuals. The remaining 8 lots are owned by the applicant or their related entity.

Counsel Zalantis read "*the recorded HOA further provides in Article IV, Section 3 that "Declarant [the property owners, including Applicant and Zappico Construction] hereby covenants for itself, its successors or assigns, that it will convey fee simple title to the Common Areas to the Association [and that "it will convey fee simple title to the Common Area prior to or simultaneously with the conveyance of title to the first Association lot"*

Counsel Zalantis advised that before Lot 1 was conveyed to those individuals, per the agreement, the applicant should have conveyed out all the common area. Subsequent to the Recorded HOA Agreement, Zappico Construction conveyed Open Space B and Open Space C and the to be constructed cul-de-sac road <u>but not any of the other subdivision roads to the association</u> and that deed, dated March 2, 2023 was recorded on March 9, 2023.

She advised that the current subdivision lot owners are:
Lot 1: David Schuberth and Aurora Pfeiffer
Lots , 3, 5, 7 and 9 Applicant (Gracemere Partners LLC)
Lots 6 and 8: Cornerstone
Lots 2 and 4: Perryco
And the owner of other subdivision lands (Open Space B and C and cul-de-sac road is Gracemere 2021 HOA INC. The remaining subdivision roads are owned by Zappico Construction.

Counsel Zalantis read, " *that the Applicant makes this application on its behalf and with the authorization and consent of David Schuberth and Aurora Pfeiffer, Perryco, Cornerstone, Gracemere 2021 HOA INC. and Zappico Construction".*

Ms. Raiselis asked if the ownerships have been confirmed. Counsel Zalantis advised that affidavits have been submitted for all properties and are part of the record and confirmed with Dr. Friedlander that the applicant is a member of each related entity.

Page 3 and 4 - Counsel Zalantis stated the next clauses go through the history of the SEQRA and the submittal of plans last revised November 14, 2014 as supplemented by five plans last revised September 15, 2023, which are listed. In addition to public comments, the Planning Board also received additional information which lists all the documents submitted and considered by the Planning Board with respect to the application. Based upon the information submitted, the Planning Board would have to determine that the proposed action is not expected to result in any significant adverse impacts which the Board has not yet decided.

Page 5 – General Conditions

Counsel Zalantis advised that the applicant must conform to the following general conditions and read through them.

1. Approved Plans: Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board with the plans listed.

2. Review Fees: The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application. No building permits will be issued for any lot in the subdivision if there is any outstanding review and/or legal fees.

3. Recording: Within 30-day of the date hereof, the Applicant shall record this Resolution in the office of the Westchester County Clerk.

Page 6 - B. Subdivision Conditions that the Applicant Seeks to Modify/Amend

Counsel Zalantis briefly read through the conditions that the applicant seeks to modify/amend:

Page 6 - Conditions 1 & 17 (Regarding the HOA filing).

Counsel read that the, *"Applicant seeks to modify Conditions 1 and 17 to the extent the conditions require proof of recording of the HOA agreement prior to site plan approval as the Applicant instead seeks to provide proof of recording of the HOA agreement prior to the issuance of building permit for any lot (but not prior to site plan approval for any lot).*

And continued to read the Findings that, "The Planning Board finds that there is no basis for the requested amendment/modification as the Recorded HOA Agreement was recorded on December 13, 2022 and the Attorney General approved the application for Gracemere 2021 HOA, INC. in March of 2023, which is prior to any site plan approval issued by this Board.

The Planning Board further finds that there has not been compliance with the requirements in the Recorded HOA Agreement's Article IV, Section 3 that: (i) title to all the Common Area be conveyed to Gracemere 2021 HOA, INC; and (ii) title be conveyed "prior to or simultaneously with the conveyance of title to the first Association lot" (see Article IV, Section 3(b)). First, regarding the roads that are part of the Common Area, only the to be constructed cul-de-sac

road was conveyed to Gracemere 2021 HOA, INC, but not the other Subdivision Roads that are part of the Common Area. Second, the conveyance to Gracemere 2021 HOA, INC occurred after the conveyance of Lot 1.

The Planning Board further finds that title to all the Common Area roads and rights of way as set forth in the Recorded HOA Agreement (which include but are not limited to Gracemere, Browning Lane and what is referred to as Gracemere Road Extension and Gracemere Road South Extension) must be conveyed to Gracemere 2021 HOA, INC.

IT IS HEREBY RESOLVED that Conditions 1 and 17 are modified only to the extent that proof of recording of a deed (in a form approved in advance by the Planning Board attorney) conveying to Gracemere 2021 HOA, INC fee-simple title to all of the "Common Area" roads and rights-of-way as set forth in the Recorded HOA Agreement (which include but are not limited to Gracemere, Browning Lane and what is referred to as Gracemere Road Extension and Gracemere Road South Extension) must be provided prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1."

Counsel explained that there is no basis to grant this modification since the HOA agreement was recorded prior to any site plan approval, but the Board is requiring that the applicant be in compliance with the HOA agreement that mandated that all common area be conveyed to the association. Only open space B and C and the "to be constructed cul-de- sac roads" were conveyed. The existing other roads were not included in this conveyance, but are part of the common area and must be provided prior to the issuance of a building permit for Lot 1 (23 Browning Lane).

The Planning Board agreed with these findings.

Page 8 - Regarding the filing of $320k maintenance bond

Counsel advised that the applicant wants to extinguish the requirement to file the 320k maintenance bond. Counsel advised that the same findings above relating to conditions 1 and 17 apply since the applicant has not complied with the requirements of the HOA.

Counsel Zalantis continued, "*The Planning Board further finds that the existing Common Area roads and rights-of-way are in an extreme state of disrepair and the Planning Board reviewed: (i) the DPW Opinion of Probable Construction Cost dated September 25, 2023 regarding the costs to make repairs to said roads and rights-of-way; and (ii) the September 26, 2023 email from Lou Martirano, DPW Superintendent of Highways regarding the cost of snow plowing*".

Counsel Zalantis advised that the DPW Superintendent's memo was provided to the Board. Mr. Pennella advised that a site visit took place and it was determined that the area needed patching and repair. Tonnage and labor costs were calculated resulting in a dollar value of $129,307.65 to complete basic road repairs to bring the road into a drivable condition. There are a lot of deep potholes which just can't be filled in. Counsel advised that this number is the cost for village personnel to perform the work. Mr. Pennella advised that the cost of snow plowing for the year was estimated to be

$1,600.00, on an average year. This number is also if village employees were to do the work, without contracting it out. Mr. Martirano advised in his memo that he will not be able to bring a snow plow into the area until the roads are repaired since it could damage the village trucks.

Counsel Zalantis continued to read, *"that upon proof of recording of a deed conveying fee-simple title to all of the subdivision roads that are part of the defined "Common Area" to Gracemere 2021 HOA, INC (which must be in a form approved in advance by the Planning Board attorney and which proof must be provided prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1), the requirement to file a $320,0000 maintenance bond shall be extinguished and shall be of no force and effect upon the following:*

(1)Applicant completes the road repair work on the existing Subdivision or Common Area roads and/or rights-of-way to the reasonable satisfaction of the Superintendent of Public Works by October 20, 2023; or

(2) if Applicant fails to complete the repair of the Common Area roads and/or rights-of-way to the reasonable satisfaction of the Superintendent of Public Works by October 20, 2023, Applicant must file a $129,307.65 bond (in form approved in advance by the Planning Board attorney) or submit escrow in that amount with an agreement which will be used by the Village."

Counsel Zalantis explained that the applicant asked that the Board waive the requirement to file a $320,000 maintenance bond. Instead, the village calculated a cost to do this work with village personnel, should that be needed. The resolution allows for the applicant to do the work himself, which he could probably do for less, or he could file that bond. If the applicant gets to that point, it is unlikely that he will have to file the $320,000 maintenance bond, but the board is only agreeing to modify the condition.

Page 10 – Counsel read, *"that the applicant must submit $1,600 in escrow for the 2023-2024 season for snowplowing pursuant to an escrow agreement and in the event the Applicant fails to complete the road repair work on the existing Subdivision or Common Area roads and/or rights-of-way to the reasonable satisfaction of the Superintendent of Public Works by October 20, 2023, the Applicant must either file: (1) a $320,000 maintenance bond; or (2) the $129,307.65 bond (or escrow amount with escrow agreement), prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1. Also, the $1,600 escrow (and escrow agreement) for snowplowing must be submitted prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1."*

Page 10 - Condition 16(e) - easement related to roadway trees

Counsel advised that the applicant seeks to remove Condition 16(e) as a condition based upon its submission of a global tree removal plan for the areas in roadways and utility locations negating the need for any easements. This was discussed previously and the Planning Board found no basis for the issuance or need for an easement, so it is extinguished.

Page 11 - Condition 20 (condition to file $1.3m construction bond)

Counsel Zalantis read, "*The Planning Board finds that while the to be constructed cul-de-sac road is on private property, the project requires disturbance of a portion of an existing private road and based upon construction estimates submitted by the Applicant and by the Village's consulting engineer, a construction bond of $200,000 is necessary in addition to the sewer and water tie-in bonds to protect the existing neighborhood that the utilizes the existing roads".*

Mr. Pennella referred to the memo from James J. Hahn Engineering which included the following cost components supporting the need to require the construction bond.

(1) Watermain Installation – entire subdivision cost	$487,560
(2) Watermain Installation – from tie in to cul-de-sac (450 ft)	$173,075
(3) Sewer disconnection (if abandoned to cap)	$3,800
(4) Drainage Infrastructure – entire subdivision	$367,750
(5) Drainage Infrastructure – from tie in to cul-de-sac	**$119,020**
(6) Site Contractor cost for abandoning water main 1 or *2 weeks	$36,800
	* **$73,600**

With regard to the drainage infrastructure, Mr. Pennella noted that storm drainage cannot be abandoned in place like water and sewer since it is surface water. The amount, $119,020 is calculated for work required outside of the cul-de-sac. Based upon these figures, the combination of stormwater and cost for abandoning the water main is estimated to be approximately **$200,000**; which is the sum of **$119,020** for the drainage Infrastructure – from the tie in to the cul-de-sac, and ***$73,600** for the contractor cost for abandoning the water main (*2-week period). Since no project scope was provided, Hahn Engineering estimated that two weeks would allow enough time to properly close out the project.

Modification of Condition 20 continued

Counsel Zalantis read, "Condition 20 shall be modified only to the extent that instead of the requirement for Applicant to file a $1.3 million construction bond, Applicant shall file: (a) a $25,000 cash performance bond to cover the water main tie-ins into the Village system; (b) a $25,000 cash performance bond to cover the sewer main tie-ins into the Village system and (c) a $200,000 construction bond (in form approved in advance by the Planning Board's attorney) regarding the work in the existing private road known as Gracemere extending from the existing water main to Open Space Area as depicted on the Approved Plans, which two cash performance bonds (each in the amount of $25,000) and the $200,000 construction bond must be filed prior to the issuance of any building permit for any of the subdivision lots 3, 5, 6, 7, 8 and 9 (collectively, the "Six Lots")."

Page 12- Counsel Zalantis read, *" It is hereby further resolved that no certificate of occupancy may be issued for any of Six Lots until all infrastructure, including water, sewer and drainage/stormwater, road work (with the exception of the top course), curbing and off-site improvements in accordance with the Approved Plans and Lot 4 is connected to the new sewer system, is completed and all regulatory certificate of completions have been obtained, including from WCDOH; and*

It is hereby further resolved that with respect to the Six Lots, no more than a total of three building permits may be issued for any of the Six Lots prior to completion of the all infrastructure, including water, sewer and drainage/stormwater, road work (with the exception of the top course), curbing and off-site improvements in accordance with the Approved Plans and Lot 4 is connected to the new sewer system, is completed and all regulatory certificate of completions have been obtained, including from WCDOH (collectively, the "Infrastructure"); as the completion of the Infrastructure is a condition to issuance of building permits for any of the last three building permits for the Six Lots.

It is hereby further resolved that these conditions set forth above regarding the Six Lots shall be recited and set forth in any contract of sale for any of the Six Lots to put any potential buyer of the Six Lots on notice."

Counsel Zalantis advised that this condition is necessary to advise the property owners that a certificate of occupancy will not be issued to any home in the cul-de-sac until the entire infrastructure for the cul-de-sac is completed.

Dr. Friedlander had questions and concerns about the timeline.

Counsel Zalantis briefly went through the chart of conditions, attached as "Exhibit D-1" of these minutes, that must be satisfied prior to certain approvals which is attached to these minutes. This chart will give the public and Board a better understanding of the conditions that must be satisfied by the applicant.

Pages 13 through 15 - C. Satisfied Conditions

Counsel Zalantis briefly went over the satisfied conditions and noted that Conditions 2 - 15 have all been satisfied.

Page 16 - Condition 16

Counsel Zalantis read, "REGARDING THE EASEMENTS REFERENCED IN CONDITIONS 16(a), 16(b), 16(d) and 16(f) and on the Subdivision Plat that proof of recording of the above referenced easements (easements that relate to the village) *in a form acceptable in advance to the Village Attorney and the Village Administrator with authorization from the Board of Trustees must be provided prior to issuance of a building permit for any of the Six Lots or prior to issuance of a certificate of occupancy for any of the Subdivision lots, whichever is sooner"*

Counsel Zalantis explained that this condition would allow the applicant to start work on Lot 1 (23 Browning Lane), get the building permit, but not get a certificate of occupancy until the village easements are filed.

Page 16 - Condition16(c)

Counsel Zalantis read, *"this condition relates to the private easement for Lots 8 and 12, and read, "that proof of recording of the Private Access & Utility Easement Agreement (or similar easement agreement approved by all parties, including the 8 Gracemere and 12 Gracemere property owners) must be provided prior to issuance of a building permit for any of the Six Lots. If the Applicant is unable to obtain said easements from the 8 Gracemere and 12 Gracemere property owners, the Applicant must seek another Subdivision Amendment and submit a revised plan to the Planning Board depicting the reconfiguring of the road for the Planning Board's review and approval, which Planning Board approval for the reconfigured road must be obtained prior to the issuance of any building permits for any of the Six Lots".*

She continued and read, *"in the event the Applicant obtains approval for the reconfigured roadway (regarding Lots 8 and 12), construction of the reconfigured roadway must be completed prior to any certificates of occupancy being submitted for any of the Six Lot and prior to more than a total of three building permits being issued for any of the Six Lots.*

IT IS HEREBY FURTHER RESOLVED that these conditions set forth above regarding the Six Lots shall be recited and set forth in any contract of sale for any of the Six Lots to put any potential buyer of the Six Lots on notice"

Pages 17 and 18 - Counsel Zalantis advised that **Conditions 21 through 33** as indicated in the Resolution have all been satisfied.

Counsel Zalantis briefly went through the pending conditions.

Page 18 - D. Pending Conditions

Conditions 3(b) and 3(c):

Counsel Zalantis read, *"the County Health Department water and sewer extension permit must be issued prior to the issuance of any building permit for any of the Six Lots, but the building permits for lots 1, 2 and 4 may be obtained prior to County Health Department approval".*

Ms. Raiselis asked for an explanation. Mr. Pennella explained that Lots 1 and 2 have the ability to connect to existing sewer lines and Lot 4 already has an existing sewer connection.

Counsel Zalantis advised that with regard to the SWPPP, *"the Applicant must provide a complete SWPPP (which was previously prepared by Cronin Engineering on February 2014) with the inclusion of the drainage analysis prepared by Robert G. WASP, PE and with addressing all comments in the September 26, 2023 memorandum by Hahn Engineering, which complete SWPPP must be submitted prior to any site disturbance on any subdivision lot and prior to submitting an MS-4 acceptance form to the Village and the NOI to the DEC and Applicant must file a NYS DEC SPDES Permit prior to the issuance of the building permit for any lot in the Subdivision, including a building permit for Lot 1."*

Counsel advised that all of the above has to be done prior to the applicant obtaining a building permit.

Page 19 - Pending conditions 18 and 19– Counsel Zalantis stated that the same conditions apply as stated in Condition 16.

Page 20 - Pending conditions 24 and 26 – Counsel Zalantis stated that the same conditions apply as stated in Condition 16.

Page 20 - Pending conditions 34 and 35 – Counsel Zalantis stated that the applicant shall continue to adhere to these conditions.

Page 21 - Pending Condition 32 - Recreations fees

Counsel Zalantis read, "that the Applicant shall pay in full the applicable recreation fee (the current recreation fee is $12,077) prior the issuance of a building permit for Lot 1 and prior to the issuance of building permit for each of the Six Lots. No recreation fees are required for either Lot 2 or Lot 4 (which are improved with existing structures), but recreation fees must be paid for the remaining subdivision lots (Lots 1, 3, 5, 6, 7, 8 and 9)."

Counsel Zalantis advised that the recreation fee that was discussed at the work session was incorrect. The recreation fee is currently $12,077 per lot, which is calculated annually based on CPI. She advised that the original draft required payment up front for all lots. This resolution requires payment prior to the issuance of individual building permits for each lot.

Page 21 - Pending Condition 37

Counsel Zalantis advised that the Applicant represents that it will comply with the Village's affordable housing provision by remodeling and renting one of the units in an existing multi-family building that is on one of the Subdivision Lots in accordance with the Village's affordable housing provision. The Applicant has identified the affordable unit that it will provide, Unit 2 (3 bedrooms, 2 bath) of the existing three-family home on subdivision lot 2.

She continued to read, *"In accordance with Zoning Code 305-30(D), the Applicant must prior to the issuance of the last three building permits for the Six Lots or any certificates of occupancy for the Six Lots either: (1) pay $300,000 to the Village; or (2) create and construct a 3-bedroom, 2-bath affordable unit (Unit 2) in the existing three family house on subdivision Lot 2 in accordance with Village and Westchester County regulations (including but not limited to, obtaining all applicable approvals for the creation of the an affordable unit, recording all applicable deed restrictions and other documents, constructing the affordable unit and making it available for rent or purchase)".*

A brief discussion took place regarding who would administer the affordable housing unit and the Planning Board was satisfied with the above as stated.

Counsel Zalantis read, *"this condition set forth above regarding the Six Lots shall be recited and set forth in any contract of sale for any of the Six Lots to put any potential buyer of the Six Lots on notice".*

Counsel Zalantis ended her presentation.

Board Discussion

Ms. Raiselis referred to page 2 regarding the filing of the HOA with the NYS Attorney General. Counsel Zalantis advised that the HOA was recorded on December 13, 2022 and approved by the Attorney General in March of 2023, so basically, since December 13, 2022, there was an HOA responsible for the common area maintenance of the roads which are specified in the agreement. These agreements were all signed and filed by the entities and the HOA agreement is part of the record.

Ms. Raiselis said the Resolution is complex with a lot of references and backing and she is comfortable with it. Dr. Friedlander noted that this Board has made significant concessions on the amount of the bonds and he believes that the Board has cooperated a great deal to achieve approval. Counsel Zalantis stated that the requirement of a $1.3 MD bond was reduced to $200,000, based upon the cost to do the work. The $320,000 maintenance bond requirement was also modified to allow the applicant to perform the work since the applicant has represented that they have been waiting to do the work and have the means to do it quickly.

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

PUBLIC COMMENT

Greg Nilsson, 30 Woodlawn Avenue, whose property is between Lots 8 and 3 is more concerned about the individual site plan review process but he asked if the $320,000 maintenance bond for the roads and snowplowing is for future maintenance since he is concerned about continued maintenance during construction. Dr. Friedlander advised that the HOA is responsible for the road maintenance. Counsel Zalantis stated that the cost of $129,307.65 was to cover village costs should they have to repair the road. Counsel Zalantis said it is a private road. Ms. Raiselis said unless the road is in good shape, the applicant will not be able to get to the cul-de-sac to build the homes.

Mr. Nilsson is concerned about the confidence in the builder to do the right thing for the neighborhood. He likes what he has heard this evening and he hopes that the applicant agrees to the conditions. He asked if there is a way to include a performance bond to protect a neighboring property from damages from water runoff, drilling, hammering or shaking his foundation or for simple repair work in order to avoid filing a lawsuit.

Ms. Raiselis said some of that would be covered by insurance. Counsel Zalantis said unique circumstances for each lot would be addressed at site plan. Ms. Raiselis agreed and said all of the lots will be required to get site plan review and his concerns will be addressed at that time. Mr. Nilsson advised that he has a lot of rock which goes up to the level of lots 8 and 9 and he is concerned about the shaking of his property during construction.

Mr. Pennella advised that each site plan will determine the type of rock removal that will be required. It could be by drilling or splitting the rock. Mr. Nilsson just wants his concerns to be on record and ensure that there are safeguards in place. He has no objection to the development. Trees on falling down and there some clean up in the woods that is required. Mr. Pennella referred to recent projects on Baylis Court and Hillside Avenue projects which used rock splitting and chipping/drilling methods with monitors on the surrounding homes. Mr. Pennella said each application will be site specific and looked at in detail. Mr. Galvin said the applicant will have to follow the code.

END OF PUBLIC COMMENT

Dr. Friedlander moved, seconded by Mr. Gaito to close the public hearing.

The secretary recorded the vote:

Chair Raiselis:	Yes
Member Mendez-Boyer:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

The entire Negative Declaration is attached to these minutes as "Exhibit D-2". Counsel Zalantis read through portions of the Negative Declaration into the record which concluded that that the proposed action will not result in any significant adverse impact that would rise to the level of significance of a positive declaration.

Dr. Friedlander moved, seconded by Mr. Gaito, to approve this Negative Declaration.

The secretary recorded the vote:

Chair Raiselis:	Yes
Member Mendez-Boyer:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

Counsel Zalantis continued with the Resolution under consideration for this application:

Resolution (i) Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision; and (ii) Setting forth Satisfied Conditions

Counsel Zalantis advised that during the review and discussion of the entire proposed Planning Board Resolution this evening, two grammatical errors have been changed and language (on page 9) needed modification to clarify the condition that the applicant must file a $129,307.65 bond, or submit escrow in the amount of $129,307.65 with an escrow agreement.

Dr. Friedlander moved, seconded by Mr. Gaito, to approve this Resolution, as modified.

The secretary recorded the vote:
Chair Raiselis: Yes
Member Mendez-Boyer: Yes
Member Friedlander: Yes
Member Gaito: Yes
All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – GRACEMERE PARTNERS LLC- 23 BROWNING LN
Site plan approval for the demolition of an existing single-family residence and the construction of a new single-family residence. (Lot 1- Jardim Estates East Subdivision)

Ms. Raiselis noted that the applicant is not present. She asked if staff or Board Members had any comments regarding this application. There was no comment. There was no on in the public that wished to comment on the application.

Dr. Friedlander moved, seconded by Ms.Mendez-Boyer, to close the public hearing.

The secretary recorded the vote:
Chair Raiselis: Yes
Member Mendez-Boyer: Yes
Member Friedlander: Yes
Member Gaito: Yes
All in favor. Motion carried. 4-0

Counsel Zalantis read through portions of the draft Resolution and noted that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 26, 2023)

Application of Gracemere Partners LLC
Property: 23 Browning Lane (Sheet 1.190, Block 112, Lot 35.1 and Zone R-60)

Resolution of Site Plan Approval

Background

1.The Applicant, Gracemere Partners LLC, **with consent of owners, David Schuberth and Aurora Pfeiffer,** has requested site plan approval for the demolition of an existing, vacant single-family residence and the construction of a new, 2-story, single-family residence with a two-car attached garage at 23 Browing Lane. The subject property consists of one (I) parcel, which was known as "Lot I" on the Jardim Estates East subdivision, which was approved by the Planning Board in 2014. The property is approximately 38,647 sf. (0.8872 AC) in the R-60 zone. The home is proposed to be served by Municipal Sewer and Water services, which are located in the street in front of the property. The proposed residence and site plan are consistent with the plans that were approved by the Planning Board in 2014. The proposed house is in approximately the same location as the home shown on the previously approved subdivision plan. The proposed home has a smaller footprint of 2,710 sf . The total FAR will be 3,529 sf. The proposed impervious surface area has been reduced by 1, 110 sf, making the total proposed impervious areas to be 4,187 sf which is less than the 5,297-sf approved in 2014.

2.The Planning Board determined on March 27, 2023, that the proposed action was a Type II Action under NYS DEC 617.5 (c) (11) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections and the installation, maintenance and/or upgrade of a drinking water well or a septic system".*

3.The Planning Board has conducted a duly noticed public hearing on March 27, 2023, and continued on April 24, 2023, May 22, 2023, June 26, 2023, July 24, 2023, August 28, 2023, and September 26, 2023, at which time all those wishing to be heard were given the opportunity to be heard.

The Planning Board has carefully examined the Application and Cover Letter from the, Applicant's Engineer, Gregory Caccioppoli, PE, dated February 7, 2023 describing the proposed house and site plan, the set of civil plans from the Applicant's Engineer revised September 15, 2023 including existing conditions, proposed site and *Tree Removal Plan*, elevations and streetscape, grading, utility plan, steep slopes, stormwater plan, sediment and erosion control, landscaping and lighting, the Environmental Clearance Form, a letter from Applicant's Independent Engineering Consultant, Wasp Engineering Group to Village Engineer describing the methodology for his review of the Applicant's SWPPP's design dated April 3, 2023, the Wasp Engineering Group's report, *Review of Stormwater Management Criteria, Proposed Lot 1 Dwelling Construction, Gracemere Sudivision Development (Jardim Estates East)* dated June 8, 2023, Wasp Group's Summary memo to the Village Engineer providing his findings on the *Review of the SWPPP Criteria Design* dated June 8, 2023, landscape review memos from the Village Landscape Consultant dated April 13, 2023, August 9, 2023, August 28, 2023 and final review dated September 13,

2023, Applicant's response letter to Landscape Consultant's August 9, 2023 review dated August 10, 2023, *Denial Letters* from the Village Engineer dated December 14, 2023 and February 13, 2023, and Planning Board work session memoranda from the Village Planning Consultant dated March 13, 2023, April 10, 2023, May 10, 2023 and September 12, 2023, Declaration of Covenants, Conditions, Restrictions and Easement of the Gracemere 2021 HOA, INC dated July 19, 2022 with Rules and Regulation, legal descriptions and the Planning Board's November 13, 2014 Resolution and By-Laws of Gracemere 2021 HOA, INC was recorded on December 13, 2022 (under Control No. 623143222) ("Recorded HOA Agreement"), Cronin Engineering PE, PC Stormwater Pollution Prevention Plan last revised February 2014 entitled "Subdivision and Site Development for Jardim Estates East" and Gracemere Subdivision Development Drainage Analysis by Robert G. Wasp, PE dated September 13, 2023, which the Planning Board has considered.

4.The Planning Board closed the public hearing on September 26, 2023. 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.

III. 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. In reviewing the application and proposed site plan, the Planning Board determined that there was no encroachment or disturbance of the steep slopes, and a steep slope waiver was not required.

The Applicant's proposed project is located on a 38,647 sf recently subdivided property at 23 Browning Lane in the R-60 district. The proposed subject property was known as "Lot I" on the Jardim Estates East subdivision, which was a nine-lot subdivision approved by the Planning Board in 2014. The Applicant proposes to construct a 2-story single-family residence with 2-car garage on the lot. The height of the residence is 24'.5" where 30' is allowed. The proposed home has a smaller footprint of 2,710 sf . The total FAR will be 3,529 sf. The proposed impervious surface area has been reduced by 1, 110-sf. The proposed application is in conformance with all zoning requirements and no variances are required. The Planning Board reduced the dimensional parameters in the R-60 zone as part of the subdivision approval.

The impervious surface has been reduced by 1,100 sf which combined with an underground stormwater infiltration system will be able to capture any runoff from the property and reduce the amount of runoff from the site. The roof leaders will all be tied into the retention system. Based on review of the Environmental Clearance Form, the site is not located within a flood plain, or wetland. A portion of the property is within the 150' wetland buffer; however, the proposed structure is being constructed

outside of the wetland buffer. The property has no "High Grounds", and minimal steep slopes greater than 25% equal to 229'sf which is 0.59% of the total lot area. There is no disturbance proposed within the steep slopes. The property is not located within a Critical Environmental Area or Coastal Area. There is no historical significance on the property,
and this application will require Architectural Review Board approval.

The Applicant has revised his plans to reflect the Village Landscape Consultant's comments. The planting schedule has been updated to include her recommended plantings. The white spruce has been replaced with a sweet bay magnolia. The applicant has grouped the 7 White Pines along the uphill side of the proposed grading in a zig zag position and increase the size to 7'-8'. The red oak quantity has been decreased to 4, and the size has been increased to 2.5'3.5" Caliper. The trees have been removed from the drip lines of the trees to remain. A grouping of 3 red oaks has been provided at the northwest side of the house, and the fourth has been placed by the driveway turn around. # 298 has been proposed to be removed due to prosed grading in its root zone. Tree # 342 has been proposed to be removed to provide more room and less competition for the grouping of Oaks. Screening has been proposed for above ground utilities (propane tanks & AC condensers). These plants have been added to the planting schedule. There is a total of approximately 35 trees on site. There will be six trees removed for grading, being in the building area, invasive species, and crowding. These trees will be replaced with six trees including two Red Maples, and one each of the following trees: serviceberry, Sweet gum, Black Gum and Red Oak. The size of these trees being plated will be 2 ½" – 3 ½" caliper.

The subject land area drains directly towards Browning Lane and does not reach the onsite pond ("Open Space Parcel B"). Impervious area of the new dwelling, driveway and paved
walkways provide a net reduction of 1,110 sf from existing conditions. Reduction is achieved through a smaller house footprint and driveway width than was proposed on the approved subdivision drawings. Construction on Lot 1 includes the installation of a new infiltration practice south of the new dwelling intended for the capture of roof area runoff (±1,872 sq feet). The new perforated HDPE pipe system provides a dry storage volume of approximately 619 cubic feet that provides full capture of runoff collected volume for up to the 5 year, 24-hour storm event without accounting for any exfiltration loses. Proportional reductions to runoff peak flowrates and total volume are similarly provided for all storm events under post-construction conditions. Actual proposed reductions to impervious surfaces show significant reduction from existing conditions and includes supplemental installation of a stormwater infiltration practice that further reduces site stormwater runoff.

IV. 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:

Subdivision Plans for Jardim East Estates prepared by Cronin Engineering Professional Engineering and Consulting dated September 12, 2014, and last revised November 13, 2014:

Subdivision Plan (2014)

▪Sheet 5 of 17 (RI-4.1) Road Improvement Plan
▪Sheet 6 of 17 (TPS-5.1) Traffic, Pedestrian & Signage Plan
▪Sheet 12 of 17 (D-8.1) Drainage Installation Plan & Details
▪Sheet 13of 17 (D-8.2) Drainage Installation Plan & Details

Civil Plans prepared by Gregory Caccioppoli, PE, for *23 Browning Lane, Village of Tarrytown, Westchester County – New York* prepared for ZAPPICO Real Estate Development dated 1/10/23 and revised 9/5/23, unless otherwise noted.

Civil Site Plans

- 1/7 *"Cover Sheet with Existing Conditions"*
- 2/7 *"Proposed Site & Tree Removal Plan"*
- 3/7 *"Proposed Elevations & Streetscape"*
- 4/7 *"Grading, Utility, Steep Slopes & Stormwater Plan"*
- 5/7 *"Sediment & Erosion Control Plan"*
- 6/7 *"Landscaping Plan"*
- 7/7 *"Lighting Plan"*

(the "Approved Plans")

V. General Conditions

a. Requirement to Obtain Approvals: The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies for Lot 1 without material deviation from the Approved Plans.

b. Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."

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

d. ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown code.
e. Review Fees: The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

VI. Specific Conditions

a. All applicable local, county, state and regional permits for this Lot 1 shall be obtained prior to receiving a building permit, but Applicant shall not be required to obtain Westchester County Department of Health ("DOH") approval prior to the issuance of a building permit for this Lot 1.

b. Prior to issuance of a building permit, Applicant must provide proof of the recording of a deed (in a form approved in advance by the Planning Board attorney) conveying to Gracemere 2021 HOA, INC. fee-simple title to all of the "Common Area" roads and rights-of-way as set forth in the Recorded HOA Agreement.

c. Prior to issuance of certificate of occupancy, Applicant must provide proof of recording of the easement agreements for *Water and Sewer Line Maintenance and Access, Drainage, Private Access & Utility,* and *Pedestrian* in a form acceptable to the Village Attorney and the Village Administrator with authorization from the Board of Trustees.

d. Applicant must complete road repair work, including but not limited to repairing and filling holes in the roads and rights-of-way on the existing roads that are part of the Common Area as set forth in the Recorded HOA Agreement (which include but are not limited to Gracemere, Browning Lane and what is referred to as Gracemere Road Extension and Gracemere Road South Extension) by October 20, 2023, or if applicant fails to compete the road repair work by October 20, 2023, Applicant must submit prior to the issuance of a building permit either (a) the $320,000 maintenance bond in accordance with the original subdivision condition 1; or (b) a $129,307.65 bond (or escrow) in accordance with the Planning Board's *Resolution (i) Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision; and (ii) Setting forth Satisfied Conditions.*

e. Prior to the issuance of a building permit, Applicant must submit $1,600 to be held in escrow for snowplowing in accordance with the Planning Board's *Resolution (i) Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision; and (ii) Setting forth Satisfied Conditions.*

f. Applicant must provide a complete SWPPP (which was previously prepared by Cronin Engineering on February 2014) with the inclusion of the drainage analysis prepared by Robert G. WASP, PE and with addressing all comments in the September 26, 2023 memorandum by Hahn Engineering, which complete SWPPP must be submitted prior to any site disturbance on any subdivision lot and prior to submitting an MS-4 acceptance form to the Village and the NOI to the DEC

g. NYS DEC SPDES permit must be filed prior to the issuance of the building permit.

h. Permanent property corner monuments will be installed in accordance with §263 - 15 and prior to the issuance of a building permit.

i. All blasting, if necessary, shall be carried out by a licensed professional and shall be done in full conformance with New York State and the Village of Tarrytown ordinance governing the use of explosives.

j. Prior to the issuance of a building permit, plans for the installation of a fire sprinkler system shall be submitted for review and approval for compliance with Chapter 166 Fire Sprinklers.

k. The Applicant shall pay the applicable recreation fee (the recreation fee is currently $12,077) prior to the issuance of a building permit.

l. The Applicant shall pay $5,199.25 to the Tarrytown Village Clerk for sewer improvements prior to the issuance of a building permit.

m. All staging equipment, supplies and dumpster shall be stored on Lot 1 within the area of disturbance.

Dr. Friedlander moved, seconded by Mr. Gaito, to approve this Resolution.

The secretary recorded the vote:

Chair Raiselis:	Yes
Member Mendez-Boyer:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes

All in favor. Motion carried. 4-0

ADJOURNMENT

Dr. Friedlander moved, seconded by Mr. Gaito, to adjourn the meeting at 11:37 p.m.
All in favor. Motion carried. 4-0

Liz Meszaros, Secretary

"Exhibit A"

First Korean Methodist Church of NY – 500 S Broadway

Negative Declaration - SEQRA

Agency Use Only [If applicable]

Project: Parking Lot & Stormwater/Site Work

Date: September 14, 2023

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☑	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☑	☐
3. Will the proposed action impair the character or quality of the existing community?	☑	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☑	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☑	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☑	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☑	☐
b. public / private wastewater treatment utilities?	☑	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☑	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☑	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

PRINT FORM

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is the construction by the Korean First Methodist Church of a new 13 space parking area in the lawn at the northwest corner of the Church's property located at 500 South Broadway. The proposed new parking lot will eliminate the Church's existing parking spaces off of Walter Street near South Broadway. Access to the new parking lot will be from Walter Street. Most of the undeveloped area on the property is a combination of lawn and onsite wetland There is a stream that runs through the site that runs to a culvert that connects to a larger storm system in Walter Street. A stormwater management system has been designed for the new porous parking lot. The Church proposes to build a wooden ramp structure at the south entry to the church to accommodate ADA access to the Church. The proposed ADA ramp will be located within the wetland buffer, however, in an area already improved with lawn and sidewalk/stairs. It will be an elevated wood structure resting on posts and 12"diameter footings, therefore, requiring minimal disturbance to construct. The 13 parking spaces in the new parking area are proposed to be screened with landscaping to shield headlights from vehicles on South Broadway/Walter Street. The existing parking has been moved away from intersection of South Broadway, resulting in safer vehicular circulation. Applicant's SWPPP describes the stormwater plan designed for the new parking lot. The total disturbance for the site will be 5.300 sf. Almost the entire disturbance for the parking lot will be kept out of the wetland buffer. A small part of the sidewalk will connect the new parking lot to the entry plaza. This sidewalk will be sloped towards a linear 2' rain garden to collect stormwater. This mitigatic is an addtional protection since the overland flow from the buffer is not directed toward the wetland. After parking lot is completed, a trench drain will collect stormwater runoff and direct it to a 12" deep gravel infiltration system under the lot. The parking lot will be porous asphalt pavement to allow for even distribution of runoff into the shallow underground system. The design will not only treat runoff due to the project, but also runoff which is currently not treated. Overall, it would improve existing conditions by reducing the stormwater runoff from the site by 0.5 CFS over the existing conditions for the 100 Year Storm Event. The Village Engineer has reviewed Applicant's SWPPP and the site's existing topography and wetland conditions and is satisfied that neither the parking lot construction nor the ADA elevated ramp will have a negative impact on the wetlands or contribute to additional flooding of the wetlands. Based on the Board's review of the SEAF, an analysis of Part 2 of the EAF and other information provided to the Planning Board, including Applicant's SWPPP, Westchester County Planning GML review, the proposed action is not expected to result in any significant adverse impacts that would rise to the level of significance required for a Positive Declaration.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Tarrytown Planning Board	9/26/23
Name of Lead Agency	Date
Joan Raiselis	Chair
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Robert Galvin	AICP, Planning Consultant
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Exhibit B

Hudson Harbor Station LLC– 29 S Depot Plaza

Applicant Presentation at Meeting

HUDSON HARBOR STATION

29 S Depot Plaza, Tarrytown NY | Planning Board Presentation, 09/26/2023 | NATIONAL RESOURCES

Topics of Discussion

1. SEQRA Review
2. Architectural Review Board Summary
3. Next Steps

SEQRA Review

- Supplemental SEQRA Submission Document w/ Impact Analysis
- Exhibit A-1: Response Memo to County Comments
- Exhibit A-2: Response memo to MTA/MNR Comments
- Exhibit B: Stormwater Management Memo (by JMC)
- Exhibit C: Proposed Utility Services Memo (by JMC)
- Exhibit D: Flood/FEMA Memo (by JMC)
- Exhibit E: Affordable Unit Distribution
- Exhibit F: Viewshed Analysis / Visual Impact Study

Architectural Review Board Meeting Summary

Proposed Design at 29 S. Depot Plaza

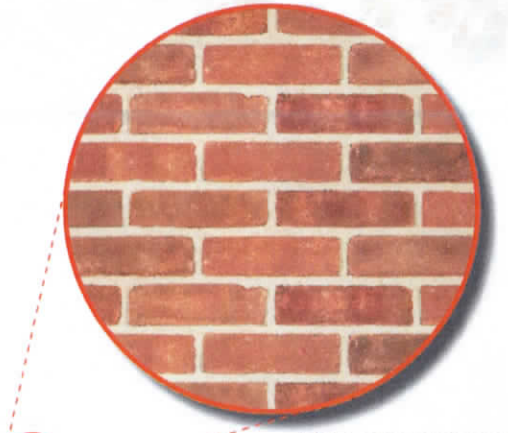
Proposed Design at 29 S. Depot Plaza

MOBILITY HUB & CONNECTION TO TRAIN PLATFORM:

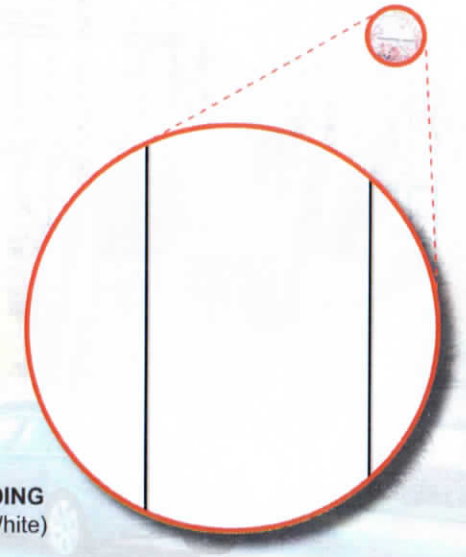
Proposed Design at 29 S. Depot Plaza

CLADDING MATERIALS:

- COMBINATION OF RED BRICK & METAL PANEL AS PRIMARY CLADDING



RED BRICK CLADDING
(Belden, Belcrest 730 shown)

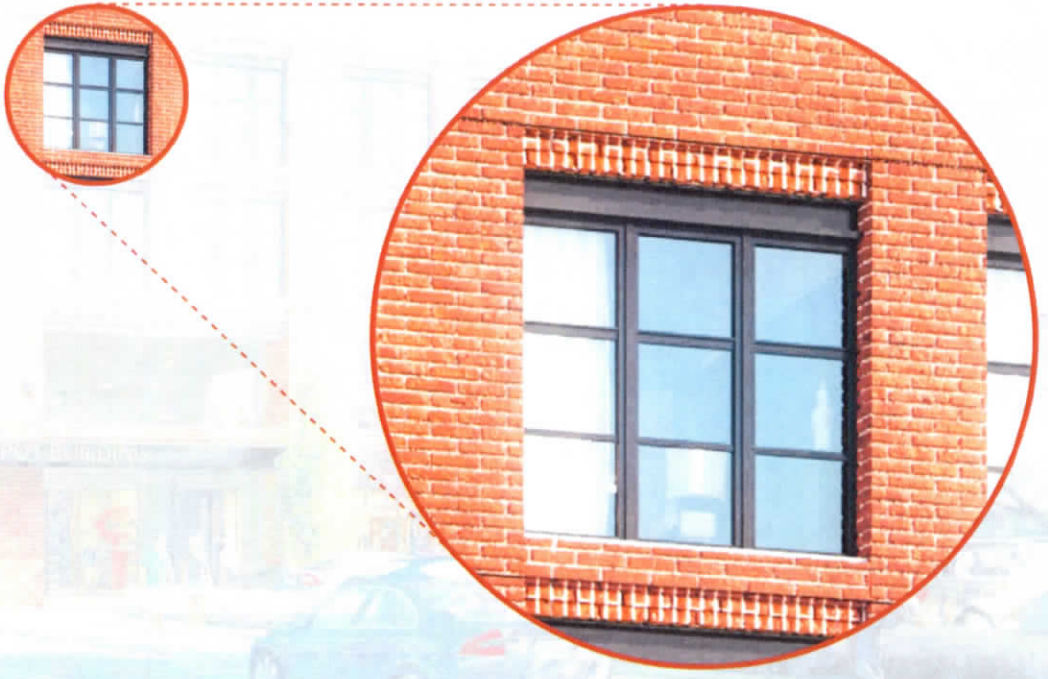


METAL PANEL CLADDING
(Omega Panel, Ascot White)

Proposed Design at 29 S. Depot Plaza

WINDOW DETAILS:

- LARGE BLACK GRID WINDOWS
- METAL WINDOW ACCENTS
- VERTICAL BRICK COURSE



Proposed Design at 29 S. Depot Plaza

GROUND FLOOR & CORNER ARTICULATION:

- CARVE-OUT AT ENTRY CORNER
- STEEL ENTRY CANOPY

Proposed Design at 29 S. Depot Plaza

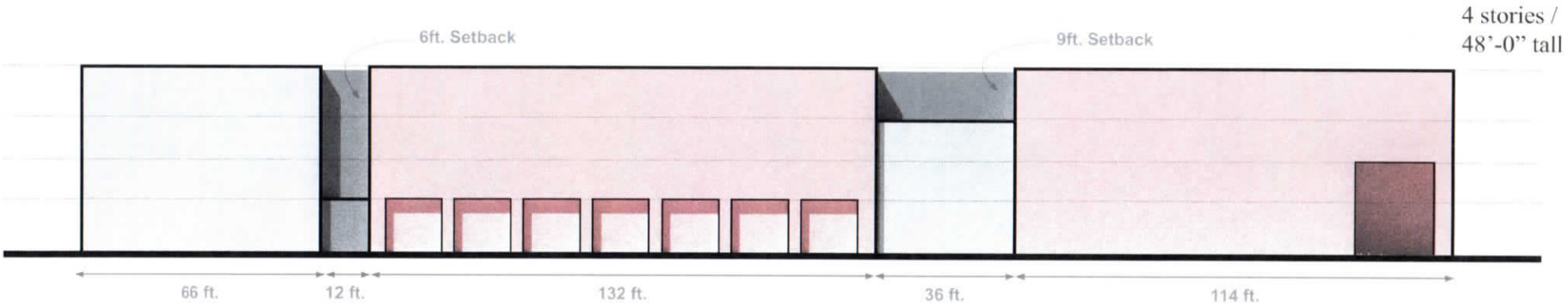
VARIED MASSING ENVELOPE:

- VARYING SILHOUETTE
- VERTICAL RELIEF & SETBACKS

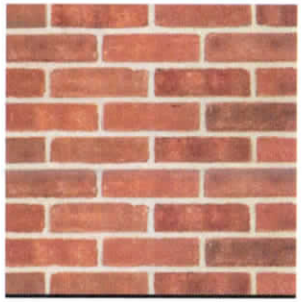
Volumetric Diagram

Building facade broken-up into multiple volumes differentiated by:

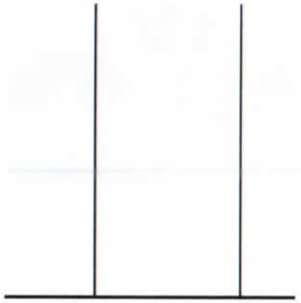
- Setbacks
- Ground floor voids
- Material change



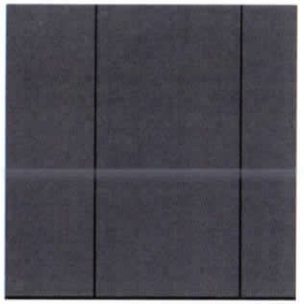
East Elevation



RED BRICK CLADDING
(Belden, Belcrest 730 shown)



METAL PANEL CLADDING
(Omega Panel, Ascot White)



METAL PANEL ACCENTS
(Omega Panel, Mica Gray)

WINDOW WALL SYSTEM
(Glass Spandrel shown)

Figure 1. View Study from Previously Approved Re-zoning Package; 60'-0" tall & 5 stories high

Figure 2. Photo-rendering from Franklin Court/Franklin Street Intersection (Taken in February); 48'-0" tall & 4 stories high

- Proposed project is 1 story and 12ft lower than previous proposal recommended by the Planning Board
- Small industrial building on Lot 37 is also being removed - reduction in bulk and increase in landscape

Figure 3. Photo-rendering from Franklin Court/Franklin Street Intersection (Taken in September); 48'-0" tall & 4 stories high

- Proposed project is 1 story and 12ft lower than previous proposal recommended by the Planning Board
- Small industrial building on Lot 37 is also being removed - reduction in bulk and increase in landscape

Proposed Site Plan

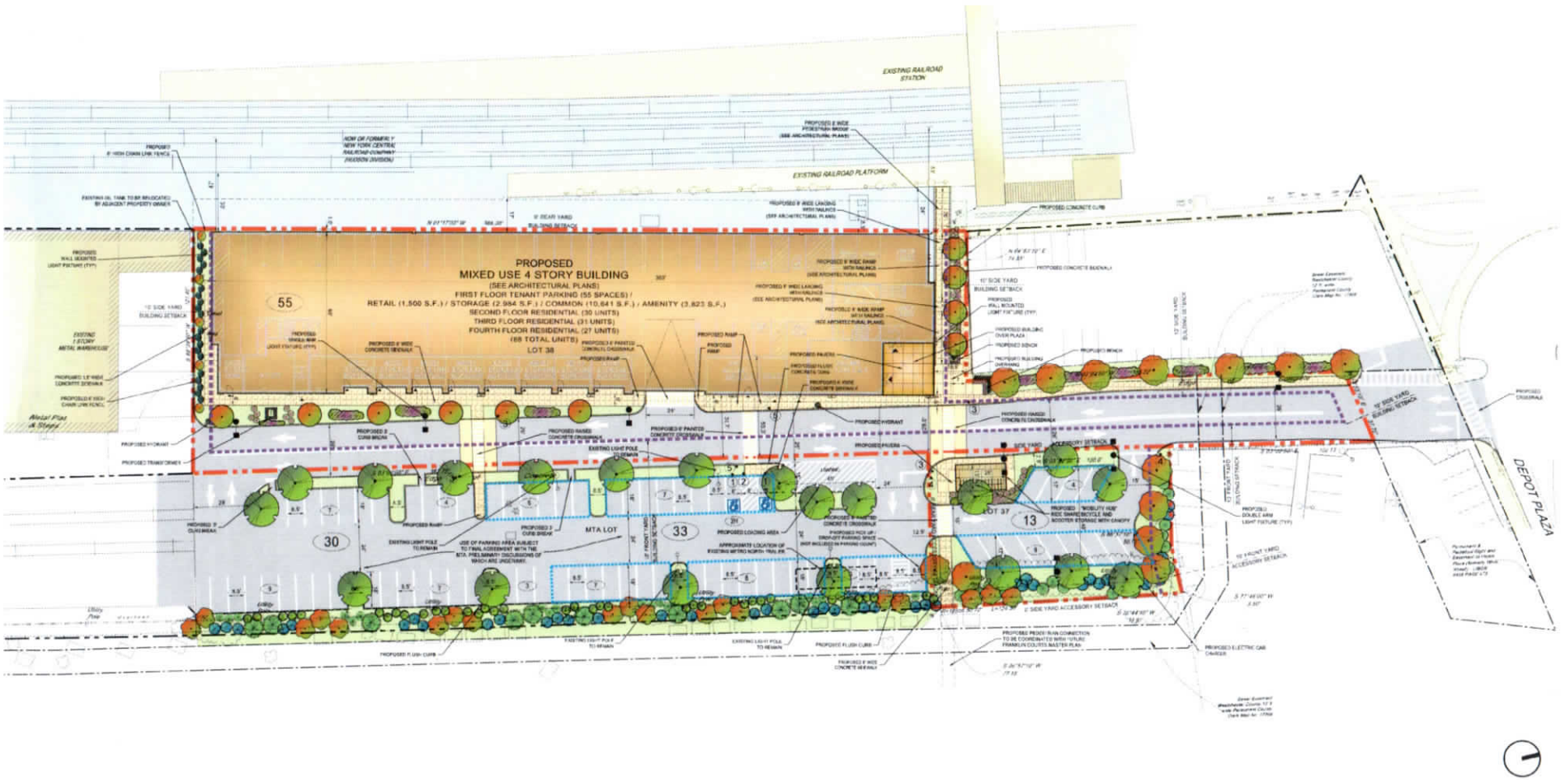


Exhibit C

Gotham Planning, Design and Development

25 S Washington Street

Applicant Presentation at Meeting

25 South Washington Street
Tarrytown

Planning Board Meeting, September 26, 2023

NOT FOR CONSTRUCTION

ZONING TABLE				
25 SOUTH WASHINGTON STREET, TARRYTOWN, N.Y. 10591				ZONING DISTRICT: B-1.5
	REQUIRED PERMITTED	EXISTING	PROPOSED	
LOT AREA	12,000 SF	4,997 SF	4,997 SF	EX. NON CONFORMING
TOTAL OF DWELLING UNITS	4	1	4	
LOT WIDTH FRONTAGE	40 FT	20.98 FT	20.98 FT	EX. NON CONFORMING
BUILDING COVERAGE	35%	40.9%	35.5% / 1,727 SF	VARIANCE REQUESTED
FRONT YARD SETBACK	25 FT	5 FT	5.67 FT	VARIANCE REQUESTED
REAR YARD SET BACK	45 FT	1.75 FT	60.33 FT	
SIDE ONE	20 FT	5 FT	5 FT	VARIANCE REQUESTED
SIDE TWO	20 FT	5.3 FT	5 FT	VARIANCE REQUESTED
BUILDING HEIGHT	2 STORIES 35 FT	2.5 STORIES	3 STORIES (32'-8")	VARIANCE REQUESTED
PARKING SPACE	2.5 PER UNIT	NA	0	VARIANCE REQUESTED
SIZE OF PARKING SPACES / DRIVEWAY AREA	9 FT WIDE 19 FT LONG	NA	NA	

BUILDING COVERAGE TABLE			
	UNITS	EXISTING	PROPOSED
EXISTING HOUSE	SQ.FT	1,801	
EXISTING GARAGE	SQ.FT	545	
TOTAL EXISTING BUILDING COVERAGE	TOTAL	EXISTING 1,346 1,949 4,997 = 40 %	
PROPOSED BUILDING	SQ.FT.		1,727
PROPOSED ACCESSORY STRUCTURE	SQ.FT.		0
TOTAL PROPOSED	SQ.FT.		1,727
TOTAL PROPOSED BUILDING COVERAGE 1,727/4,997 = 35.5 %			

NOTE
1. ALL NEW ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE NFPA 70 2014 EDITION.
2. ALL REF 2020 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.
3. 90 % OF ALL LIGHTING SHALL BE "HIGH EFFICIENCY"

NOTE
ELECTRICAL OUTLETS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND ALL AUTHORITIES HAVING JURISDICTION

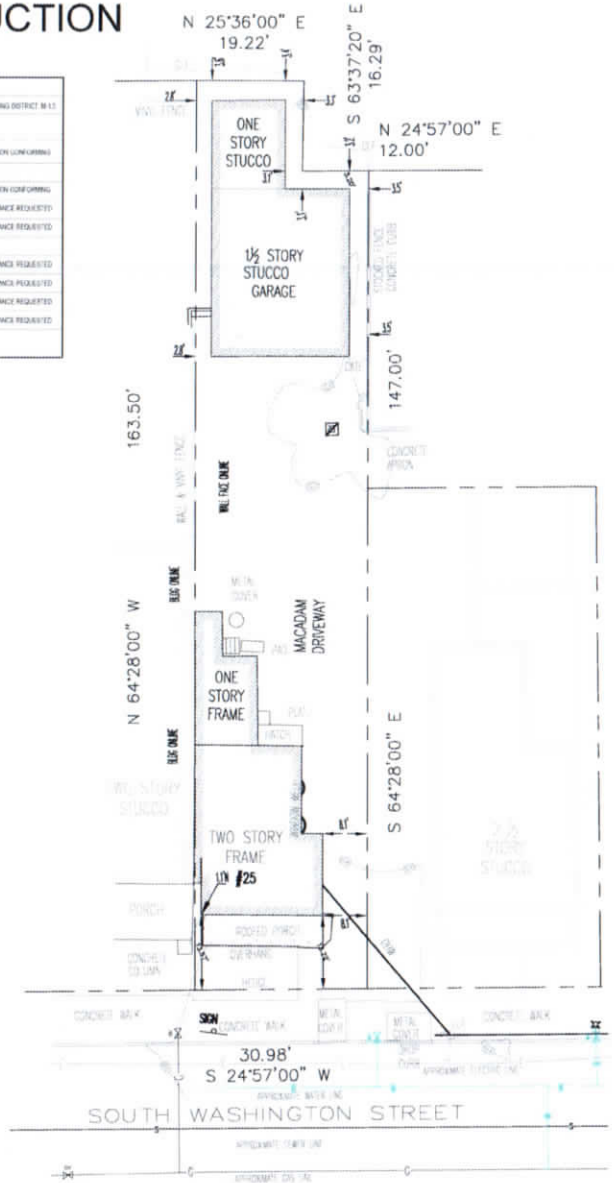
EXTERIOR LIGHTING SINANAJ 25 SOUTH WASHINGTON TARRYTOWN N.Y. 10591	
LIGHT FIXTURE LEGEND	LIGHT FIXTURE SPECIFICATIONS
EXTERIOR PENDANT LIGHT IN INTERIOR SWITCH SET 6-7' ABOVE GRADE	UNIVERSALE OUTDOOR LED WALL LANTERN COLOR TEMPERATURE: 2700K LUMENS: 1200 VOLTAGE: 120 ITEM # TC1167001

Product Options

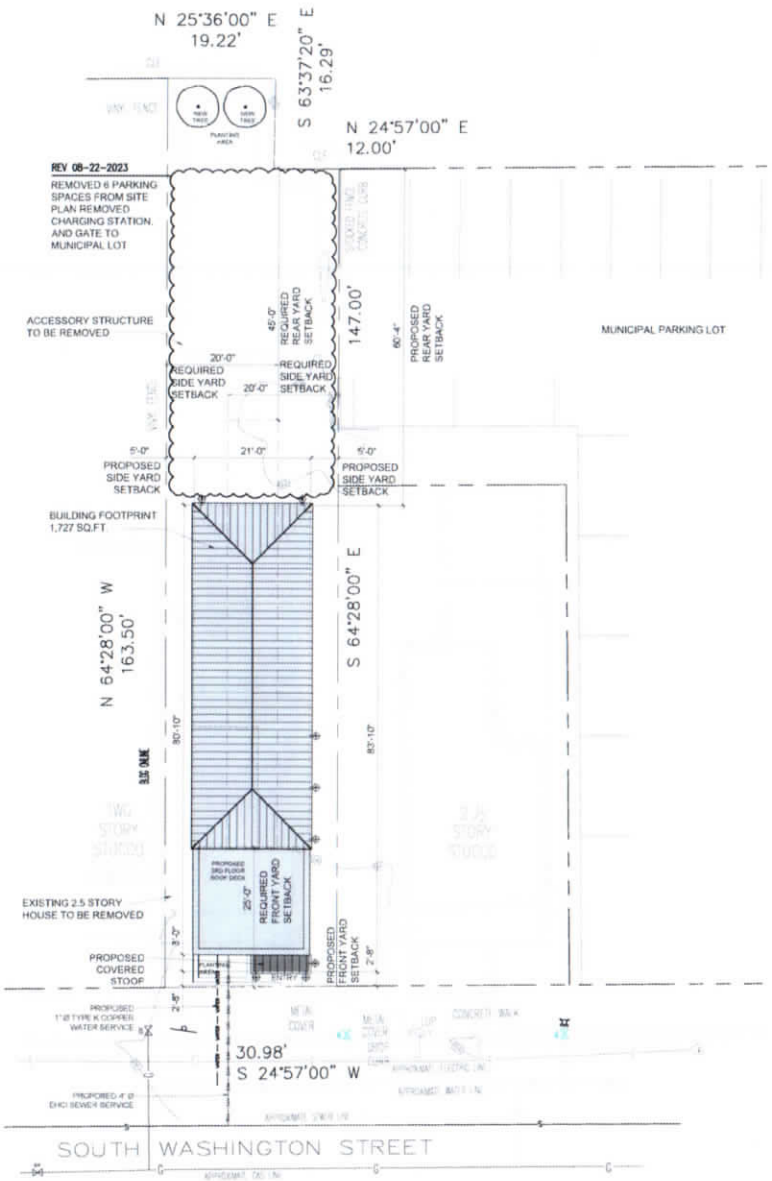
Details

Dimensions

Lighting



EXISTING SITE PLAN
SCALE 1" = 10'-0" GRAPHIC SCALE IN FEET 0 5 10 20



PROPOSED SITE PLAN
SCALE 1" = 10'-0" GRAPHIC SCALE IN FEET 0 5 10 20

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT OF THE UNDERSIGNED, THE PLANS AND SPECIFICATIONS DEPICTED ON THESE DRAWINGS ARE IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE CURRENTLY IN EFFECT.

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
PROJECT NO. 2206

GOTHAM DESIGN
AND COMMUNITY DEVELOPMENT LTD
329 Broadway
Dobbs Ferry, N.Y. 10522
Phone: (914) 693-5093
Fax: (914) 693-5390
email arch329@gmail.com

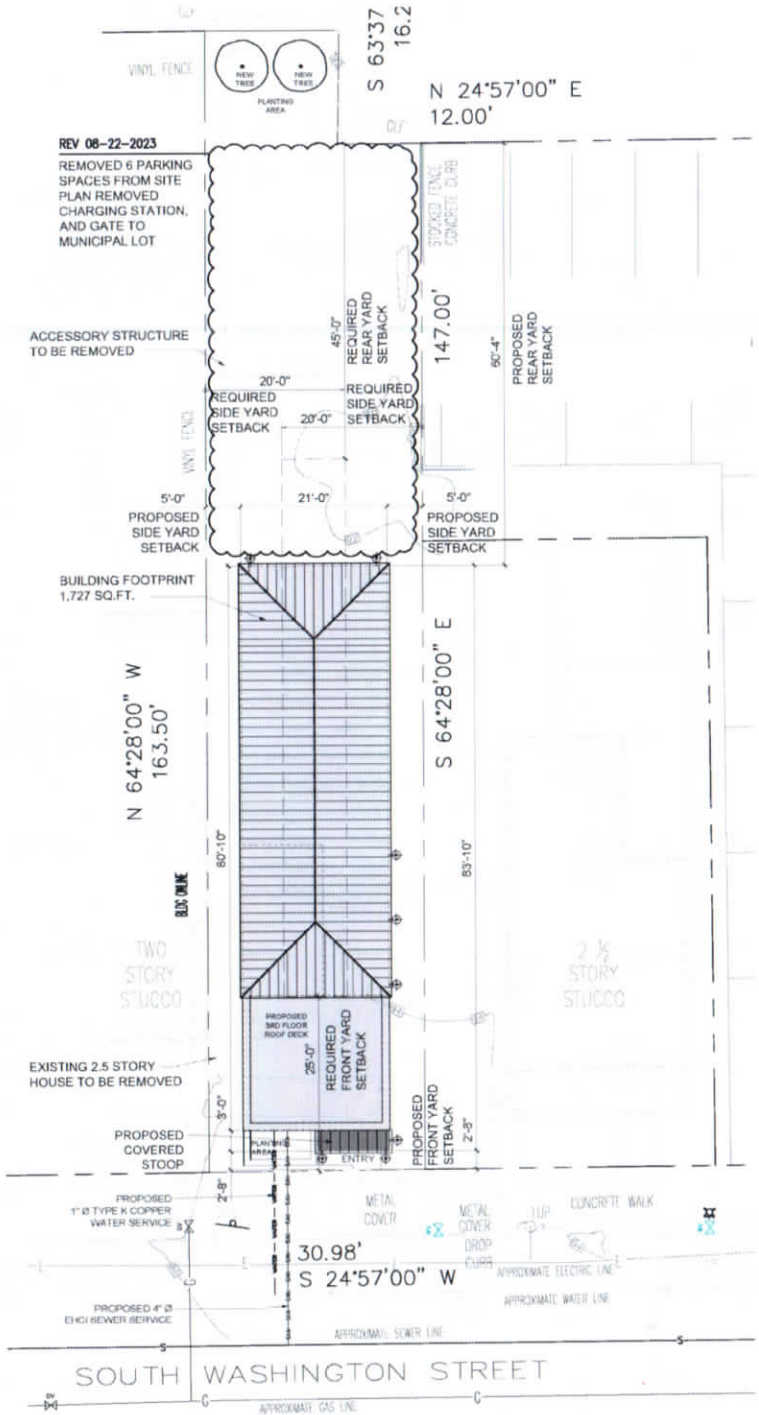
ISSUED / REVISIONS
REVISION 04-22-2023
REMOVED SIX PARKING SPACES FROM SITE PLAN AND ELECTRIC CAR CHARGER REMOVED GATE TO ACCESS MUNICIPAL LOT

SHEET TITLE
EXISTING AND PROPOSED SITE PLANS

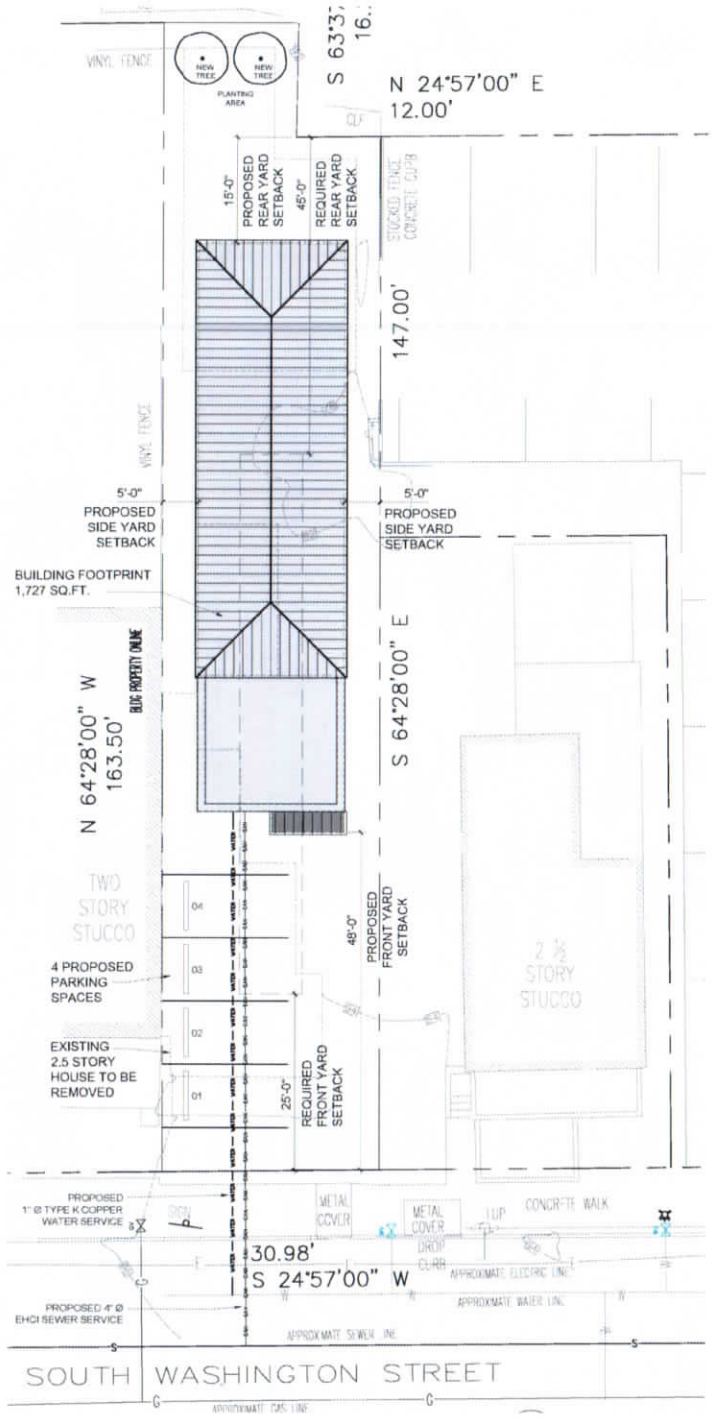
DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

SD-1.1

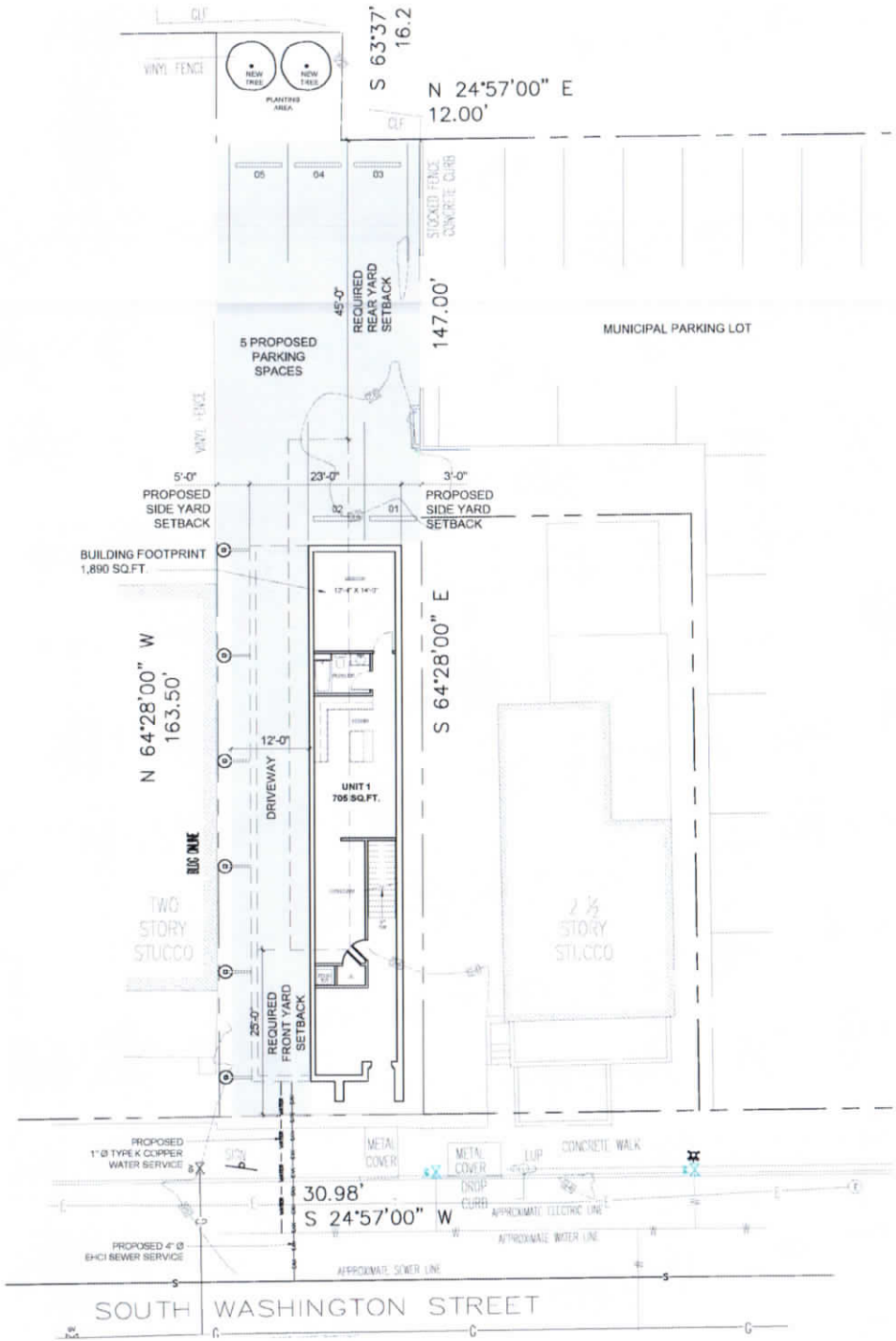
Planning Board Meeting, September 26, 2023

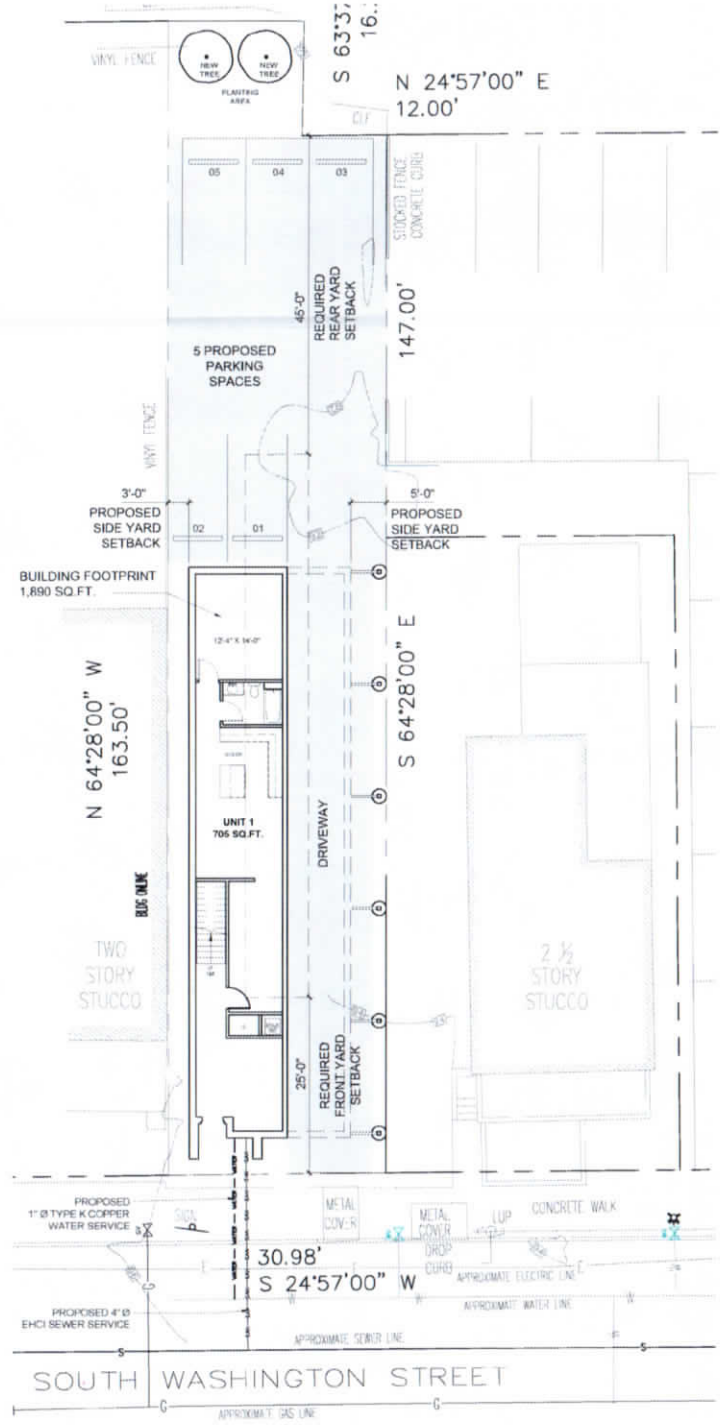


Planning Board Meeting, September 26, 2023

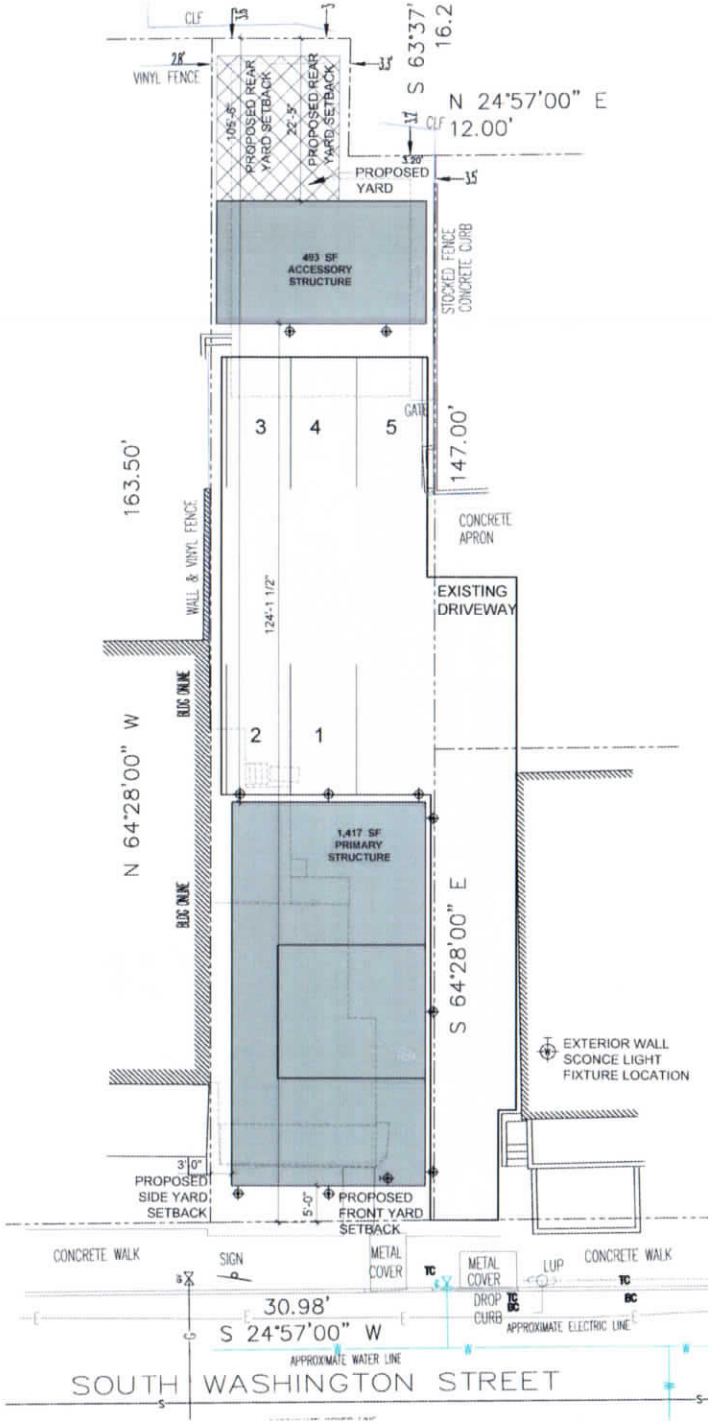


Planning Board Meeting, September 26, 2023

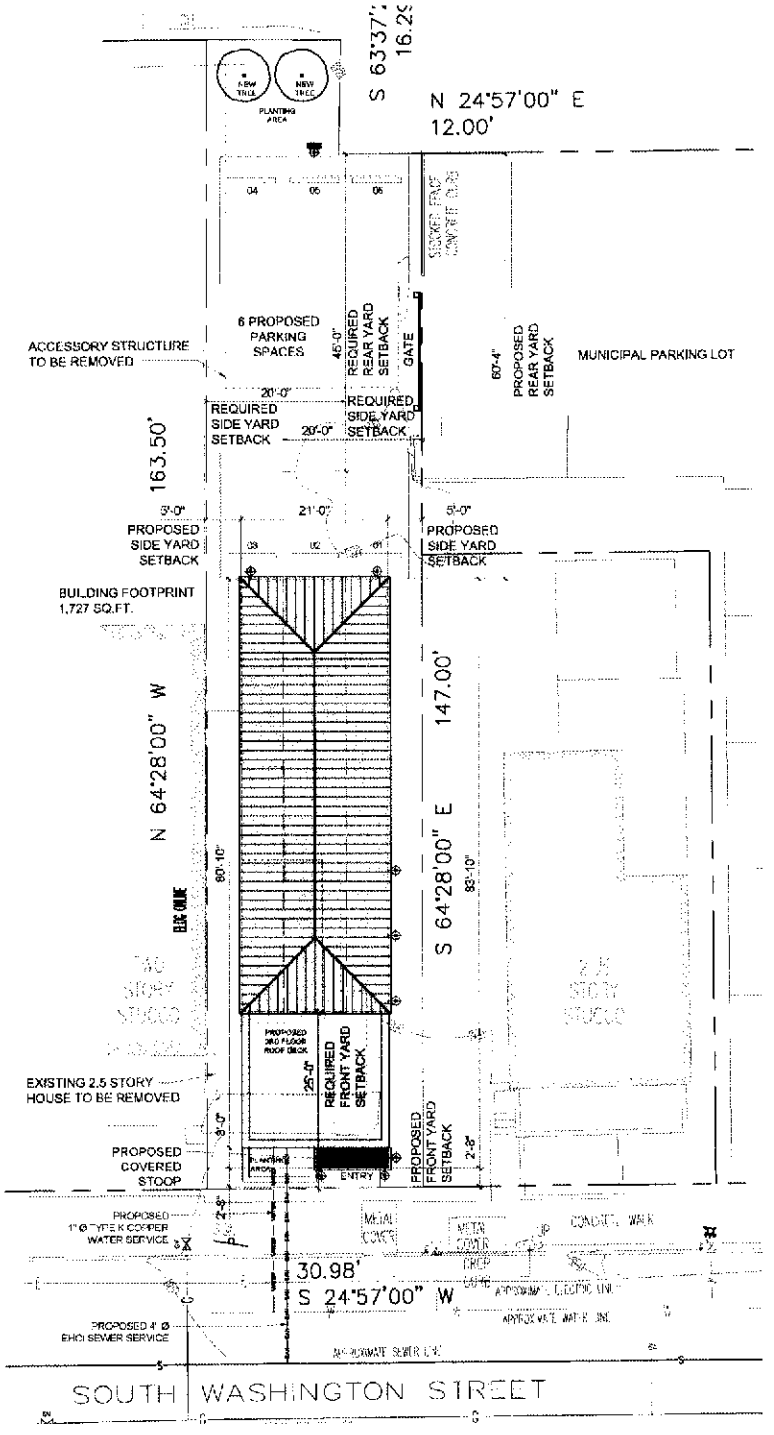




Planning Board Meeting, September 26, 2023



Planning Board Meeting, September 26, 2023



Planning Board Meeting, September 26, 2023

DESIGN ADVISE REQUEST –

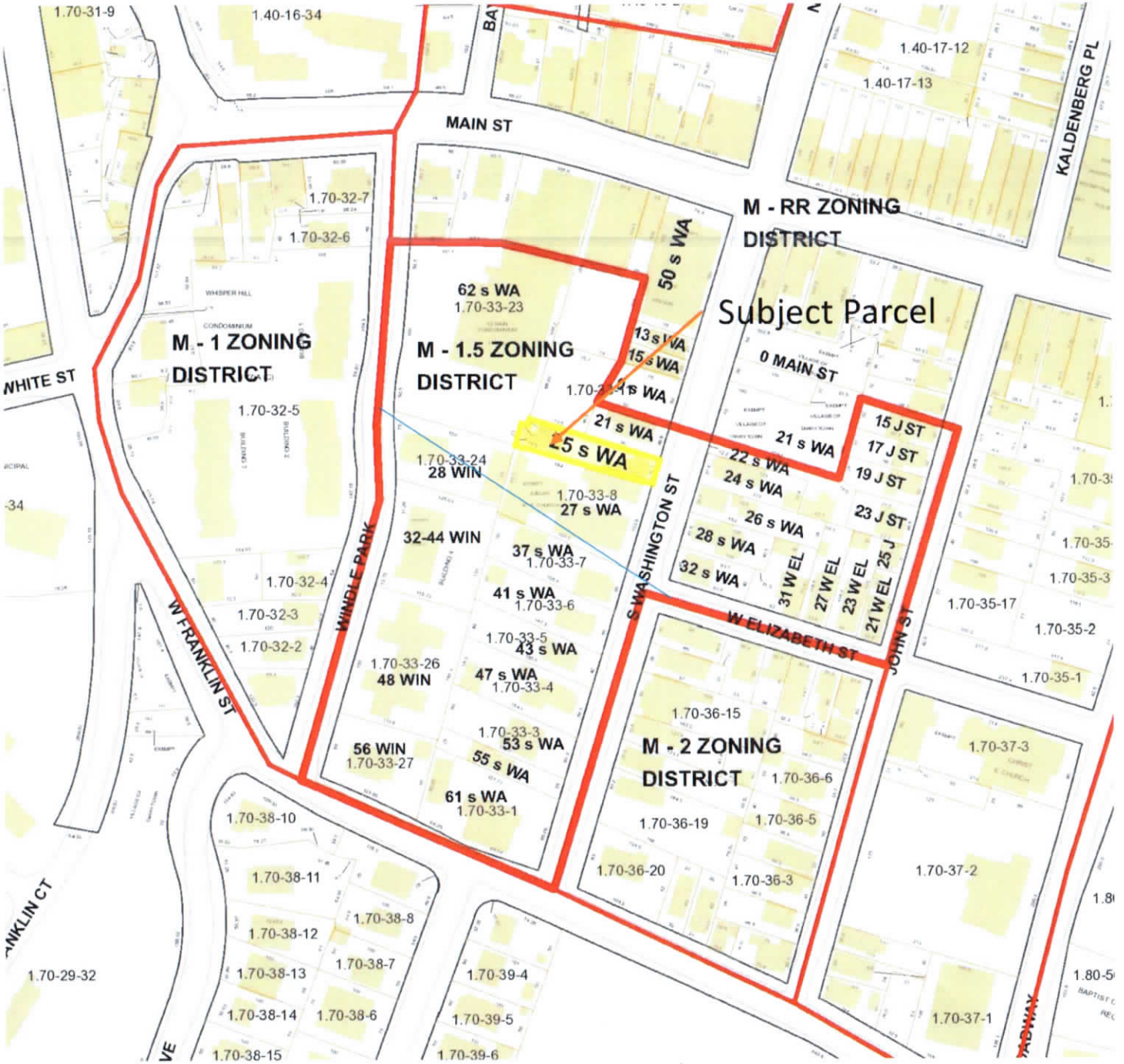
OPTIONS:

1. Access Points
   A. Direct from Washington on 25
   B. Direct from Washington shared
   C. From Municipal Parking Lot

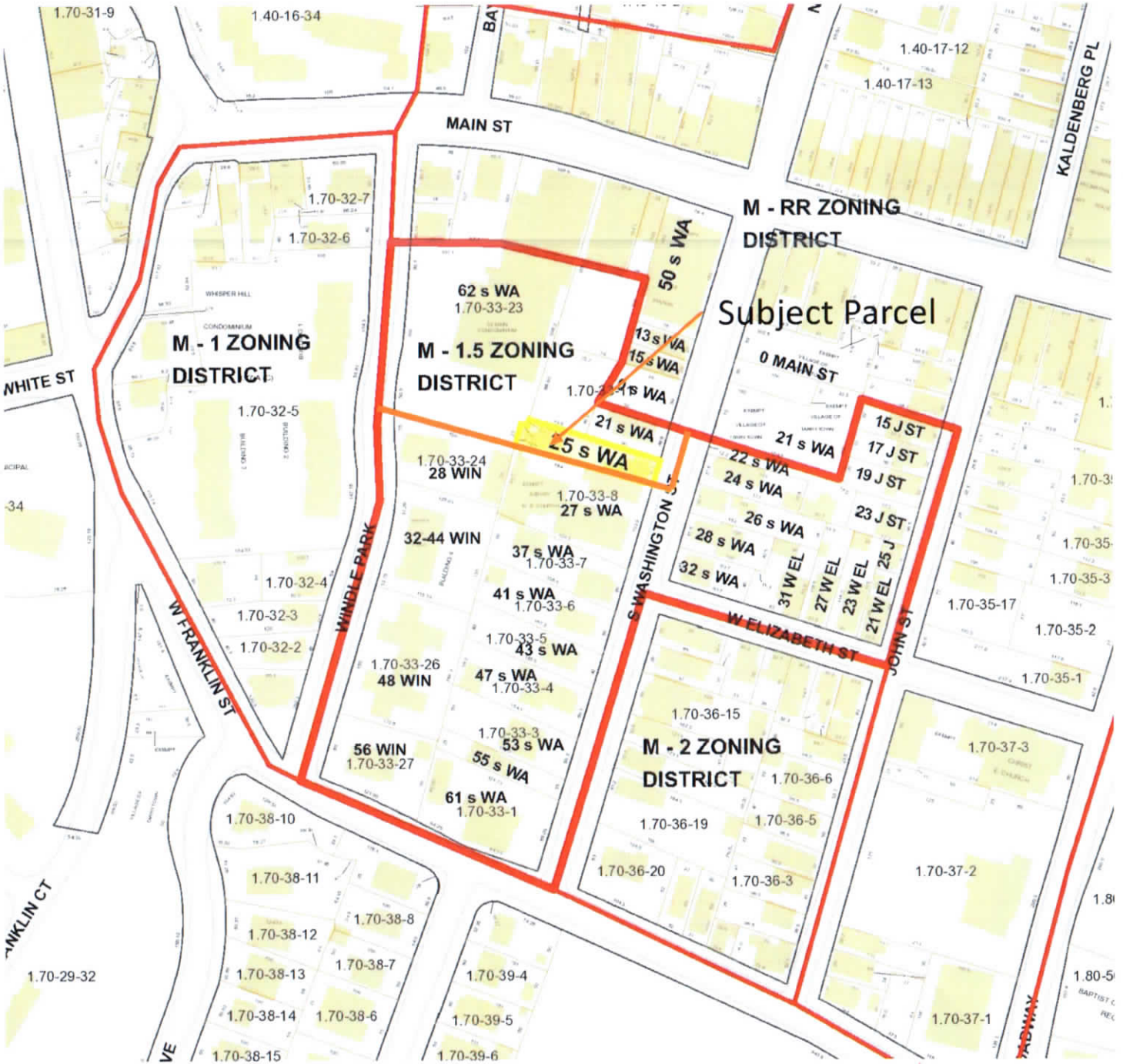
2. Location of Parking
   A. In front of Proposed Building
   B. Behind Proposed Building
   C. Under Proposed Building

3. Number of Units
   Reducing the number from 4 to
   3 units, reduces the variances required.

Planning Board Meeting, September 26, 2023

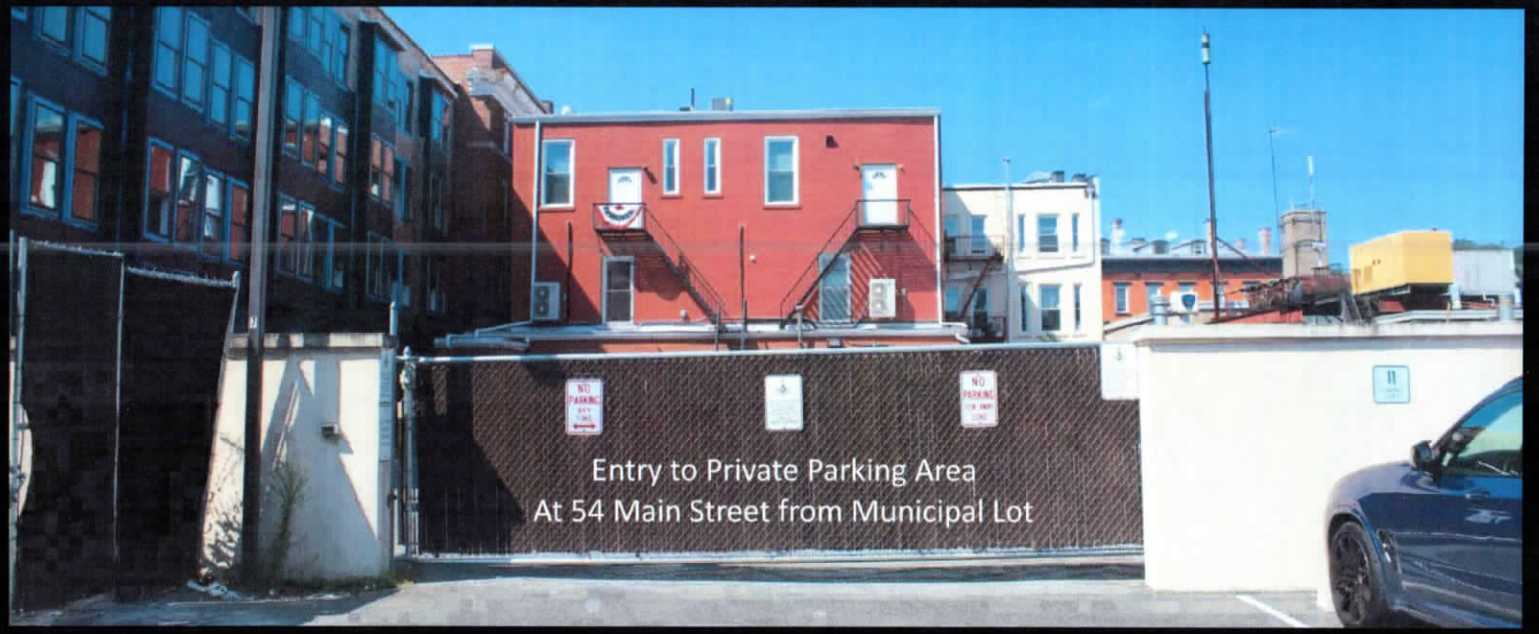


Zoning Board of Appeals Meeting, September 11, 2023



Zoning Board of Appeals Meeting, September 11, 2023

Zoning Board of Appeals Meeting, September 11, 2023



Entry to Private Parking Area
At 54 Main Street from Municipal Lot

Existing Garage on Subject
Parcel to be Removed to
Provide 6 Parking Spaces

Zoning Board of Appeals Meeting, September 11, 2023

25 South Washington Street

Tarrytown, New York

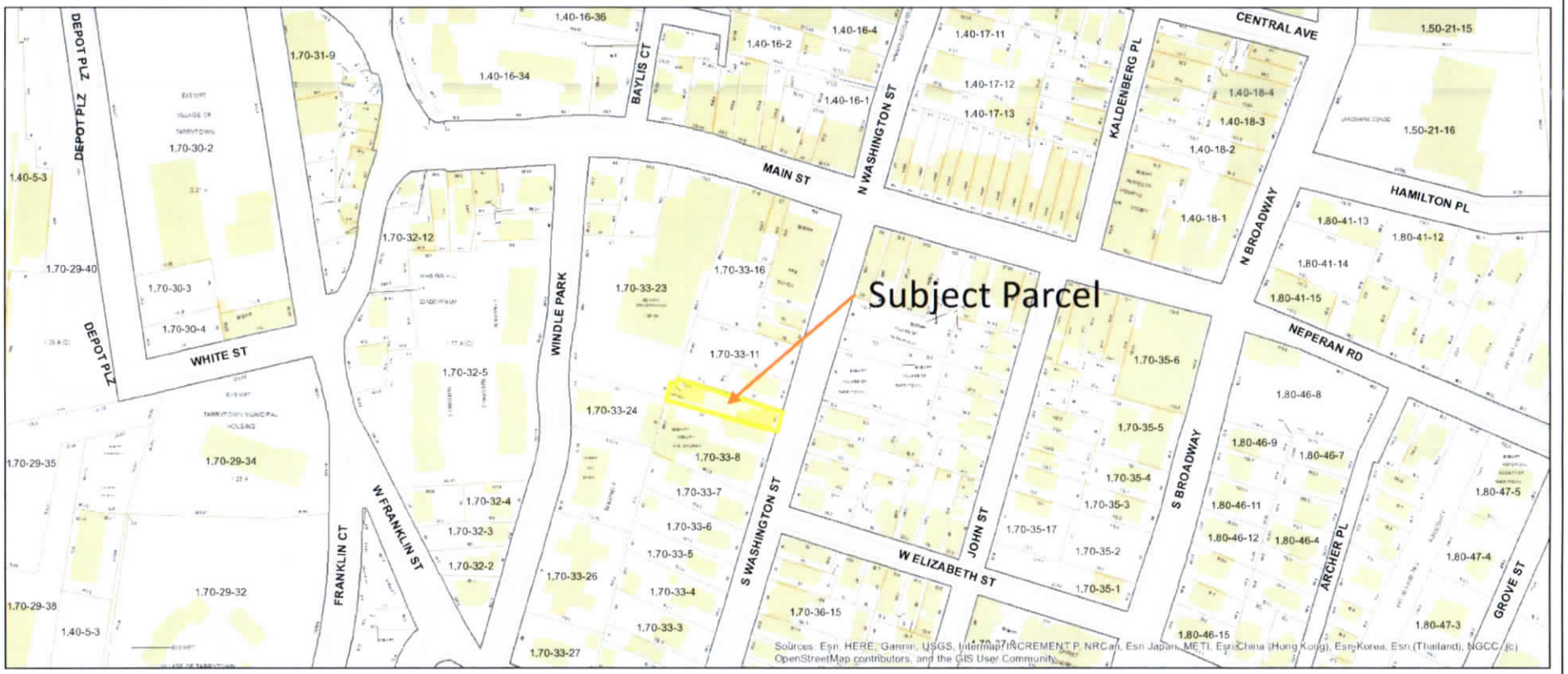
July 23, 2023

1 inch = 140 Feet

0 140 280 420

CAI Technologies

www.cai-tech.com



- Parcel
- Road
- Edge of Pavement
- Parcel ID Label
- Structures

Data displayed on this map is for informational purposes only. Most layers originate from 3rd parties and cannot be verified by the Tax Assessor's office or CAI Technologies. Please consult with department or organization where data originates in order to verify accuracy. Any questions, call Town Assessor's Office: 1-914-989-1520.

Zoning Board of Appeals Meeting, September 11, 2023

25 South Washington Street

Tarrytown, New York

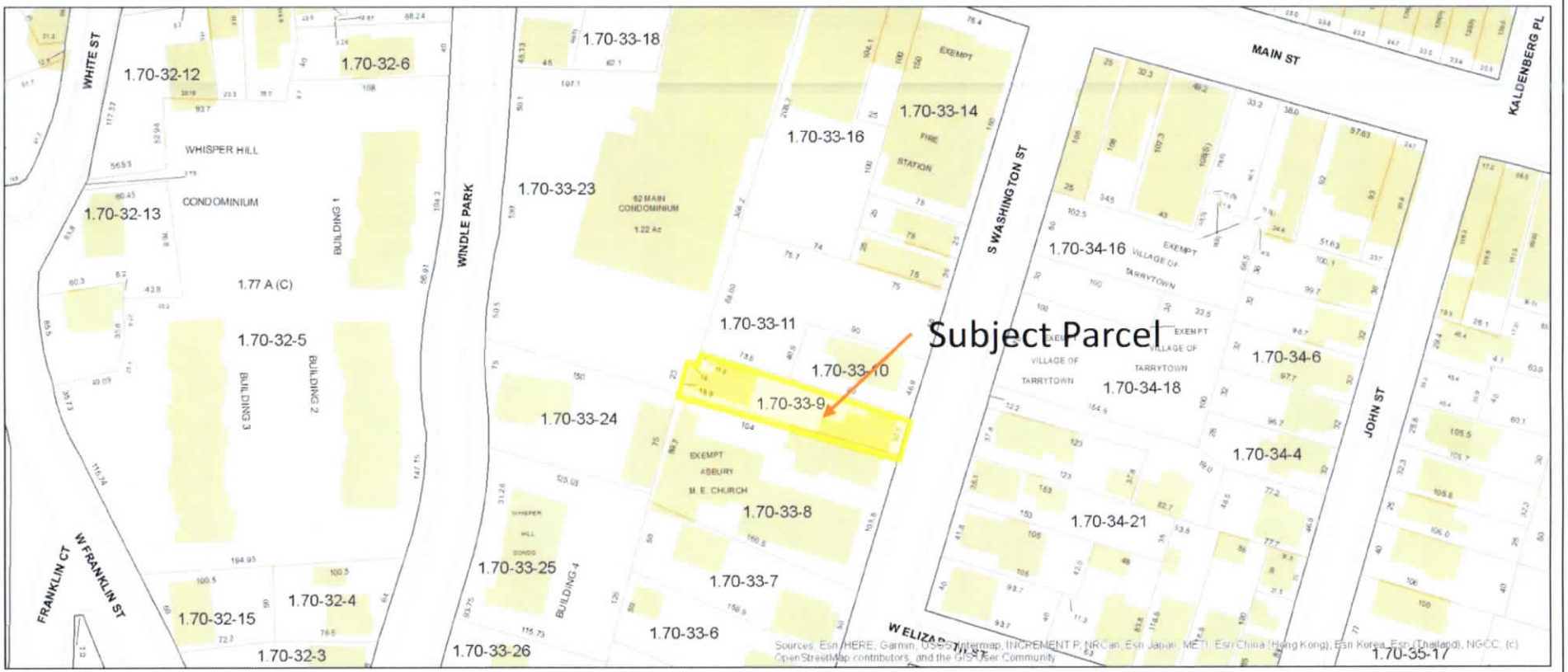
July 23, 2023

1 inch = 70 Feet

0 70 140 210

CAI Technologies

www.cai-tech.com



- Parcel
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Zoning Board of Appeals Meeting, September 11, 2023

25 South Washington Street

Tarrytown, New York

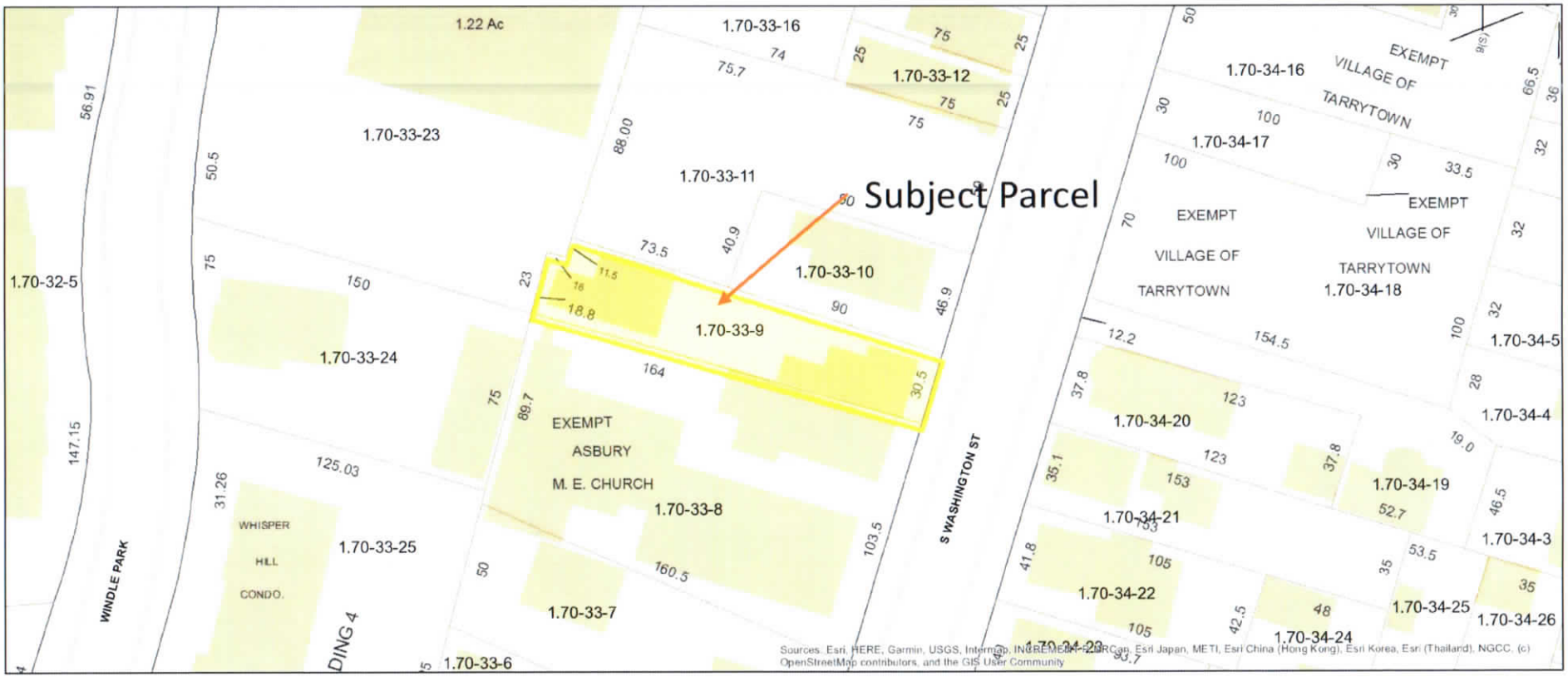
1 inch = 40 Feet

0 40 80 120

July 23, 2023

CAI Technologies

www.cai-tech.com



- Parcel
- Road
- Edge of Pavement
- Parcel ID Label
- Structures

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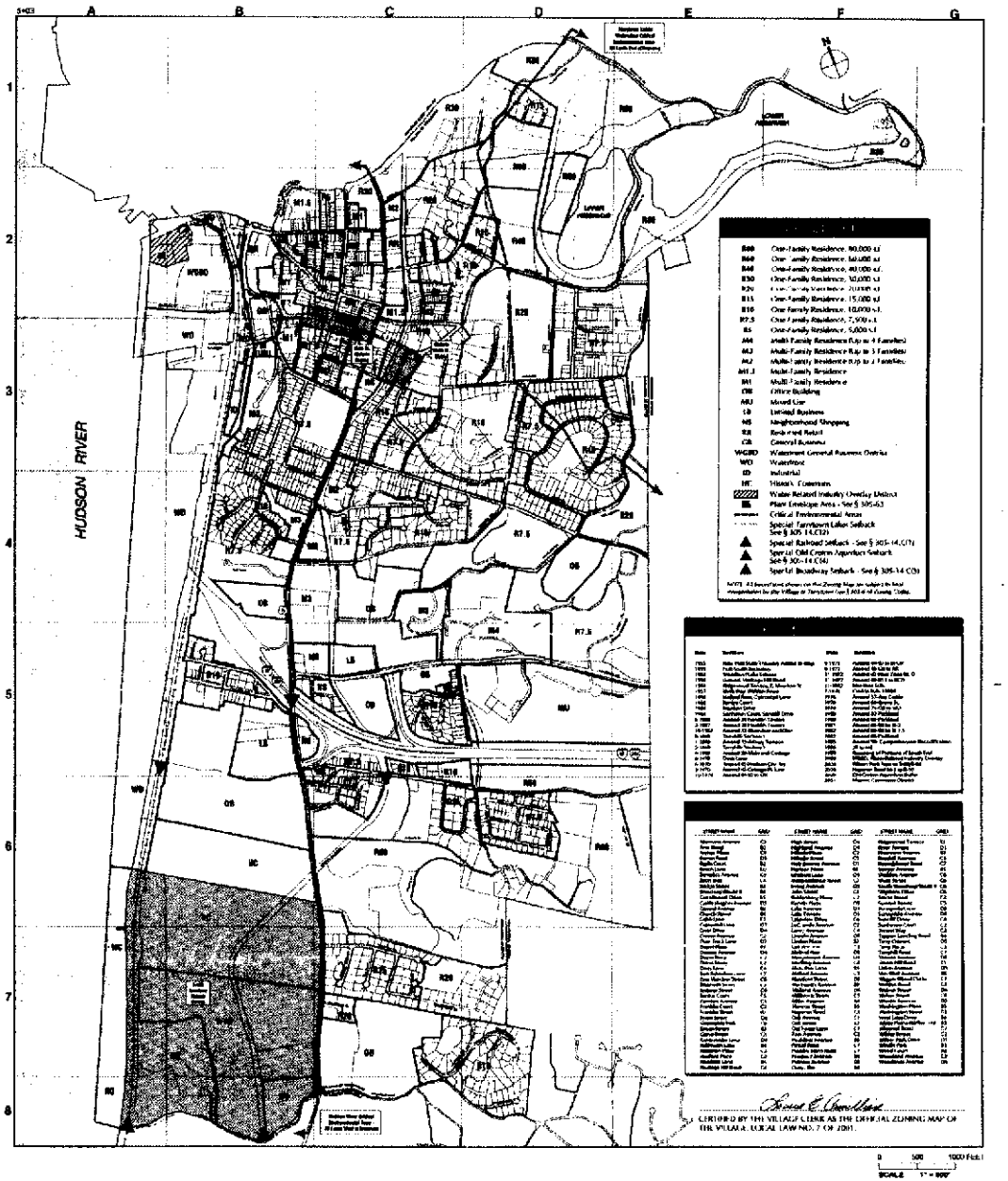
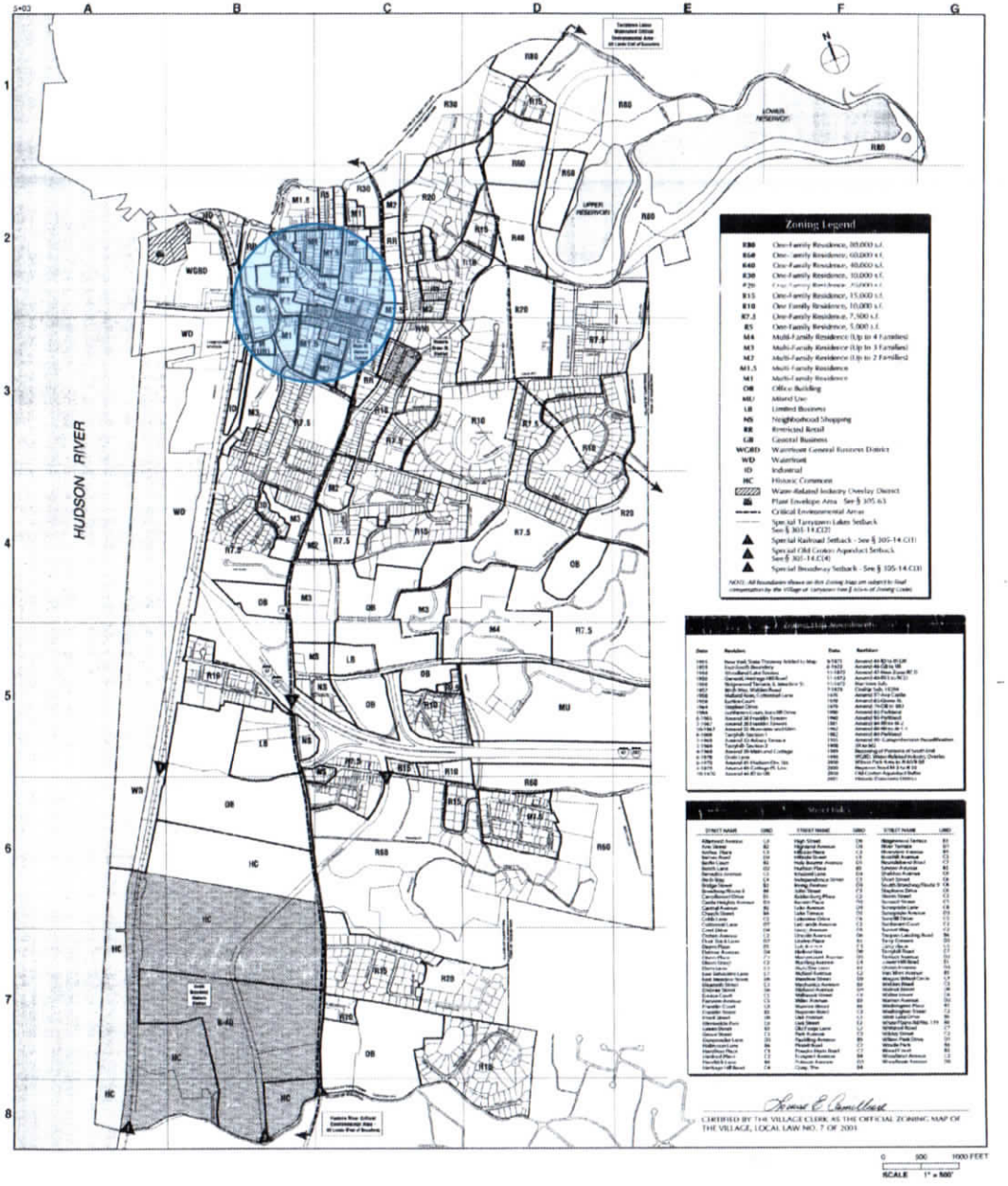
Zoning Board of Appeals Meeting, September 11, 2023



Village of Tarrytown
WESTCHESTER COUNTY, NEW YORK

Zoning Map - § 305-5

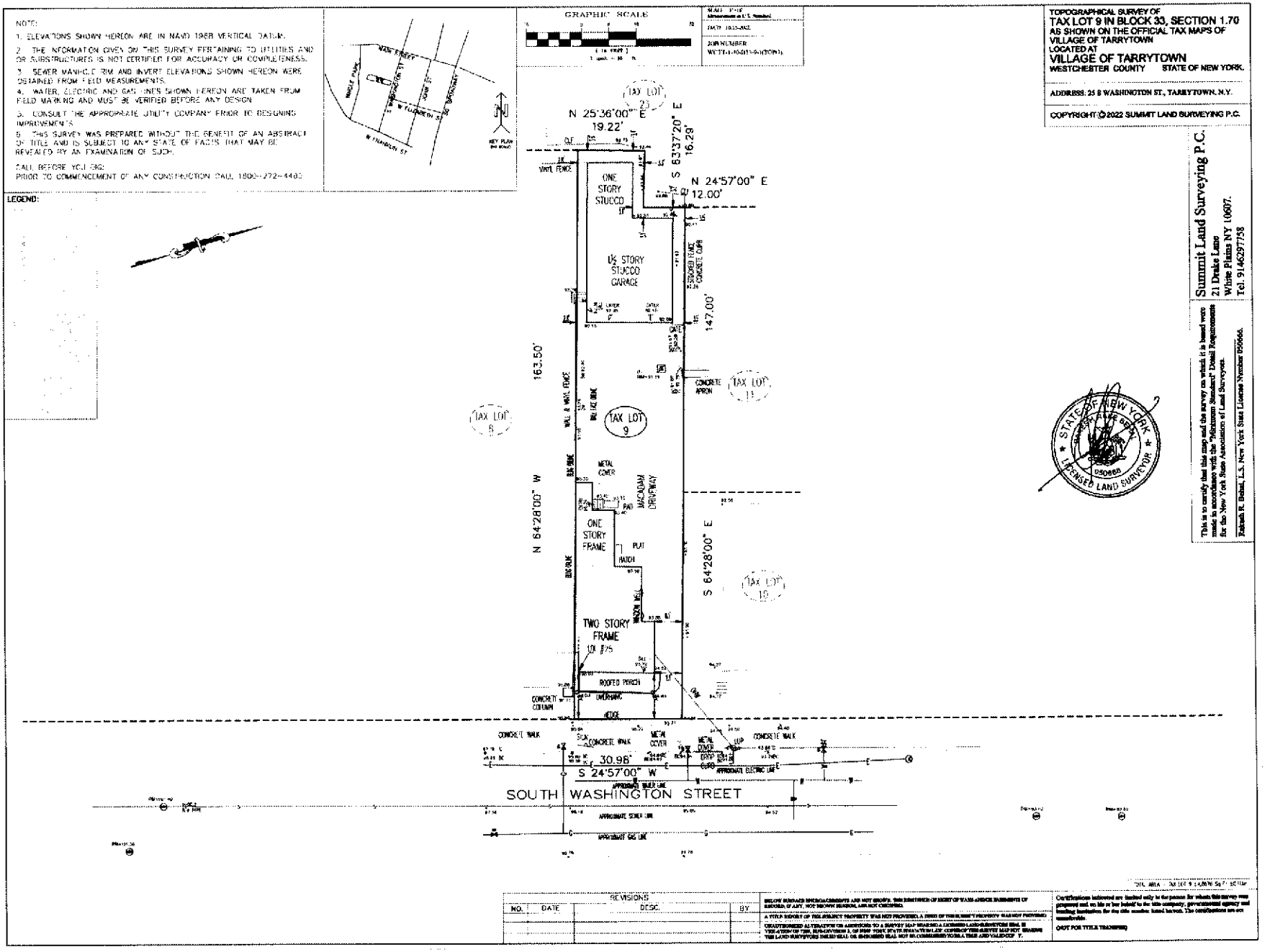
Zoning Board of Appeals Meeting, September 11, 2023



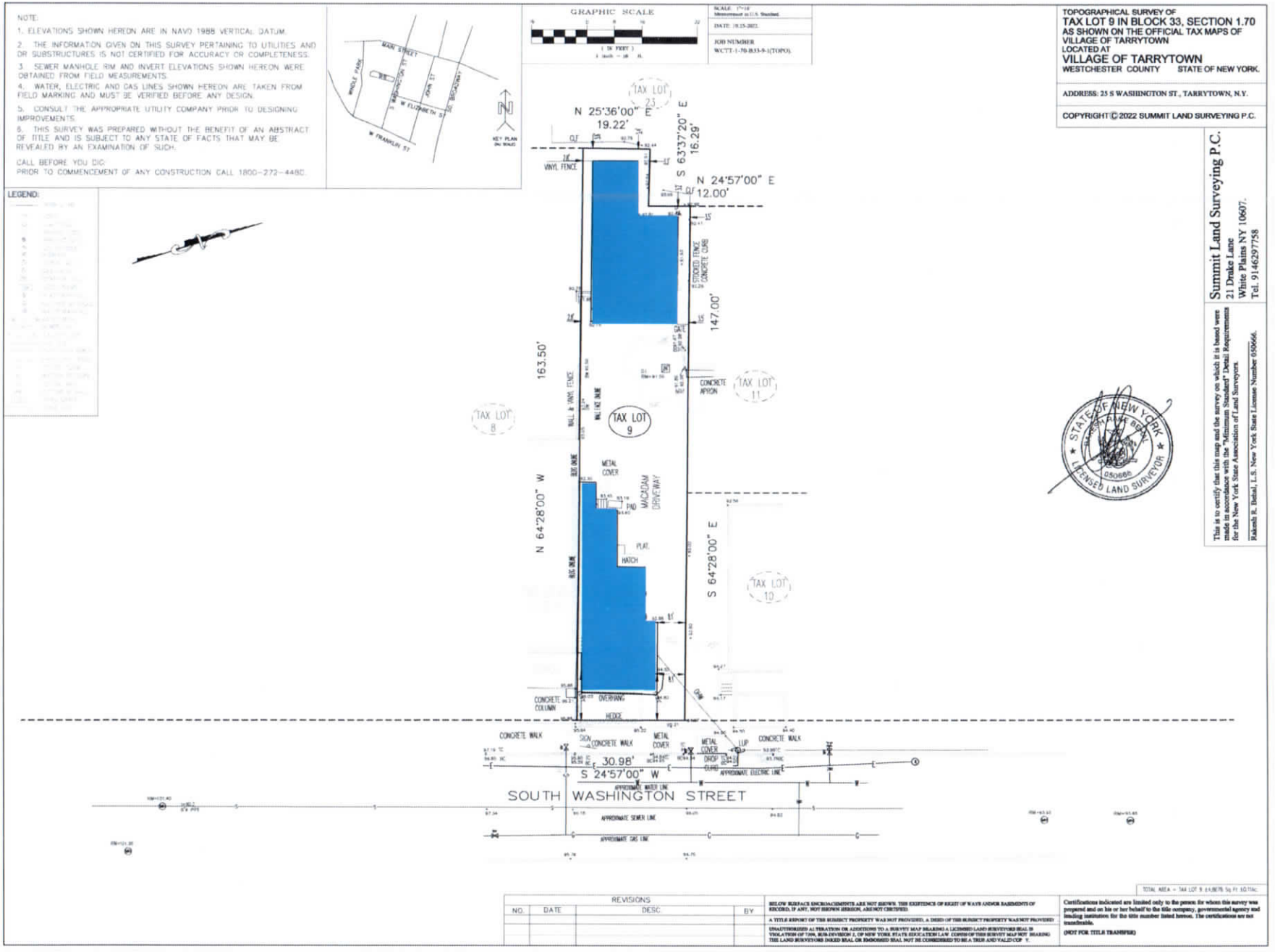
Village of Tarrytown
WESTCHESTER COUNTY, NEW YORK

Zoning Map - § 305-5

Zoning Board of Appeals Meeting, September 11, 2023



Zoning Board of Appeals Meeting, September 11, 2023



Zoning Board of Appeals Meeting, September 11, 2023

305 Attachment 6

Village of Tarrytown

Zoning Schedule
Multifamily Residence Districts

TARRYTOWN CODE

5		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Zone	**Use**	**Minimum Lot Size (square feet)**	**Width at Front of Building (feet)**	**Principal Building Coverage (percent)**	**Accessory Building Coverage (percent)**	**Total Coverage (all buildings) (percent)**	**Minimum Front Yard (feet)**	**Minimum for Each Side Yard (feet)**	**Minimum 2 Side Yards (feet)**	**Minimum Rear Yard (feet)**	**Minimum Distance From Accessory Building to Principal Building (feet)**	**Minimum Distance From Accessory Building to Side Lot Line (feet)**	**Minimum Distance From Accessory Building to Rear Lot Line (feet)**	**Maximum Height (stories)**	**Maximum Height (feet)**	**Minimum Floor Area Per Dwelling Unit (square feet)**	**Zone**
	dwelling units																
M-1.5	3-family dwelling units	11,500	40	30.0	10.0	40.0	20	15	30	45	0	0	0	2.0	35	650	M-1.5
M-1.5	Multifamily	7,500/first unit, 1,500/ each additional unit	40	20.0	15.0	35.0	25	20	40	45	0	0	0			650	M-1.5
M-1.5	Public buildings Ys	0	40	0.0	0.0	0.0	20	0	0	20	0	0	0			0	M-1.5
M-1.5	Nursing home	120,000	120	30.0	0.0	30.0	30	25	50	50	N/A	N/A	N/A	N/A	N/A	N/A	M-1.5
M-1	1-family dwelling units	5,000	50	26.0	6.5	32.5	20	8	18	26	0	0	0			900	M-1
M-1	2-family dwelling units	6,000	50	45.0	10.0	55.0	15	10	20	45	0	0	0			600	M-1
M-1	3-family dwelling units	7,000	50	30.0	20.0	50.0	20	15	30	45	0	0	0			600	M-1
M-1	Multifamily	5,000/first unit, 1,000/ each additional unit	50	15.0	25.0	40.0	25	20	40	45	0	0	0			600	M-1

Rear Yard Setback

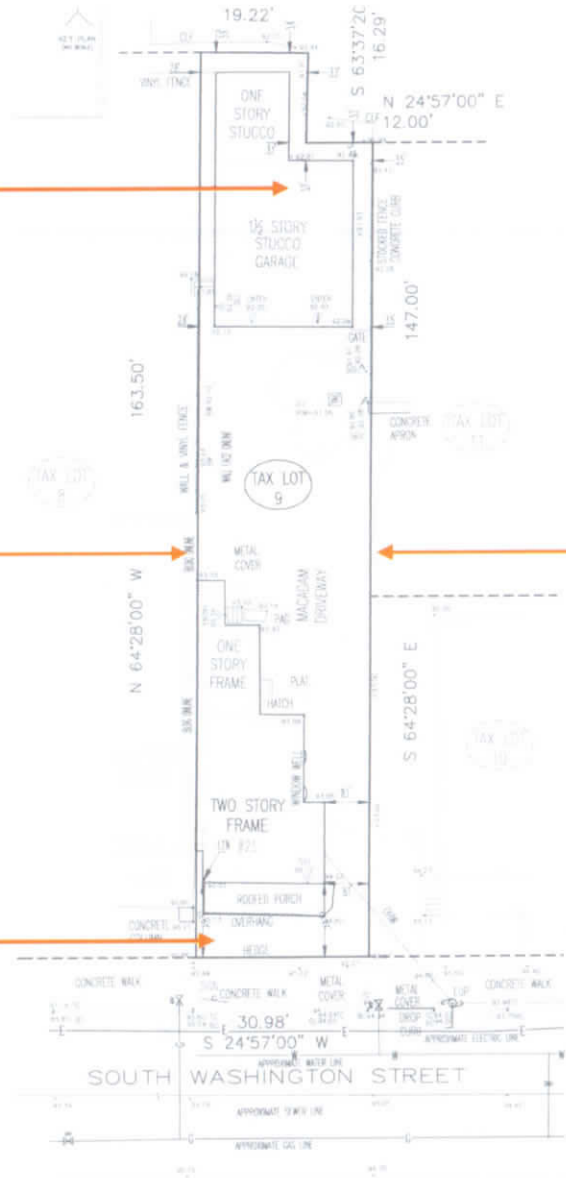
45.00’ Required
79.0’ Existing
60.33’ Proposed

Side Yard Setback

20.0’ Required
0.0’ Existing
5.0’ Proposed

Front Yard Setback

25.00’ Required
13.22’ Existing
5.67’ Proposed



Total Building Coverage

35% Permitted
40% Existing
35.5% Proposed

Total Side Yard Setback

40.0’ Required
6.5’ Existing
10.0’ Proposed

Zoning Board of Appeals Meeting, September 11, 2023

Rear Yard Setback

45.00’ Required
79.0’ Existing
60.33’ Proposed

Side Yard Setback

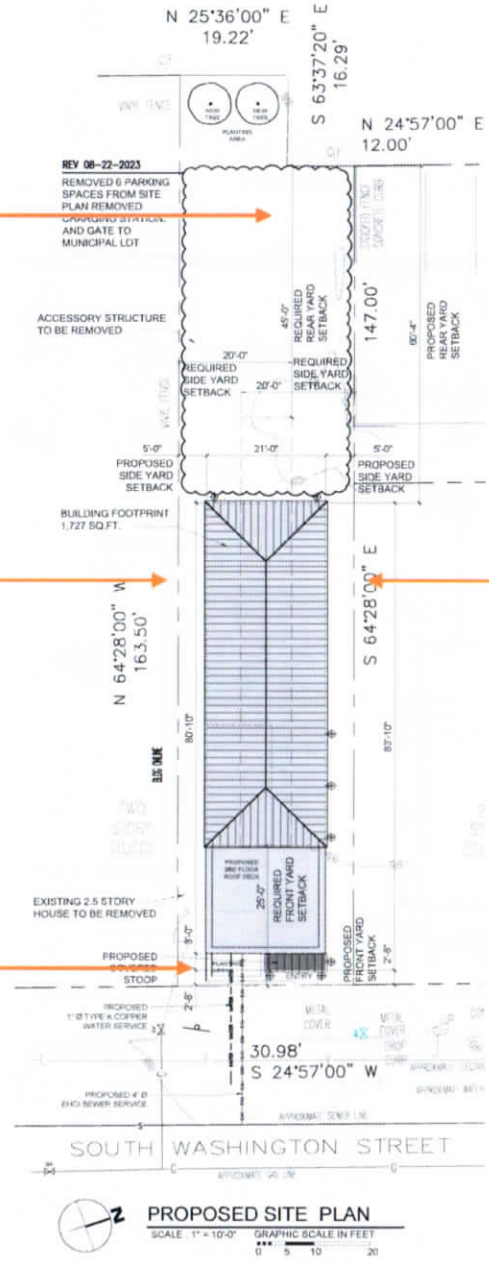
20.0’ Required
0.0’ Existing
5.0’ Proposed

Front Yard Setback

25.00’ Required
13.22’ Existing
5.67’ Proposed

Width of Property

40.0’ Required
31.0’ Existing



Total Building Coverage

35% Permitted
40% Existing
35.5% Proposed

Total Side Yard Setback

40.0’ Required
6.5’ Existing
10.0’ Proposed

Maximum Height

Two Stories Permitted
Three Story Proposed

Minimum Lot Size

12,000 sf Required
4,867 sf Existing

Required Parking

10 Spaces Required
0 Spaces Proposed

Zoning Board of Appeals Meeting, September 11, 2023

25 SOUTH WASHINGTON

TARRYTOWN, N.Y. 10591

LIST OF DRAWINGS		FOR ZBA MEETING 01-10-2023	FOR PB MEETING 07-24-2023	FOR ZBA MEETING 09-11-2023	FOR PB MEETING 09-14-2023
CS	LIST OF DRAWINGS,LOCATION MAPS, DESIGN CRITERIA, AND PERSPECTIVE	● 06-29-2022	● 07-06-2023	● 08-25-2023	● 08-22-2023
SD - 1.0	CONTEXT AREA SITE PLAN AND ELEVATION	● 06-29-2022	● 07-06-2023	● 07-06-2023	● 07-06-2023
SD - 1.1	EXISTING CONDITIONS AND PROPOSED SITE PLAN	● 06-29-2023	● 07-06-2023	● 08-22-2023	● 08-22-2023
SD - 1.2	STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL PLAN/ DETAILS		● 07-06-2023	● 08-22-2023	● 08-22-2023
SD - 2.0	PROPOSED FLOOR PLANS	● 06-29-2023	● 07-06-2023	● 07-06-2023	● 07-06-2023
SD - 3.0	NORTH AND EAST ELEVATIONS	● 06-29-2023	● 07-06-2023	● 07-06-2023	● 07-06-2023
SD - 3.1	SOUTH AND WEST ELEVATIONS	● 06-29-2023	● 07-06-2023	● 07-06-2023	● 07-06-2023
SD - 4.0	PROPOSED BUILDING SECTIONS	● 06-29-2023	● 07-06-2023	● 07-06-2023	● 07-06-2023
SD - 4.1	BUILDING RENDERINGS			● 08-22-2023	● 08-22-2023

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE DEMOLITION OF A 2 STORY SINGLE FAMILY HOUSE AND DETACHED GARAGE. PROPOSED IS THE CONSTRUCTION OF A 3 STORY BUILDING WITH 2 BEDROOM APARTMENTS ON EACH FLOOR FOR A TOTAL OF 1 DWELLING UNITS.

CODE COMPLIANCE NOTES:

1. ALL PROPOSED WORK HAS BEEN DESIGNED IN ACCORDANCE WITH AND SHALL BE PERFORMED AND COMPLETED IN FULL COMPLIANCE WITH THE 2020 NEW YORK STATE RESIDENTIAL BUILDING CODE AND NEW YORK STATE STRETCH CODE.

2. ALL ELECTRICAL WORK HAS BEEN DESIGNED AND SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE NFPA 70 2017 EDITION.

3. ALL PLUMBING WORK HAS BEEN DESIGNED AND SHALL BE PERFORMED IN ACCORDANCE WITH THE 2020 NEW YORK STATE RESIDENTIAL BUILDING CODE.

4. ALL MECHANICAL WORK HAS BEEN DESIGNED AND SHALL BE PERFORMED IN ACCORDANCE WITH THE 2020 NEW YORK STATE RESIDENTIAL BUILDING CODE.

5. THE PROPOSED WORK HAS BEEN DESIGNED IN ACCORDANCE WITH AND SHALL BE PERFORMED AND COMPLETED IN FULL COMPLIANCE WITH THE 2020 NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE – RESIDENTIAL PROVISIONS, LATEST EDITION BY AFFIXING A SEAL AND SIGNING THIS SET OF CONSTRUCTION DOCUMENTS, THE REGISTERED DESIGN PROFESSIONAL HEREBY ATTESTS THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT, THESE PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE CODE.

6. THIS BUILDING IS TYPE 5B CONSTRUCTION.

7. SEPARATE PERMIT REQUIRED FOR FIRE SPRINKLER SYSTEMS AND HVAC UNIT AND DUCTWORK.

NOT FOR CONSTRUCTION

N
SITE LOCATION MAP
NOT TO SCALE

N
VICINITY MAP
NOT TO SCALE

N
AERIAL LOCATION MAP
NOT TO SCALE

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT, I HAVE PREPARED THE PLANS AND SPECIFICATIONS DENOTED ON THESE DRAWINGS AND IN COMPLIANCE WITH THE REASONABLE PROVISIONS OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE (LATEST EDITION).

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
PROJECT No. 22206

GOTHAM DESIGN
AND COMMUNITY DEVELOPMENT LTD
329 Broadway
Dobbs Ferry, N.Y. 10522
Phone: (914) 693-5093
Fax (914) 693-5390
email: arch329@gmail.com

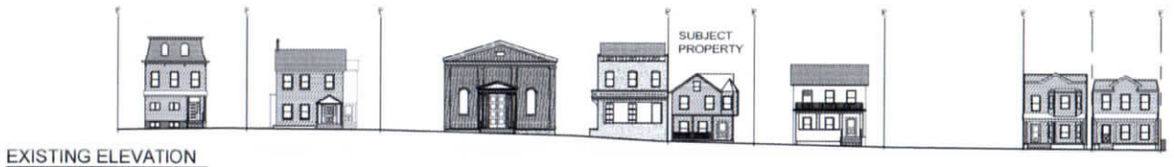
ISSUED / REVISIONS:
REVISED 09-22-2023
REVISED LIST OF DRAWINGS

SHEET TITLE
COVER SHEET

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

CS

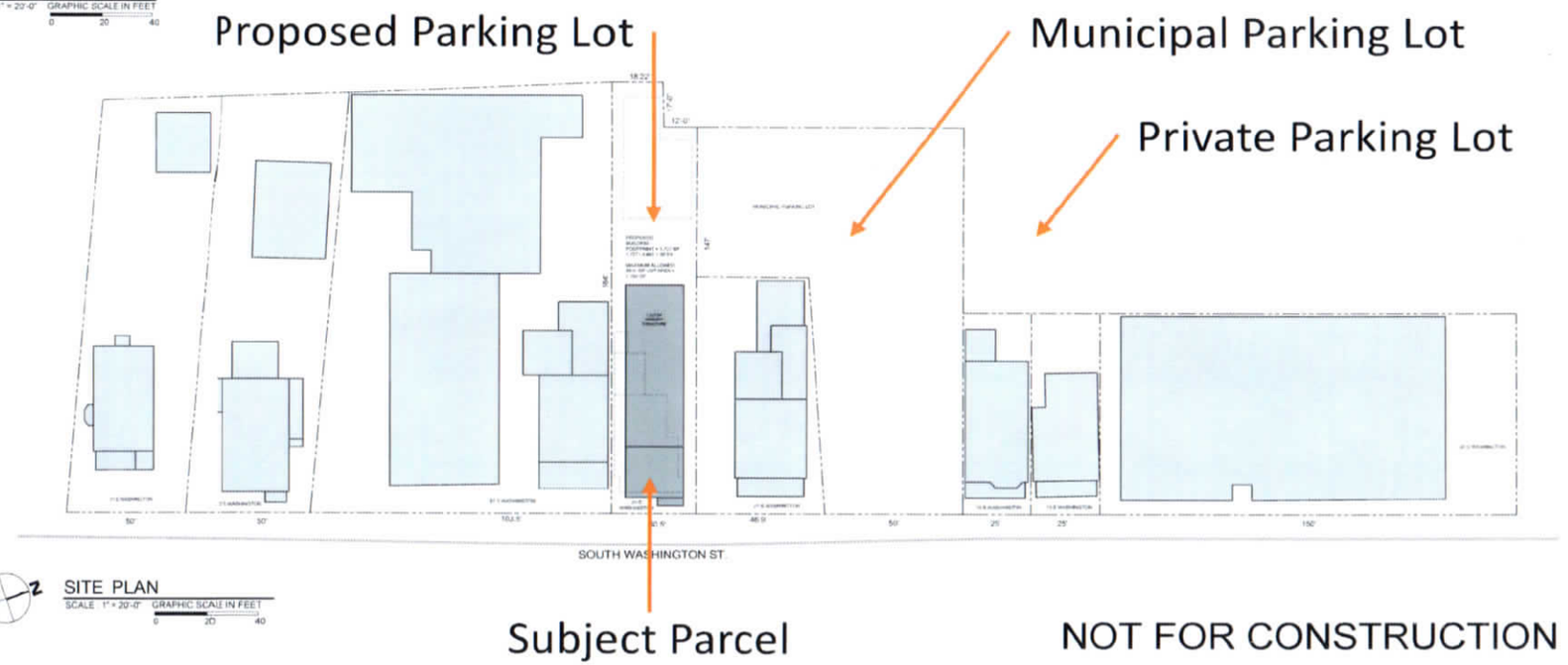
Zoning Board of Appeals Meeting, September 11, 2023



EXISTING ELEVATION
SCALE 1" = 20'-0" GRAPHIC SCALE IN FEET
0 20 40

ADDRESS	NUMBER OF BUILDINGS	NUMBER OF UNITS	LOT AREA	BULDING COVERAGE(SQ FT)	BULDING COVERAGE	ZONING DISTRICT
41 SOUTH WASHINGTON	2	5	8,276	1,565	18.7%	M-1.5
37 SOUTH WASHINGTON	2	3	7,841	2,395	30.5%	M-1.5
27 SOUTH WASHINGTON	3	RELIGIOUS	16,466	9,330.5	56.2%	M-1.5
25 SOUTH WASHINGTON	2	1	4,867	1,946	40.0%	M-1.5
21 SOUTH WASHINGTON	1	5	3,460	1,888	54.1%	M-1.5
19 SOUTH WASHINGTON	1	2	1,675	1,053	58.1%	M-1.5
15 SOUTH WASHINGTON	1	2	1,675	1,322	79.1%	M-1.5
50 SOUTH WASHINGTON	1	FIRE STATION	11,326	8,147.5	71.9%	RR
9 SOUTH WASHINGTON	1	PARKING LOT	7,400			M-1.5

PROPOSED ELEVATION
SCALE 1" = 20'-0" GRAPHIC SCALE IN FEET
0 20 40



SITE PLAN
SCALE 1" = 20'-0" GRAPHIC SCALE IN FEET
0 20 40

NOT FOR CONSTRUCTION

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT OF THE UNDERSIGNED, THE PLANS AND SPECIFICATIONS DEPICTED ON THESE DRAWINGS ARE IN COMPLIANCE WITH THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE CURRENTLY IN EFFECT.

WARNING
IT IS A VIOLATION OF THE NEW YORK STATE EDUCATIONAL LAW ARTICLE 145 SEC. 7209 FOR ANY PERSON, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ARCHITECT, ENGINEER OR LAND SURVEYOR TO ALTER ANY ITEM IN ANY WAY.

Integral Engineering Services
27 Main Street
Dobbs Ferry, NY 10522
914-479-0142 (o)
914-479-0143 (f)
info@integralengserv.com
www.integralengs.com

PROJECT TITLE:
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
PROJECT NO: 2206

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Fax: (914) 693-5390
email arch329@gmail.com

ISSUED / REVISIONS

SHEET TITLE:
STREETSCAPE SITE PLAN

DATE: 4-20-2022	DRAWN BY: SSJ
SCALE: AS NOTED	CHECKED BY: PRS

SD-1.0

Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION

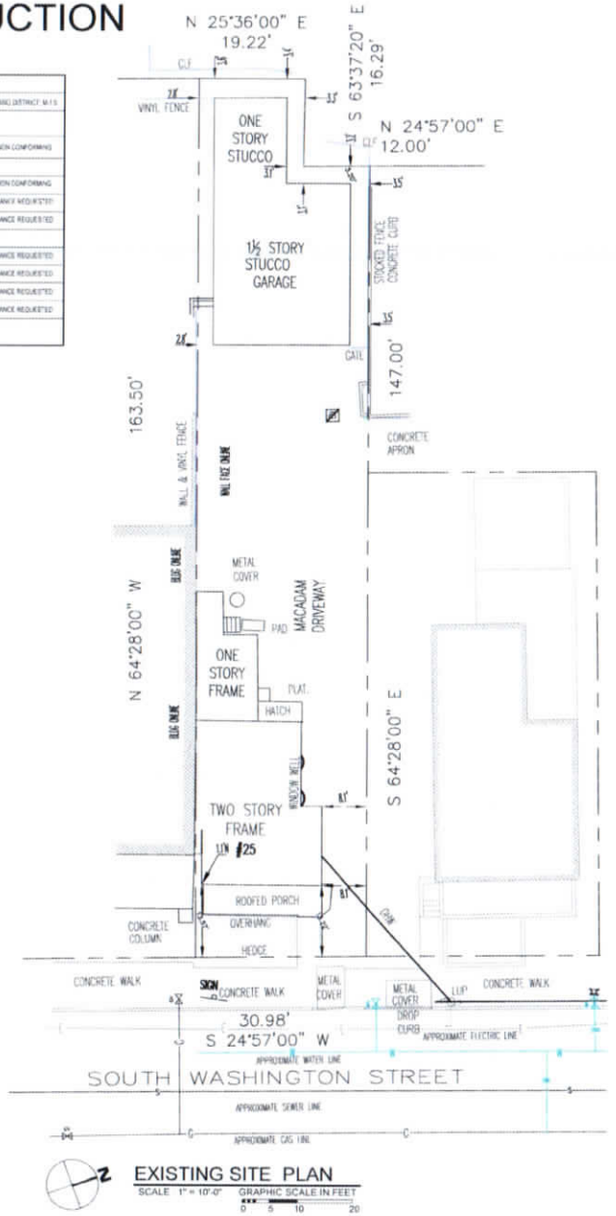
ZONING TABLE				
25 SOUTH WASHINGTON STREET, TARRYTOWN, N.Y. 10591				ZONING DISTRICT: M-1.5
	REQUIRED/PERMITTED	EXISTING	PROPOSED	
LOT AREA	12,000 SF	4,607 SF	4,607 SF	EX. NON CONFORMING
TOTAL OF DWELLING UNITS	4	1	4	
LOT WIDTH FRONTAGE	40 FT	30.98 FT	30.98 FT	EX. NON CONFORMING
BUILDING COVERAGE	15%	40.6%	16.5% (1,727 SF)	VARIANCE REQUIRED
FRONT YARD SETBACK	25 FT	8 FT	8.0 FT	VARIANCE REQUIRED
REAR YARD SET BACK	45 FT	67 FT	66.33 FT	
SIDE ONE	20 FT	0 FT	5 FT	VARIANCE REQUIRED
SIDE TWO	20 FT	0.5 FT	5 FT	VARIANCE REQUIRED
BUILDING HEIGHT	2 STORIES 35 FT.	2.5 STORIES	3 STORIES (35 FT)	VARIANCE REQUIRED
PARKING SPACE	2.5 PER UNIT	NA	6	VARIANCE REQUIRED
SIZE OF PARKING SPACES, DRIVEWAY AREA	9 FT WIDE 18 FT. LONG	NA	NA	

BUILDING COVERAGE TABLE			
	UNITS	EXISTING	PROPOSED
EXISTING HOUSE	SQ.FT	1,168	
EXISTING GARAGE	SQ.FT	543	
TOTAL EXISTING BUILDING COVERAGE	TOTAL	EXISTING 1,946 / 1,946 / 4,607 = 42 %	
PROPOSED BUILDING	SQ.FT		1,727
PROPOSED ACCESSORY STRUCTURE	SQ.FT		0
TOTAL PROPOSED	SQ.FT		1,727
TOTAL PROPOSED BUILDING COVERAGE 1,727/4,607 = 38.5 %			

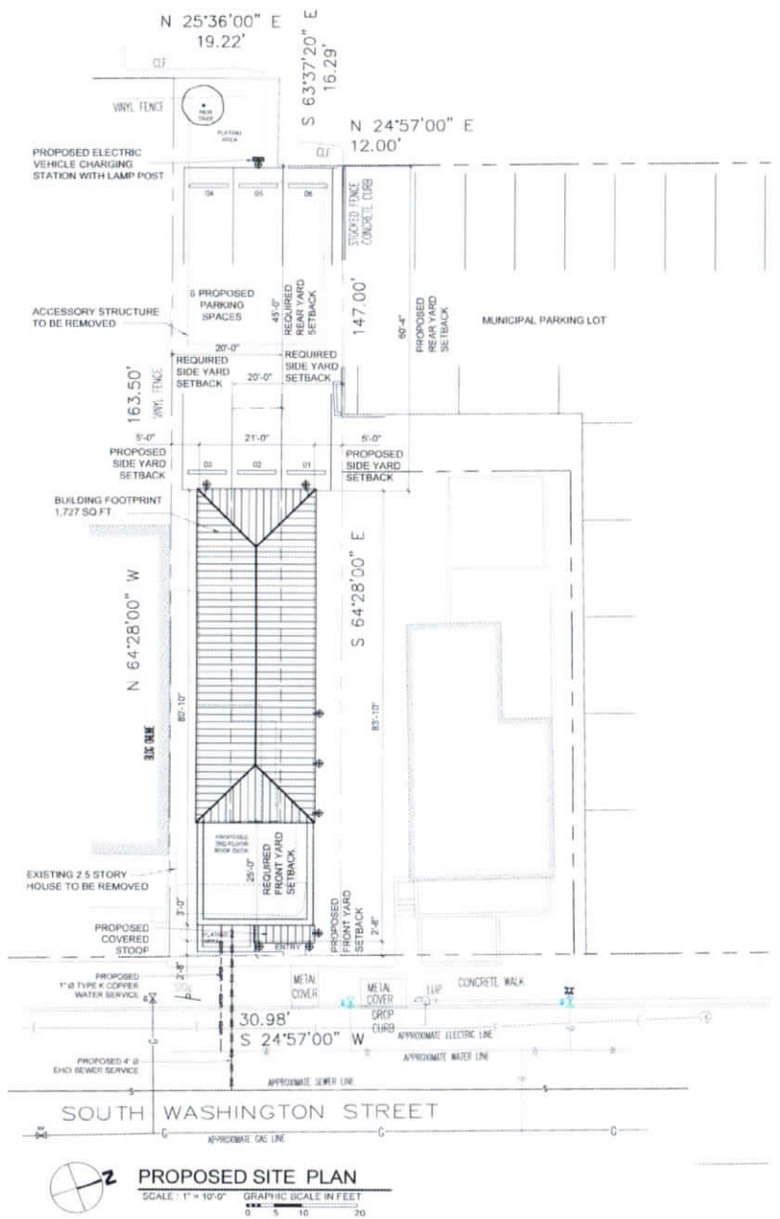
NOTE:
1. ALL NEW ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE, NFPA 70, 2014 EDITION.
2. AS PER 2020 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE, 90 % OF ALL LIGHTING SHALL BE "HIGH EFFICIENCY".

NOTE:
ELECTRICAL OUTLETS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND ALL AUTHORITIES HAVING JURISDICTION

EXTERIOR LIGHTING SINANAJ 25 SOUTH WASHINGTON TARRYTOWN N.Y. 10591	
LIGHT FIXTURE LEGEND	LIGHT FIXTURE SPECIFICATIONS
EXTERIOR PENDANT LIGHT W/ INTERIOR SWITCH SET 8'-0" ABOVE GRADE	URBANSCALE OUTDOOR LED WALL LANTERN COLOR TEMPERATURE 2700K LUMENS: 1000 VOLTAGE: 120 FIXMATTEC 07903



EXISTING SITE PLAN
SCALE 1" = 10'-0" GRAPHIC SCALE IN FEET 0 5 10 20



PROPOSED SITE PLAN
SCALE 1" = 10'-0" GRAPHIC SCALE IN FEET 0 5 10 20

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET
TARRYTOWN, N.Y. 10591
PROJECT NO. 2206

GOTHAM DESIGN AND COMMUNITY DEVELOPMENT LTD
329 Broadway
Dobbs Ferry, N.Y. 10522
Phone: (914) 693-5093
Fax: (914) 693-3390
email: arch329@gmail.com

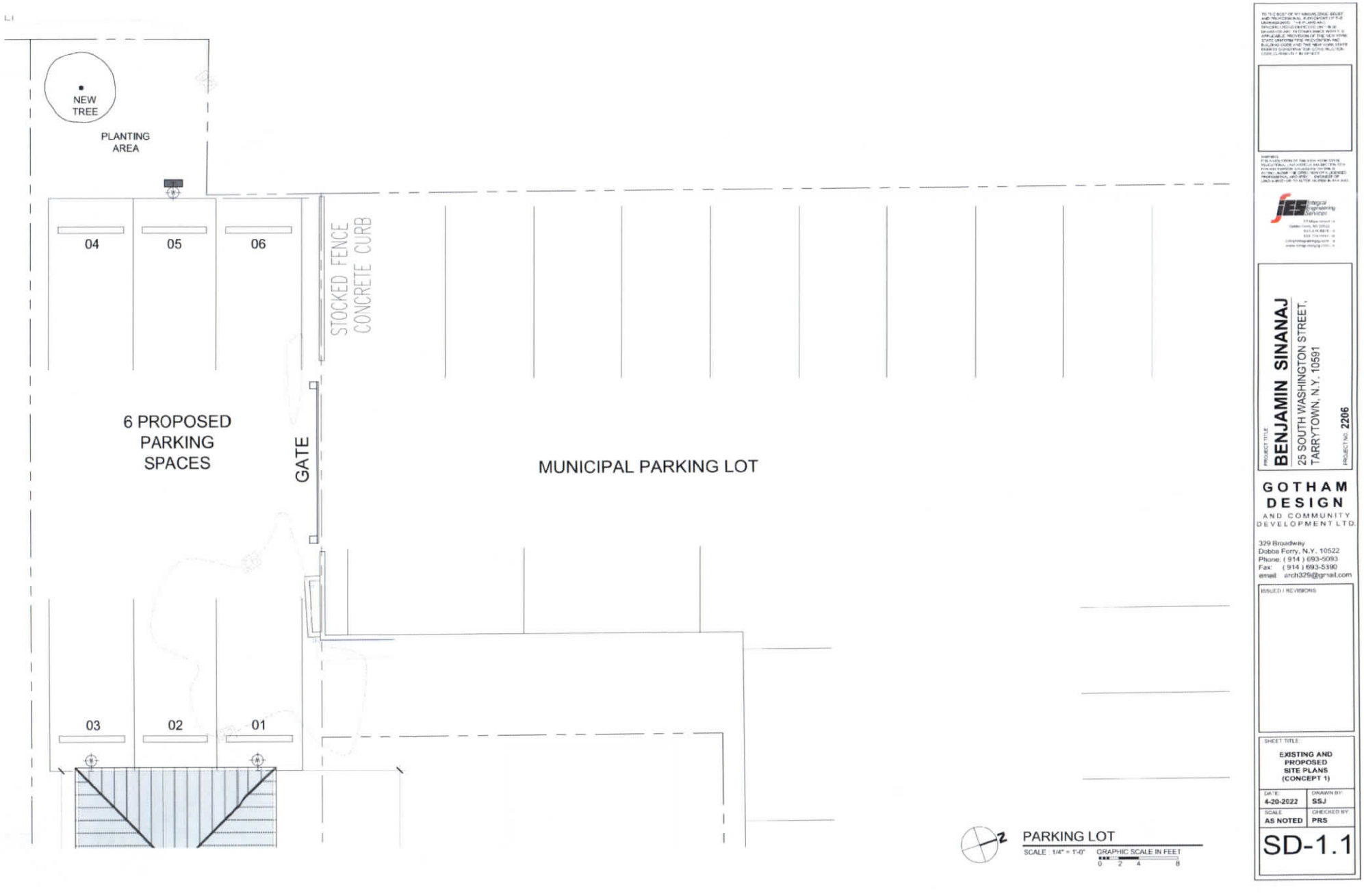
ISSUED / REVISIONS

SHEET TITLE
EXISTING GROUND PROPOSED SITE PLAN (CONCEPT 1)

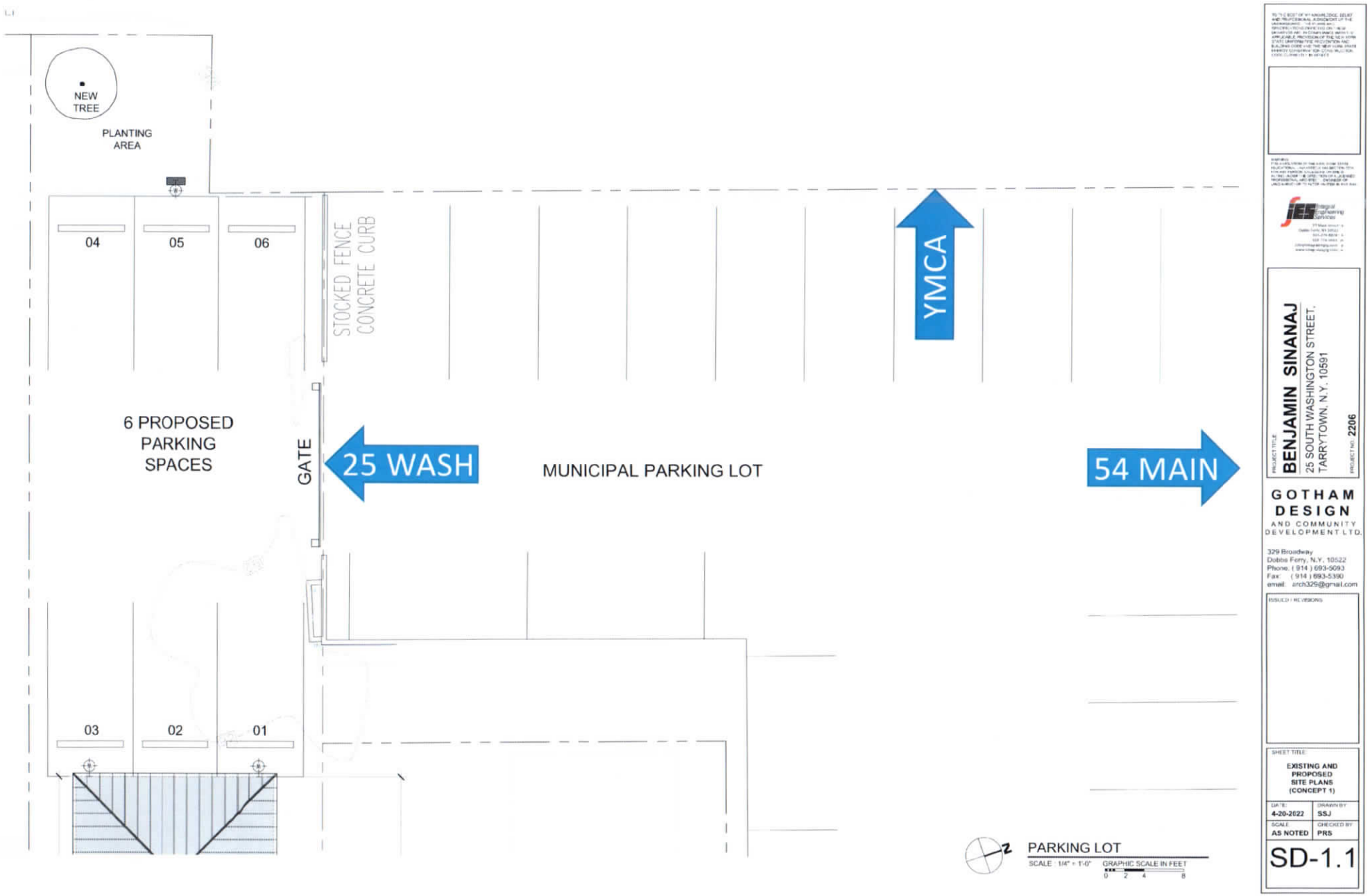
DATE 4-20-2022	DRAWN BY: SS
SCALE: AS NOTED	CHECKED BY: PRS

SD-1.1

Zoning Board of Appeals Meeting, September 11, 2023



Zoning Board of Appeals Meeting, September 11, 2023



Zoning Board of Appeals Meeting, September 11, 2023

Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION

ZONING TABLE				
25 SOUTH WASHINGTON STREET TARRYTOWN, N.Y. 10591				ZONING DISTRICT M-1.5
	REQUIRED/PERMITTED	EXISTING	PROPOSED	
LOT AREA	12,000 SF	4,997 SF	4,997 SF	EX. NON CONFORMING
TOTAL OF DWELLING UNITS	4	1	4	
LOT WIDTH FRONTAGE	40 FT	30.98 FT	30.98 FT	EX. NON CONFORMING
BUILDING COVERAGE	35%	41.1%	51.5% (1,727 SF)	VARIANCE REQUESTED
FRONT YARD SETBACK	25 FT	0 FT	0.67 FT	VARIANCE REQUESTED
REAR YARD SET BACK	45 FT	179 FT	80.33 FT	
SIDE ONE	20 FT	0 FT	5 FT	VARIANCE REQUESTED
SIDE TWO	20 FT	6.5 FT	5 FT	VARIANCE REQUESTED
BUILDING HEIGHT	2 STORIES 30 FT	2.5 STORIES	3 STORIES (32' 6")	VARIANCE REQUESTED
PARKING SPACE	2.5 PER UNIT	NA	6	VARIANCE REQUESTED
SIZE OF PARKING SPACES DRIVEWAY AREA	9 FT WIDE 19 FT LONG	NA	NA	

BUILDING COVERAGE TABLE			
	UNITS	EXISTING	PROPOSED
EXISTING HOUSE	SQ.FT.	1,303	
EXISTING GARAGE	SQ.FT.	843	
TOTAL EXISTING BUILDING COVERAGE	TOTAL	EXISTING 2,146 2,146 X 5,000 = 42.9 %	
PROPOSED BUILDING	SQ.FT.		1,727
PROPOSED ACCESSORY STRUCTURE	SQ.FT.		0
TOTAL PROPOSED	SQ.FT.		1,727
TOTAL PROPOSED BUILDING COVERAGE 1,727 X 5,000 = 35.5 %			

NOTE:
1. ALL NEW ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE NFPA 70, 2014 EDITION.
2. AS PER 2020 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE, 50 % OF ALL LIGHTING SHALL BE "HIGH EFFICIENCY".

NOTE:
ELECTRICAL OUTLETS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND ALL AUTHORITIES HAVING JURISDICTION

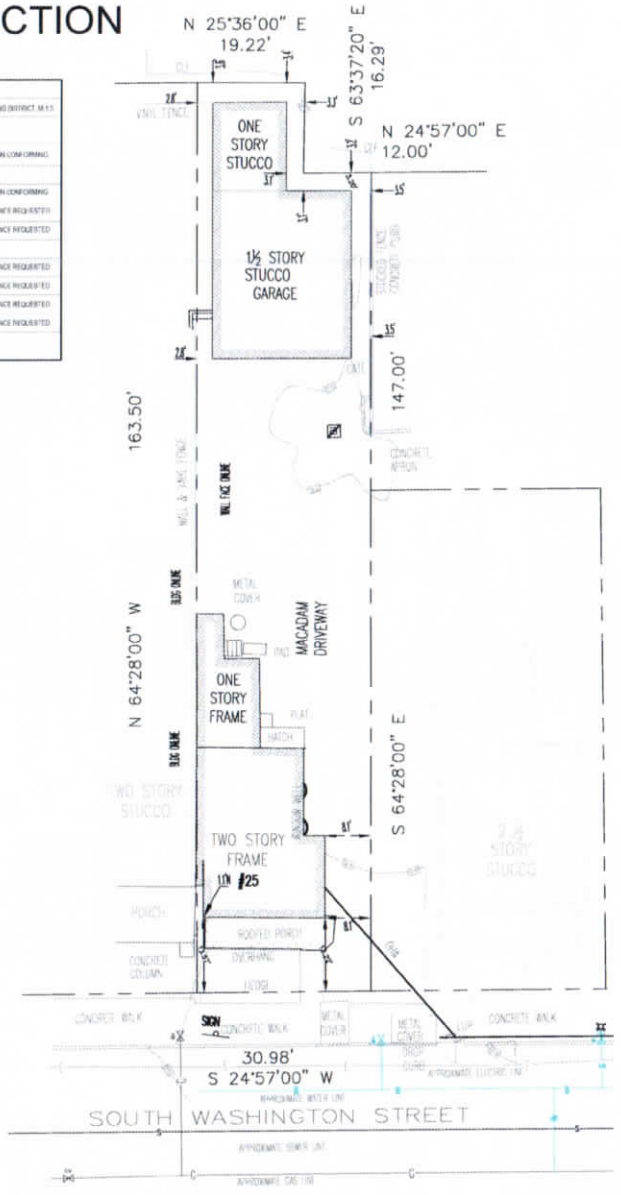
EXTERIOR LIGHTING SINANAJ 25 SOUTH WASHINGTON TARRYTOWN N.Y. 10591	
LIGHT FIXTURE LEGEND	LIGHT FIXTURE SPECIFICATIONS
EXTERIOR PENDANT LIGHT W/ INTERIOR SWITCH SET 80" ABOVE GRADE	DRAWBRIDGE OUTDOOR LED WALL LANTERN COLOR TEMPERATURE: 2700K LUMENS: 1200 VOLTAGE: 120 ITEM # TEC-W1820

Product Options:

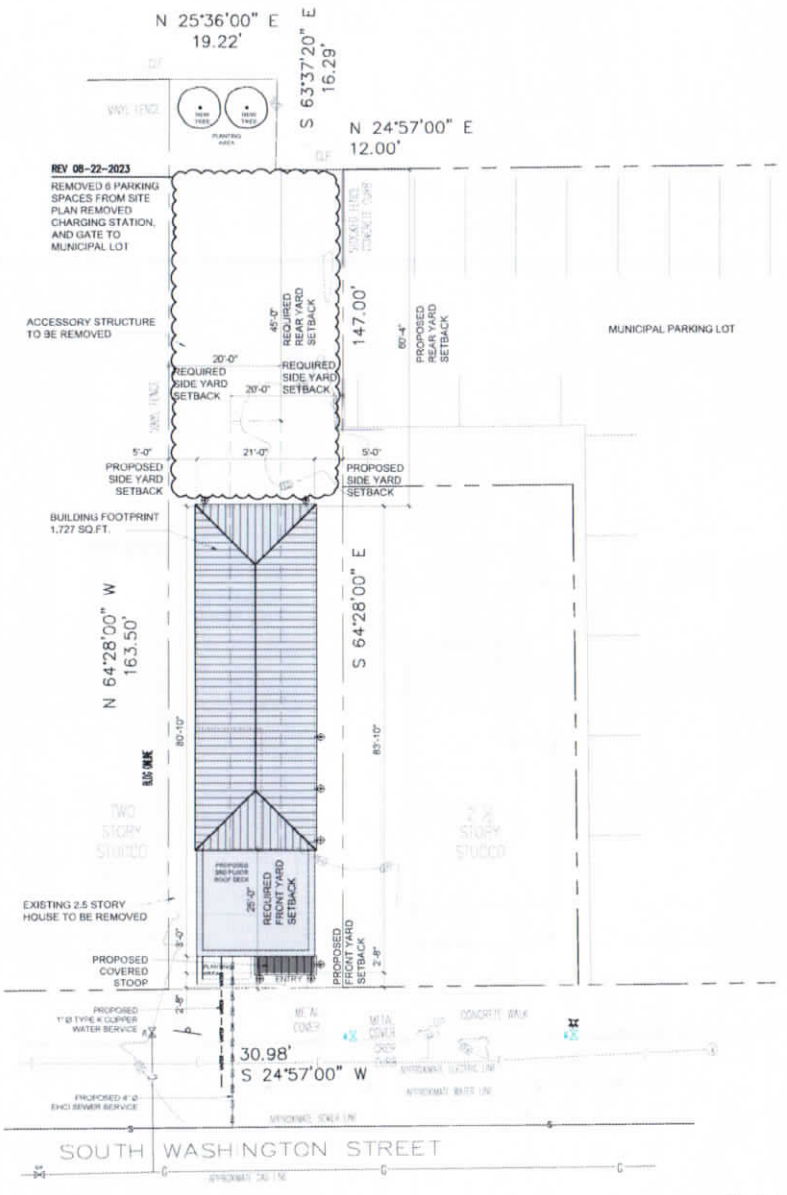
Details

Dimensions

Lighting



EXISTING SITE PLAN
SCALE : 1" = 10'-0" GRAPHIC SCALE IN FEET 0 5 10 20



PROPOSED SITE PLAN
SCALE : 1" = 10'-0" GRAPHIC SCALE IN FEET 0 5 10 20

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGEMENT OF THE UNDERSIGNED, THE PLANS AND SPECIFICATIONS DEPICTED ON THESE DRAWINGS ARE IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE CURRENTLY IN EFFECT.

PROJECT TITLE
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25 SOUTH WASHINGTON STREET, TARRYTOWN, N.Y. 10591
PROJECT NO. 2206

GOTHAM DESIGN
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329 Broadway
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Phone: (914) 693-5093
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email: arch329@gmail.com

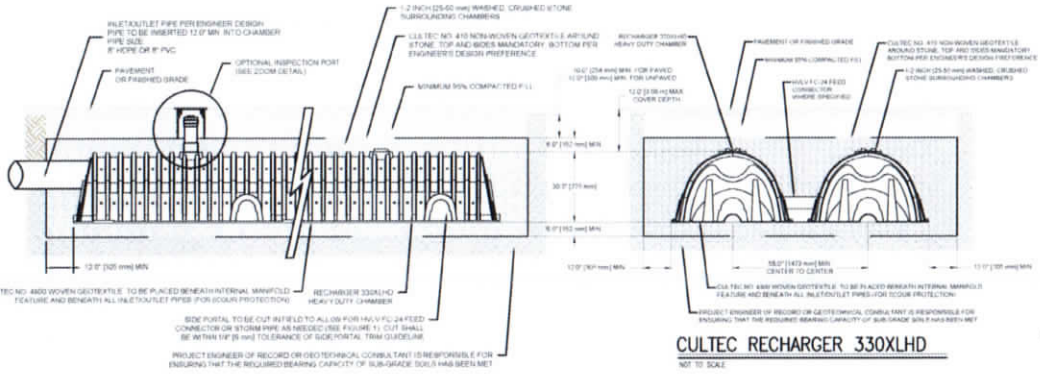
ISSUED / REVISIONS
REVISION 04-22-2023
REMOVED SIX PARKING SPACES FROM SITE PLAN AND ELECTRICAL CHARGER REMOVED GATE TO ACCESS MUNICIPAL LOT

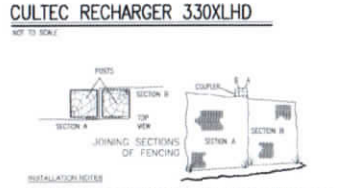
SHEET TITLE
EXISTING AND PROPOSED SITE PLANS

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

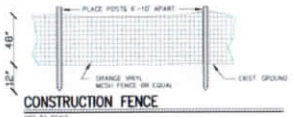
SD-1.1

Zoning Board of Appeals Meeting, September 11, 2023

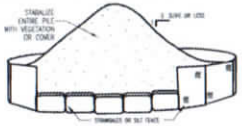




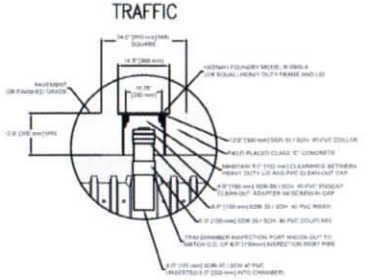
SILT FENCE DETAIL

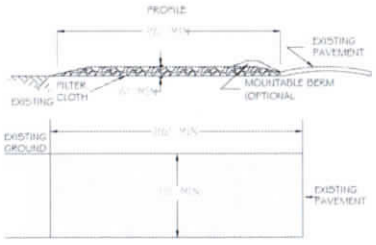


CONSTRUCTION FENCE



TEMPORARY SOIL STOCKPILE





NOT TO SCALE

CONSTRUCTION SPECIFICATIONS

STABILIZED CONSTRUCTION ENTRANCE

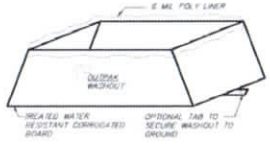
STORM WATER MANAGEMENT NOTES:

1) STORM WATER RETENTION SYSTEM DESIGN PRESENTED IS FOR REFERENCE USE ONLY

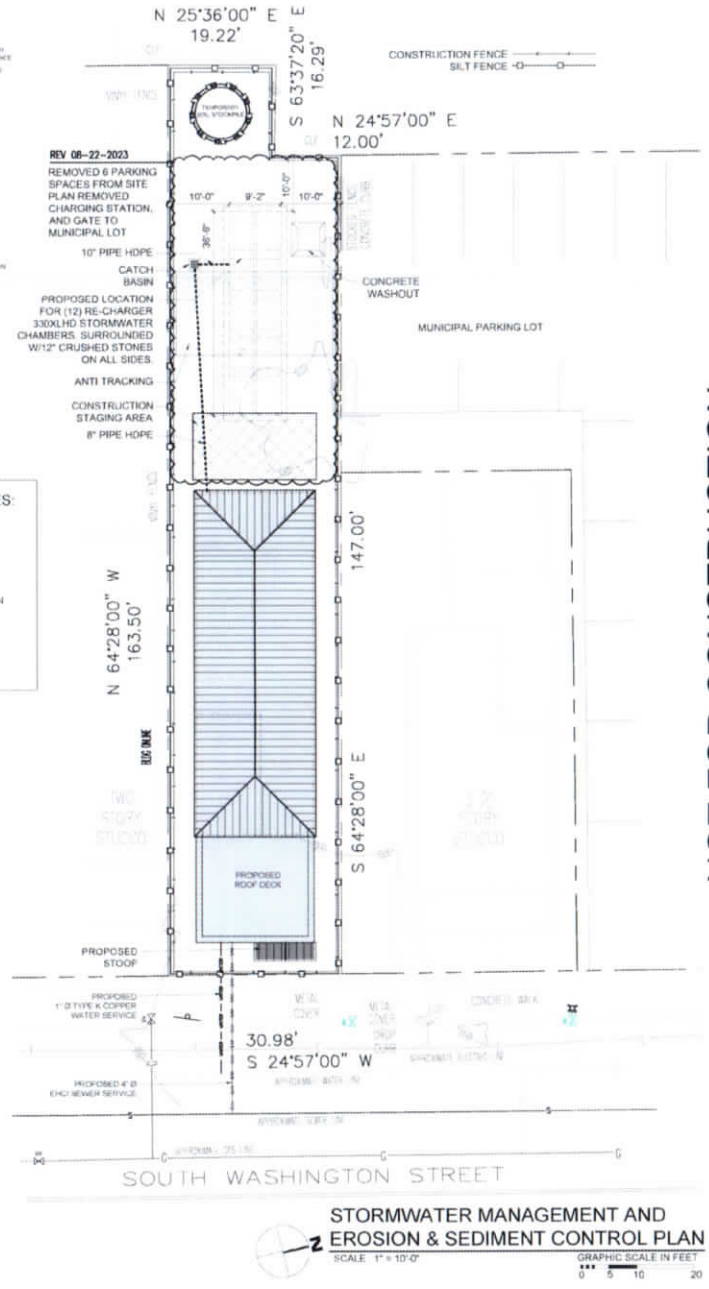
2) PERCOLATION TESTING IS REQUIRED PRIOR TO FINALIZING STORM WATER RETENTION SYSTEM

3) ME-4 PERMIT REQUIRED IF PERCOLATION TEST RESULTS DO NOT MEET NYS MINIMUM INFILTRATION REQUIREMENTS

4) SIZE, LOCATION AND QUANTITY OF INFILTRATION UNITS SHALL BE DESIGNED AND CERTIFIED PRIOR TO CONSTRUCTION DOCUMENT ISSUANCE FOR BUILDING DEPARTMENT PERMITTING



CORRUGATED CONCRETE WASHOUT



STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL PLAN

SCALE 1" = 10'-0"

GRAPHIC SCALE IN FEET

NOT FOR CONSTRUCTION

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591

PROJECT No. 2206

GOTHAM DESIGN
AND COMMUNITY DEVELOPMENT LTD
329 Broadway
Dobbs Ferry, N.Y. 10522
Phone (914) 693-5093
Fax (914) 693-5390
email arch329@gmail.com

ISSUED / REVISIONS

REVISION	
REMOVED SIX PARKING SPACES FROM SITE PLAN AND ELECTRIC CAR CHARGER. REMOVED GATE TO ACCESS MUNICIPAL LOT	08-22-2023

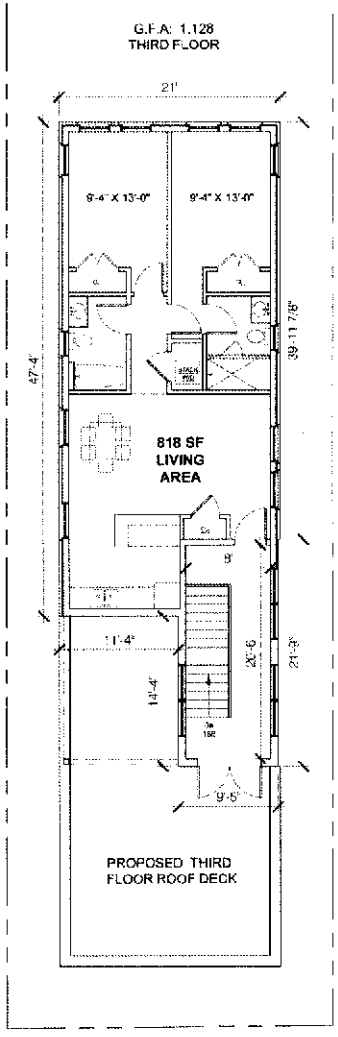
SHEET TITLE
STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL PLAN / DETAILS

DATE	DRAWN BY
06-30-2023	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

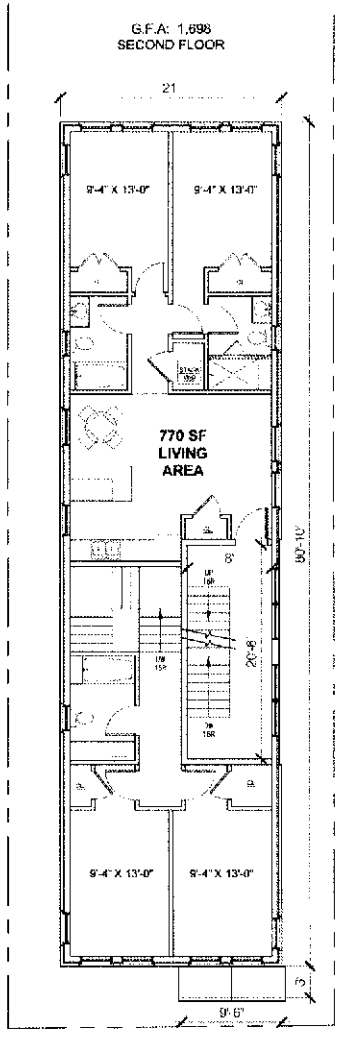
SD-1.2

Zoning Board of Appeals Meeting, September 11, 2023

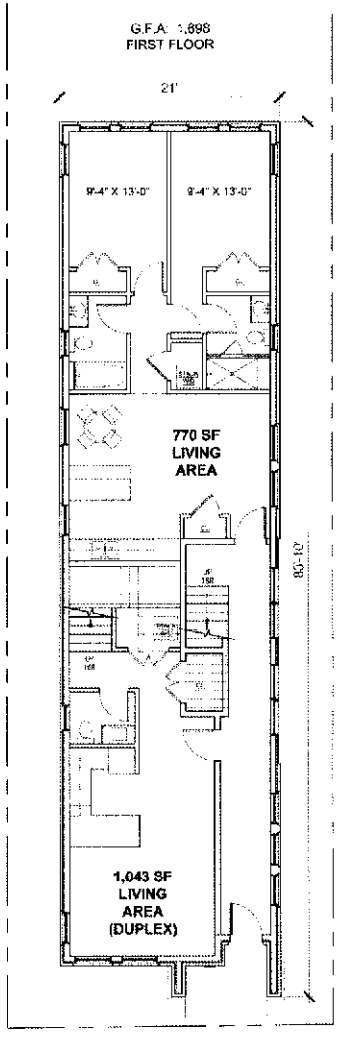
NOT FOR CONSTRUCTION



THIRD FLOOR PLAN
SCALE : 3/16" = 1'-0" GRAPHIC SCALE IN FEET
0 8 16 32



SECOND FLOOR PLAN
SCALE : 3/16" = 1'-0" GRAPHIC SCALE IN FEET
0 8 16 32



FIRST FLOOR PLAN
SCALE : 3/16" = 1'-0" GRAPHIC SCALE IN FEET
0 8 16 32

PROJECT TITLE
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ISSUE, SD / REV ISUNB

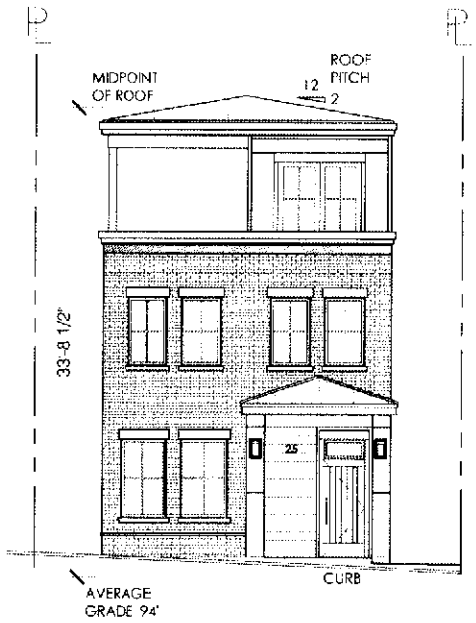
SHEET TITLE:
PROPOSED
FLOOR PLANS

DATE: 4-20-2022	DRAWN BY: SSJ
SCALE: AS NOTED	CHECKED BY: PRB

SD-2.0

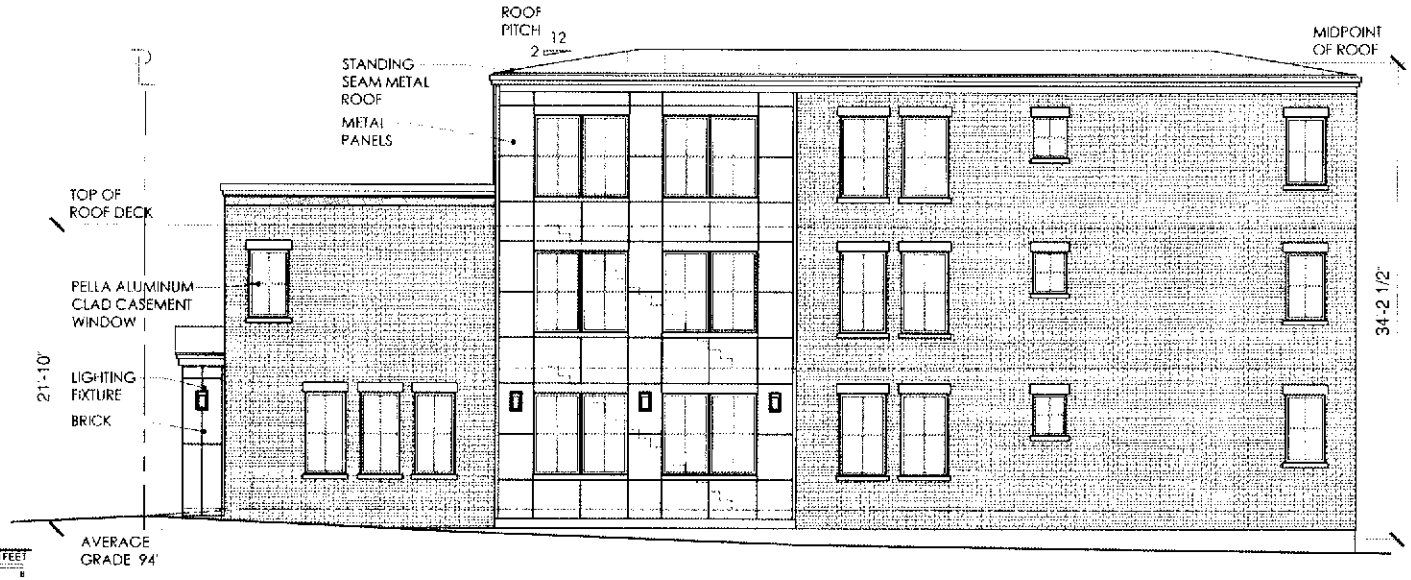
Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION



EAST ELEVATION
SCALE 1/4" = 1'-0" GRAPHIC SCALE IN FEET
0 2 4 8

Street



NORTH ELEVATION
SCALE 1/4" = 1'-0" GRAPHIC SCALE IN FEET
0 2 4 8

PROJECT TITLE
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25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
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Phone (914) 693-5693
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email: akh329@gmail.com

ISSUED / REVISIONS

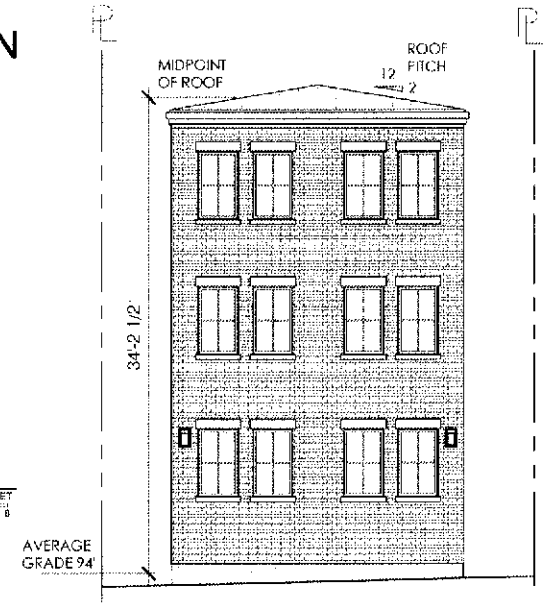
SHEET TITLE
PROPOSED NORTH AND EAST ELEVATIONS

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRB

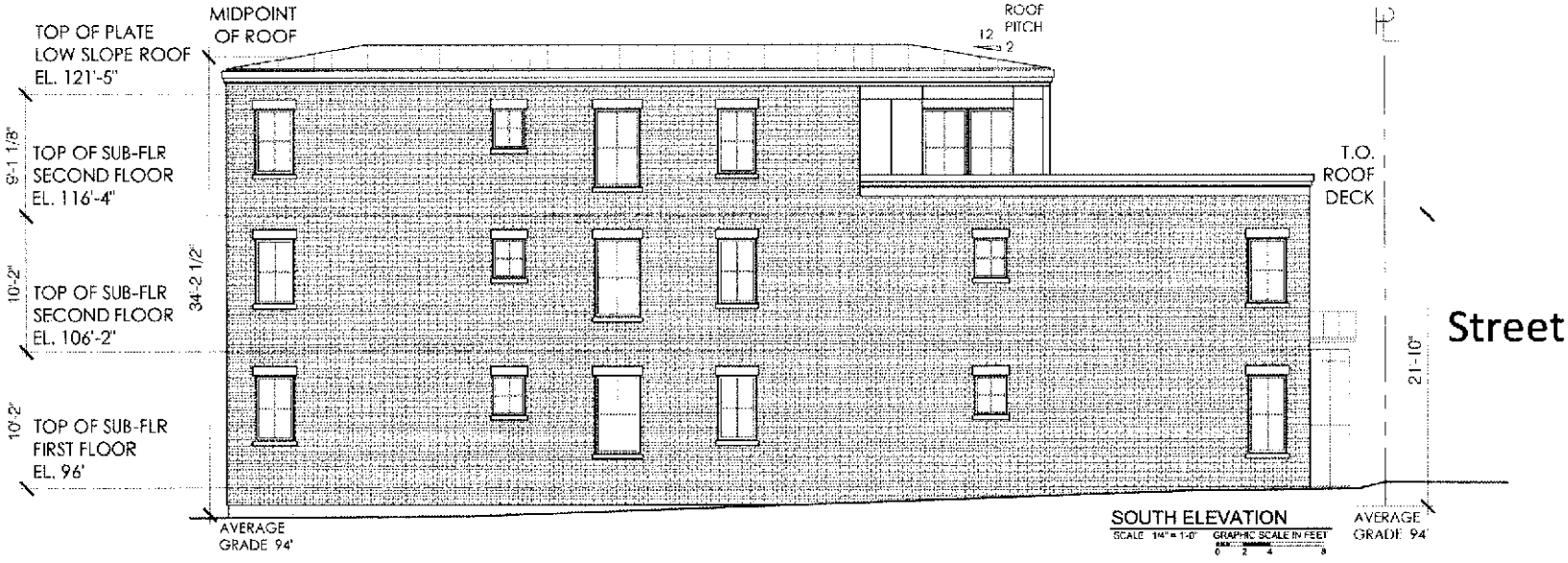
SD-3.0

Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION



WEST ELESVATION
SCALE : 1/4" = 1'-0" GRAPHIC SCALE IN FEET



SOUTH ELEVATION
SCALE 1/4" = 1'-0" GRAPHIC SCALE IN FEET

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
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ISSUED / REVISIONS

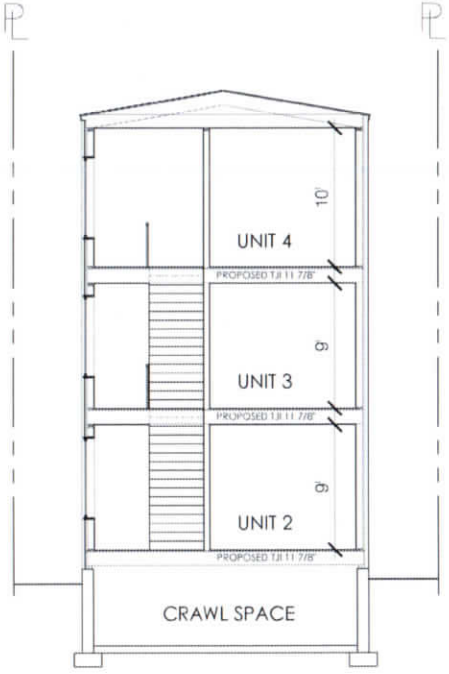
SHEET TITLE
PROPOSED WEST AND SOUTH ELEVATIONS

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

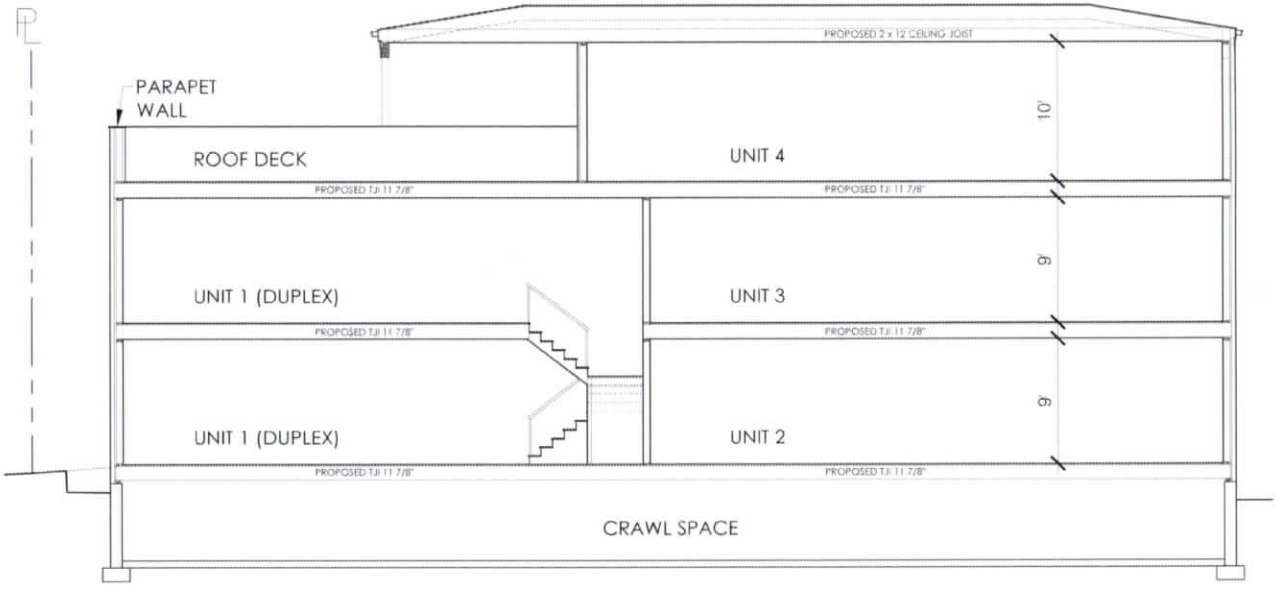
SD-3.1

Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION



CROSS SECTION
SCALE 1/4" = 1'-0" GRAPHIC SCALE IN FEET
0 2 4 8



BUILDING SECTION
SCALE 1/4" = 1'-0" GRAPHIC SCALE IN FEET
0 2 4 8

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
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ISSUED / REVISIONS

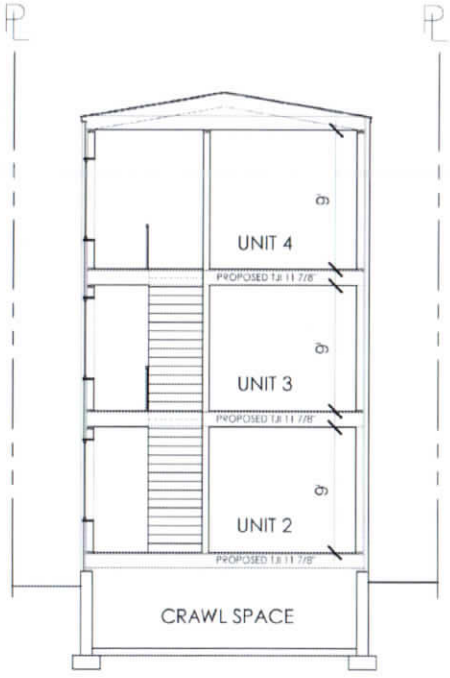
SHEET TITLE:
PROPOSED BUILDING SECTION

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

SD-4.0

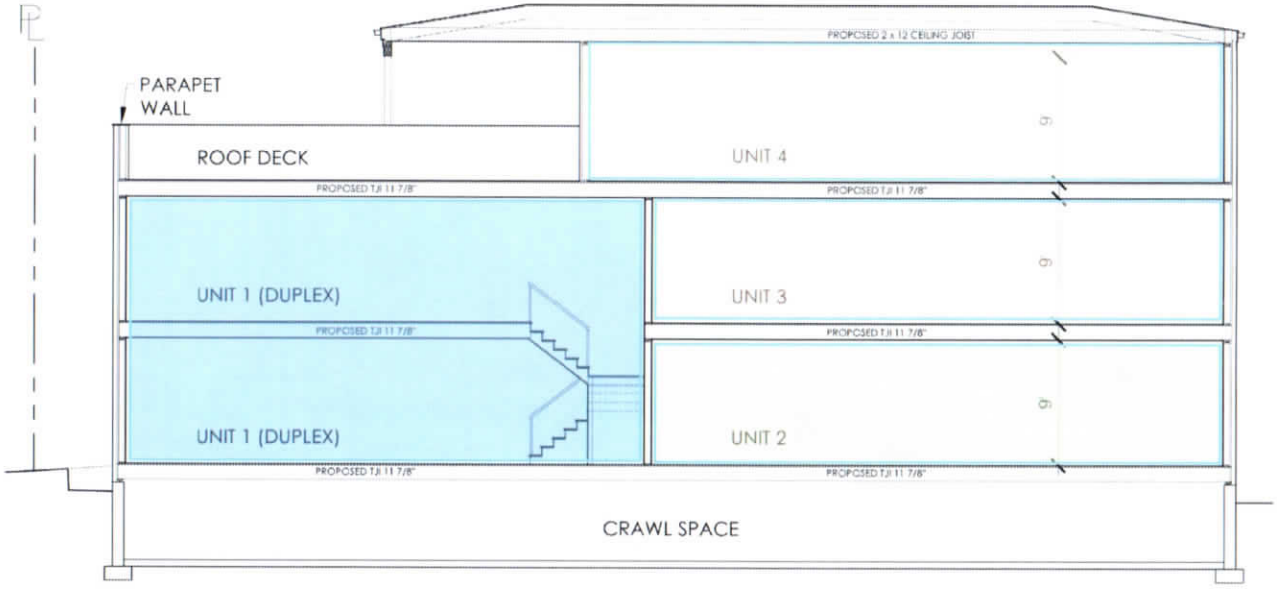
Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION



CROSS SECTION
SCALE : 1/4" = 1'-0" GRAPHIC SCALE IN FEET 0 2 4 8

Three Flats/ One Duplex



BUILDING SECTION
SCALE : 1/4" = 1'-0" GRAPHIC SCALE IN FEET 0 2 4 8

PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
PROJECT NO. 2206

GOTHAM DESIGN
AND COMMUNITY DEVELOPMENT LTD
329 Broadway
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Phone: (914) 693-5003
Fax (914) 693-5386
email arch329@gmail.com

ISSUED / REVISIONS

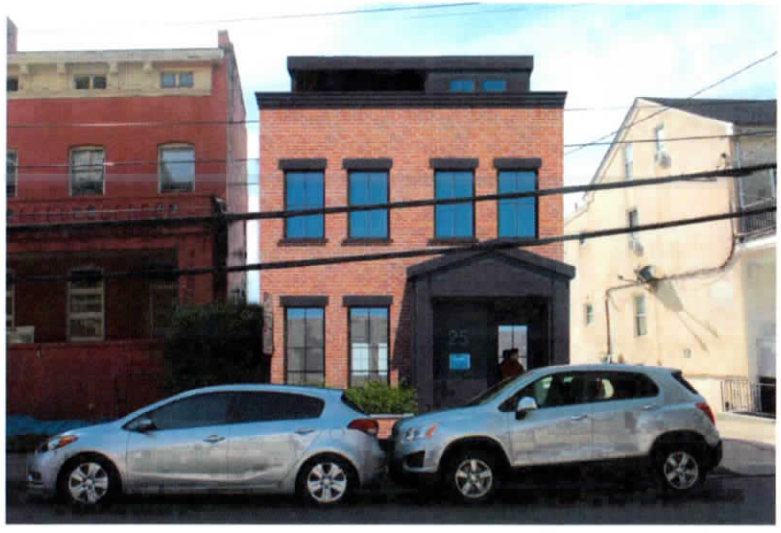
SHEET TITLE
PROPOSED BUILDING SECTION

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

SD-4.0

Zoning Board of Appeals Meeting, September 11, 2023

NOT FOR CONSTRUCTION



PROJECT TITLE
BENJAMIN SINANAJ
25 SOUTH WASHINGTON STREET,
TARRYTOWN, N.Y. 10591
PROJECT NO. 2206

GOTHAM DESIGN
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ISSUED / REVISIONS

SHEET TITLE:
BUILDING RENDERINGS

DATE	DRAWN BY
4-20-2022	SSJ
SCALE	CHECKED BY
AS NOTED	PRS

SD-4.1

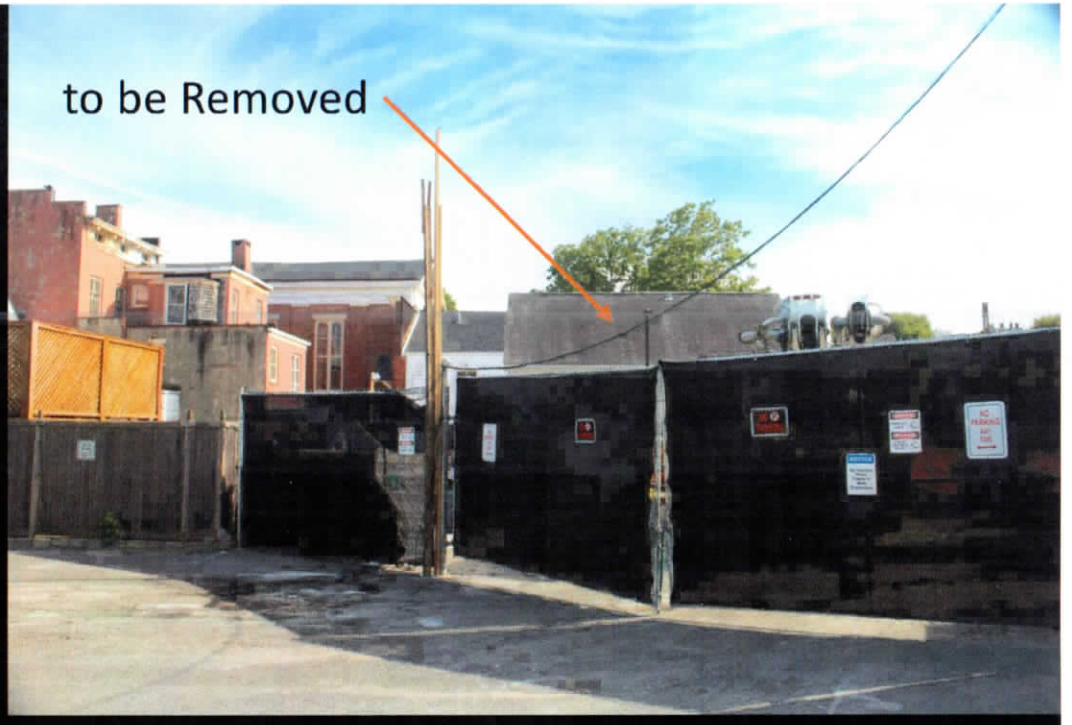
Zoning Board of Appeals Meeting, September 11, 2023

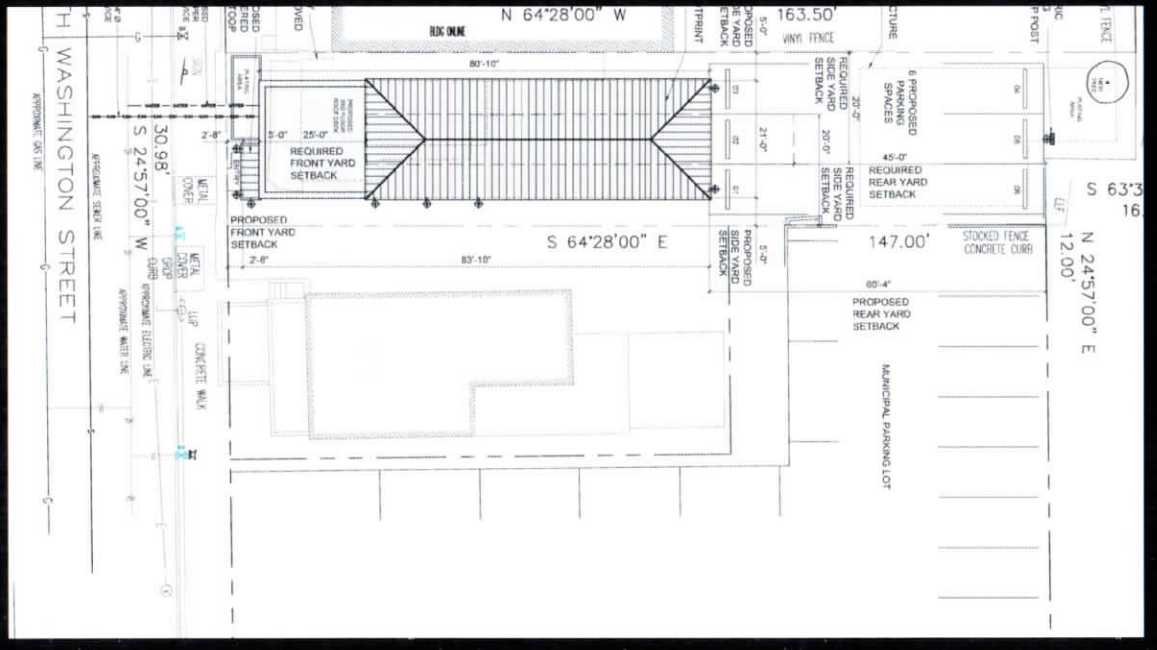
Zoning Board of Appeals Meeting, September11, 2023

Zoning Board of Appeals Meeting, September11, 2023

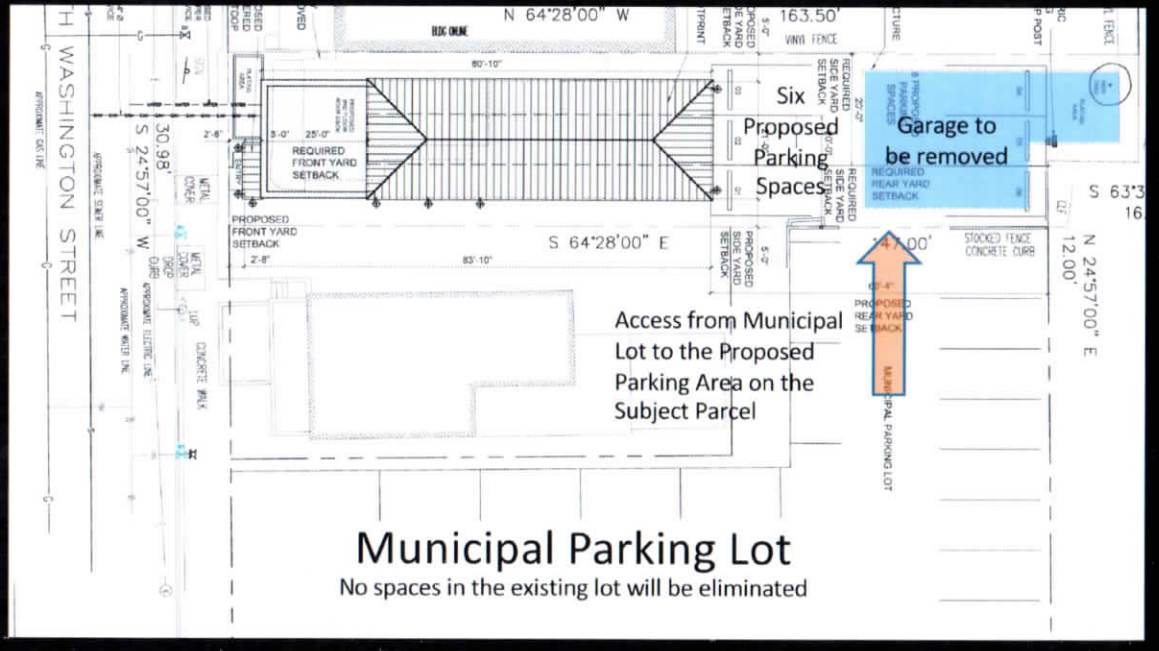
Zoning Board of Appeals Meeting, September11, 2023

Zoning Board of Appeals Meeting, September11, 2023





Zoning Board of Appeals Meeting, September 11, 2023



Zoning Board of Appeals Meeting, September 11, 2023

Zoning Board of Appeals Meeting, September 11, 2023

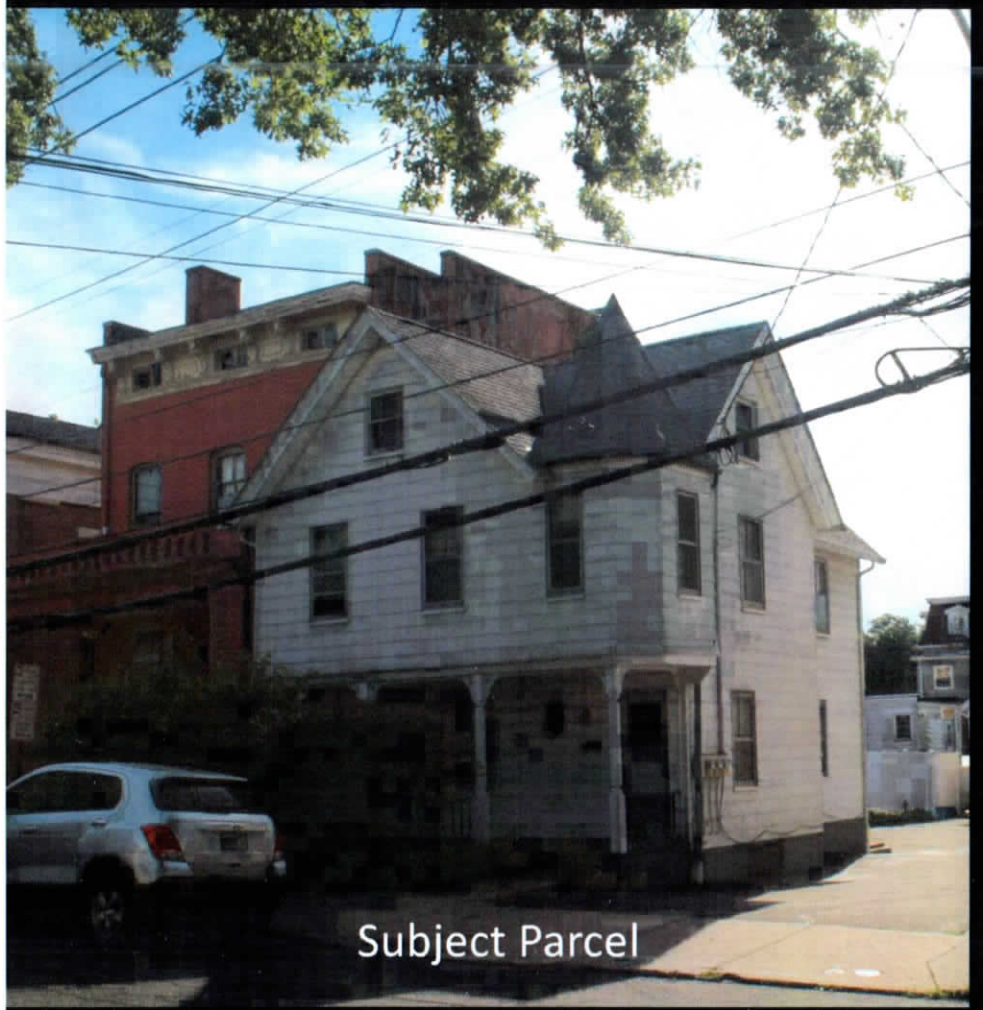


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Exhibit D

Gracemere Partners LLC

Resolution (i) Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision; and (ii) Setting forth Satisfied Conditions

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 26, 2023)

Application of Gracemere Partners LLC
Property: Jardim Estates East Subdivision in Zone R-60)

Resolution (i) Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision; and (ii) Setting forth Satisfied Conditions

WHEREAS, Gracemere Partners LLC (the "Applicant"; all references to which shall include and be binding upon the Applicant's successors and/or assigns), has requested amendments to certain conditions of the Conditional Final Subdivision Plat for the Jardim Estates East Subdivision and has submitted plans and other materials to satisfy certain other conditions.

WHEREAS, the Jardim Estates East Subdivision is a 45-acre site in the R-60 zone subdivided into 9 single-family lots which included the creation of 28 acres for preserved open space adjacent to Taxter Ridge Park.

WHEREAS, the Planning Board approved this subdivision by resolution dated November 13, 2014, and the Subdivision Plat for Jardim Estates East Prepared for Holy Spirit Association for the Unification for World Christianity in the Village of Tarrytown Sheets 1 of 4, 2 of 4, 3 of 4 and 4 of 4 was filed with the Westchester County Division of Land Records, on December 2, 2014, under Map No. 28829 ("Subdivision Plat").

WHEREAS, the Subdivision Plat set forth 37 conditions to the Conditional Final Subdivision Approval (as reflected on Sheet 4 of 4 of the Subdivision Plat).

WHEREAS, the Applicant acquired subdivision Lots 1, 3, 5, 7 and 9 from the former owner, the Holy Spirit Association for the Unification of World Christianity ("HSA") as HSA conveyed Lots 1, 3, 5, 7 and 9 to the Applicant by deeds: (a) dated March 15, 2022 and recorded on March 21, 2022 (under Control No. 620703256) (conveying subdivision Lot 1); and (b) dated March 15, 2022 and recorded on March 22, 2022 (under Control No. 620693774) (conveying subdivision Lots 3, 5, 7 and 9).

WHEREAS, HSA conveyed:

(i) subdivision Lot 2 (currently improved with an existing three-family home) to Perryco Homes of Westchester, Inc. ("Perryco") by deed dated March 15, 2022 and recorded on March 21, 2022 (under Control No. 620703272);

(ii) subdivision Lot 4 (currently improved with an existing eight-family dwelling) to Perryco by deed dated March 15, 2022 and recorded on March 21, 2022 (under Control No. 620703296);

(iii) subdivision Lots 6 and 8 to Cornerstone Properties 2016, LLC ("Cornerstone") by deed dated March 15, 2022 and recorded on March 23, 2023 (under Control No. 620703303);

(iv) Open Space B (containing Gracemere Lake) and Open Space C to Zappico Construction, LLC ("Zappico Construction") by deed dated March 15, 2022 and recorded on March 22, 2022 (under Control No. 620743146); and

(v) all the subdivision roads including Browning Lane, Gracemere, four existing private ROWs and the to be constructed cul-de-sac road, was conveyed to Zappico Construction by deed dated as of May 11, 2022 and recorded on August 4, 2022 (under Control No. 621313284).

WHEREAS, on or about July 21, 2022, the Applicant, Zappico Construction, Cornerstone and Perryco submitted to NYS Department of Law, Office of the Attorney General a Sponsor's Affidavit and Sponsor's Certificate for the formation of a Homeowners Association and submitted a Declaration of Covenants, Conditions, Restrictions of the Gracemere 21 HOA, INC. dated July 19, 2022 and signed by Applicant, Zappico Construction, Cornerstone and Perryco.

WHEREAS, the Applicant conveyed subdivision Lot 1 to David Schuberth and Aurora Pfeiffer by deed dated November 1, 2022 and recorded on November 28, 2022 (under Control No. 62311332).

WHEREAS, despite the submission regarding Gracemere 21 HOA, INC. the Declaration of Covenants, Conditions, Restrictions and Easement of the Gracemere 2021 HOA, INC dated July 19, 2022 with Rules and Regulation, legal descriptions and the Planning Board's November 13, 2014 Resolution and By-Laws of Gracemere 2021 HOA, INC was recorded on December 13, 2022 (under Control No. 623143222) ("Recorded HOA Agreement").

WHEREAS, the Recorded HOA Agreement specifically provides that "Common Area" "shall mean all real property owned by" Gracemere 2021 HOA, INC including "all roadways and rights of way depicted on the Subdivision Map" including Gracemere, Browning Lane (the private section), the to be constructed cul-de-sac road and existing ROWs, including what is referred to as Gracemere Road Extension and Gracemere Road South Extension and that the "Association" (defined as Gracemere 2021 HOA, INC.) "shall be responsible for the maintenance and repair of the Common Areas" including but not limited to as further set forth in the Recorded HOA Agreement's Article IV, Section 4.

WHEREAS, the Recorded HOA Agreement further provides in Article IV, Section 3 that "Declarant [the property owners, including Applicant and Zappico Construction] hereby covenants for itself, its successors or assigns, that it will convey fee simple title to the Common Areas to the Association [Gracemere 2021 HOA, INC]" and that "it will convey fee simple title

to the Common Area prior to or simultaneously with the conveyance of title to the first Association lot" (see Article IV, Section 3(b)).

WHEREAS, subsequent to Recorded HOA Agreement's recording, Zappico Construction conveyed Open Space B and Open Space C and the to be constructed cul-de-sac road but not any of the other subdivision roads to Gracemere 2021 HOA INC. by deed dated March 2, 2023 and recorded on March 9, 2023 (under Control No. 630553235).

WHEREAS, the current subdivision lot owners are:

Lot 1:	David Schuberth and Aurora Pfeiffer
Lots , 3, 5, 7 and 9	Applicant (Gracemere Partners LLC)
Lots 6 and 8:	Cornerstone
Lots 2 and 4:	Perryco

and the owners of other subdivision lands are:

Open Space B and C and cul-de-sac road:	Gracemere 2021 HOA INC.
Remaining subdivision roads:	Zappico Construction

WHEREAS, the Applicant makes this application on its behalf and with the authorization and consent of David Schuberth and Aurora Pfeiffer, Perryco, Cornerstone, Gracemere 2021 HOA INC. and Zappico Construction.

WHEREAS, the Planning Board is familiar with the Property.

WHEREAS, the Planning Board determined that the original subdivision was an unlisted action and conducted an extensive environmental review. A *Draft Environmental Impact Statement*, dated January 2012, and revised March 13, 2012, was prepared by VHB and accepted by the Planning Board on March 26, 2012. The *Final Environmental Impact Statement* was accepted by the Planning Board on August 27, 2018.

WHEREAS, the Planning Board determined that the current amended plan continued to be an unlisted action and sent out a Notice of Intent (NOI) for lead agency on August 29, 2023 to involved agencies and set a public hearing for August 28, 2023.

WHEREAS, to satisfy the outstanding subdivision conditions, the Applicant submitted four plans last revised November 14, 2014 as supplemented by five plans last revised September 15, 2023 as follows:

-Subdivision Plan For Jardim East Estates prepared by Cronin Engineering Professional Engineering and Consulting dated September 12, 2014 and last revised November 13, 2014:

i. Sheet 5 of 17 (RI-4.1) Road Improvement Plan
ii. Sheet 6 of 17 (TPS-5.1) Traffic, Pedestrian & Signage Plan

iii. Sheet 12 of 17 (D-8.1) Drainage Installation Plan & Details
iv. Sheet 13of 17 (D-8.2) Drainage Installation Plan & Details

-Civil Plans prepared by Gregory Caccioppoli, PE for Zappico Construction LLC - Jardim Estates East Village of Tarrytown Westchester County – New York dated July 28, 2023 and last revised September 15, 2023:

v. Tree Removal Plan (R.O.W.'s & Easements) (sheet 1/5)
vi. Landscaping Plan (sheet 2/5);
vii. Pedestrian & Signage Plan (sheet 3/5)
viii. Staging & Construction Plan (sheet 4/5); and
ix. Sediment Trap Plan & Details (sheet 5/5).

WHEREAS, in addition to public comments, the Planning Board also received additional information from the Applicant including: letter from Applicant reviewing the outstanding conditions on the original subdivision plat dated September 7, 2023, *Response Memo dated September 7, 2023 to Hann Engineering 8/28/23 review; Response Memo dated September 7, 2023 to Landscape 8/28/23 report; Technical Memorandum for Structural Assessment of Retaining Wall* from Applicant's Engineer dated May 3, 2023; report by Paul Jaehnig, Wetlands & Soils Consulting, *Investigation of a Pond on the Jardim Estates East Site, Gracemere Ave.* dated May 3, 2023; *Review of SWPPP Compliance Design*, Wasp Engineering dated April 3, 2023; *Tarrytown Fire Chief email* approving the plans for the property dated April 27, 2023; Village Landscape Consultant review of overall subdivision conditions dated September 13, 2023; proposed easement language for Pedestrian/Trailway easement, Sewer and utility easement and easement to Open Space A for the HOA to maintain the basin, the 214-page submission the Applicant made to the NYS Attorney General's Office including the Declaration of Covenants, Conditions, Restriction and Easements of the Gracemere 21 HOA, Inc., Cronin Engineering PE, PC Stormwater Pollution Prevention Plan last revised February 2014 entitled "Subdivision and Site Development for Jardim Estates East", Applicant's letter to outparcel owners dated September 18, 2023, the Recorded HOA Agreement, the DPW Opinion of Probable Construction Cost dated September 25, 2023, James J. Hahn Engineering, P.C. Memorandum dated September 25, 2023 regarding Construction Estimates, James J. Hahn Engineering, P.C. Memorandum dated September 26, 2023 regarding Stormwater Pollution Plan Review; Gracemere Subdivision Development Drainage Analysis by Robert G. Wasp, PE dated September 13, 2023; Plan (three pages) dated September 22, 2023 of Gracemere Lodge (existing 3-family structure) identifying Unit 2 as the proposed 3 bedroom, 2 bath affordable unit, letter from Applicant's attorney Frank J. Peters, Esq., P.C. dated September 26, 2023, and Memorandum regarding final review from Nolan Landscape Architects dated September 26, 2023, and a September 26, 2023 email from Lou Martirano, DPW Superintendent of Highways regarding snow plowing.

WHEREAS, after review of the requested information, the Planning Board determined that the proposed action is not expected to result in any significant adverse impacts and issued a Negative Declaration on September 26, 2023.

WHEREAS, the Planning Board conducted a duly noticed public hearing on August 28, 2023, and continued on September 26, 2023, at which time all those wishing to be heard were given the opportunity to be heard. The Planning Board received public comment at the meeting

and placed the following letters into the record: from Ms. Linda Viertel with follow-up comments dated August 28, 2023, and from Mr. David Aukland and Ms. Esther Samra dated September 5, 2023, indicating that they remain open to discussing the easement on their property were placed into the record.

WHEREAS, the Planning Board closed the public hearing on September 26, 2023. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for amended/modified for the subdivision conditions.

NOW THEREFORE, the Planning Board reviewed the original 37 conditions on the filed Subdivision Plat and the supporting information provided by the Applicant and staff and that based on the information reviewed, the current status of the project and current conditions of the roads and other infrastructure, the Planning Board finds, determines and resolves as follows:

A. General:

IT IS HEREBY RESOLVED that the Applicant must conform to the following conditions:

1. Approved Plans: 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:

-Subdivision Plans for Jardim East Estates prepared by Cronin Engineering Professional Engineering and Consulting dated September 12, 2014 and last revised November 13, 2014:

i. Sheet 5 of 17 (RI-4.1) Road Improvement Plan
ii. Sheet 6 of 17 (TPS-5.1) Traffic, Pedestrian & Signage Plan
iii. Sheet 12 of 17 (D-8.1) Drainage Installation Plan & Details
iv. Sheet 13of 17 (D-8.2) Drainage Installation Plan & Details

-Civil Plans prepared by Gregory Caccioppoli, PE for Zappico Construction LLC - Jardim Estates East Village of Tarrytown Westchester County – New York dated July 28, 2023 and last revised September 15, 2023:

v. Tree Removal Plan (R.O.W.'s & Easements) (sheet 1/5)
vi. Landscaping Plan (sheet 2/5);
vii. Pedestrian & Signage Plan (sheet 3/5)
viii. Staging & Construction Plan (sheet 4/5); and
ix. Sediment Trap Plan & Details (sheet 5/5).

(hereinafter, the "**Approved Plans**")

2. Review Fees: The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application. No building permits will be issued for any lot in the subdivision if there is any outstanding review and/or legal fees.

3. Recording: Within 30-day of the date hereof, the Applicant shall record this *Resolution (i) Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision; and (ii) Setting forth Satisfied Conditions* in the office of the Westchester County Clerk. Immediately upon recording, the Applicant shall submit to the Village Building Department and the Planning Board attorney written evidence of such recording.

B. Subdivision Conditions that the Applicant Seeks To Modify/Amend

IT IS HEREBY RESOLVED that regarding the conditions that the Applicant seeks to modify/amend, the Planning Board makes the following findings and determinations:

Conditions 1 & 17 (Regarding the HOA filing).

Condition 1 provides:

> *1. The new cul-de-sac will be owned and maintained by the Jardim East Homeowners Association. All existing roadways and existing easements will be maintained by the Jardim East Homeowners' Association in combination with all other property owners with frontage on such roadways as provided by existing filed deeds and covenants. A maintenance bond shall be required to ensure the proper maintenance of all private roads including snow plowing, cleaning and removing debris from Gracemere Lake (also known as the pond) as well as mowing of the property(s) as determined by the Village Engineer, and ensuring that open space parcels B and C and wooded areas are kept clear of debris. The maintenance bond shall be in place for two years with automatic two year renewals for an eight year period from filing of the final plat and the amount of the bond shall be $320,000. Such maintenance measures shall be monitored by the Village Engineer or his/her designee.*

Condition 17 provides:

> *17. A Draft Homeowners' Association (HOA) Agreement shall be submitted to the Village Attorney for confirmation that the HOA is consistent with the purpose and intent of the conditions for site plan and subdivision approval at least two (2) weeks prior to submission to the New York State Department of State for approval. The Draft HOA must also be provided to the out-parcel property owners for review. A Final HOA Agreement must be approved by the Village Attorney prior to the issuance of a building permit for the first residence. The Village Attorney shall consult with the Planning Board and the affected out-parcel owners prior to approving the Final HOA Agreement. Out-parcel property owners will have the option, but will not be required, to join the HOA. These properties include those owned now or formerly by Cohen, Rachlin, Maselli, Kearns, Aukland and Viertel on Gracemere, and Baer, Heller and Golub on Gracemere Lake Drive.*

Applicant seeks to modify Conditions 1 and 17 to the extent the conditions require proof of recording of the HOA agreement prior to site plan approval as the Applicant instead seeks to provide proof of recording of the HOA agreement prior to the issuance of building permit for any lot (but not prior to site plan approval for any lot).

[redacted] that there is no basis for the requested amendment/modification as the Recorded HOA Agreement was recorded on December 13, 2022 and the Attorney General approved the application for Gracemere 2021 HOA, INC. in March of 2023, which is prior to any site plan approval issued by this Board.

[redacted] that there has not been compliance with the requirements in the Recorded HOA Agreement's Article IV, Section 3 that: (i) title to all the Common Area be conveyed to Gracemere 2021 HOA, INC; and (ii) title be conveyed "prior to or simultaneously with the conveyance of title to the first Association lot" (see Article IV, Section 3(b)). First, regarding the roads that are part of the Common Area, only the to be constructed cul-de-sac road was conveyed to Gracemere 2021 HOA, INC, but not the other Subdivision Roads that are part of the Common Area. Second, the conveyance to Gracemere 2021 HOA, INC occurred after the conveyance of Lot 1.

[redacted] that title to all the Common Area roads and rights of way as set forth in the Recorded HOA Agreement (which include but are not limited to Gracemere, Browning Lane and what is referred to as Gracemere Road Extension and Gracemere Road South Extension) must be conveyed to Gracemere 2021 HOA, INC

[redacted] that Conditions 1 and 17 are modified only to the extent that proof of recording of a deed (in a form approved in advance by the Planning Board attorney) conveying to Gracemere 2021 HOA, INC fee-simple title to all of the "Common Area" roads and rights-of-way as set forth in the Recorded HOA Agreement (which include but are not limited to Gracemere, Browning Lane and what is referred to as Gracemere Road Extension and Gracemere Road South Extension) must be provided <u>prior to</u> the issuance of any building permit for any lot in the Subdivision, including Lot 1.

Condition 1 (Regarding the filing of $320k maintenance bond)

> *1. The new cul-de-sac will be owned and maintained by the Jardim East Homeowners Association. All existing roadways and existing easements will be maintained by the Jardim East Homeowners' Association in combination with all other property owners with frontage on such roadways as provided by existing filed deeds and covenants. A maintenance bond shall be required to ensure the proper maintenance of all private roads including snow plowing, cleaning and removing debris from Gracemere Lake (also known as the pond) as well as mowing of the property(s) as determined by the Village Engineer, and ensuring that open space parcels B and C and wooded areas are kept clear of debris. The maintenance bond shall be in place for two years with automatic two year renewals for an eight year period from filing of the final plat and the amount of the bond shall be $320,000. Such maintenance measures shall be monitored by the Village Engineer or his/her designee.*

Applicant seeks to modify this requirement to the extent it requires filing of a $320,000 maintenance bond as the Applicant seeks to remove the requirement to file any maintenance bond. Applicant contends that a maintenance bond is not necessary as a homeowners association will be responsible for perpetual maintenance of roadways and open space parcels.

[redacted] that there has not been compliance with the requirements in the Recorded HOA Agreement's Article IV, Section 3 that title to all the Common Area be conveyed to Gracemere 2021 HOA, INC and that such title be conveyed "prior to or simultaneously with the conveyance of title to the first Association lot" (see Article IV, Section 3(b)). First, regarding the roads that are part of the Common Area, only the to be constructed cul-de-sac road was conveyed to Gracemere 2021 HOA, INC, but not the other Subdivision Roads that are part of the Common Area. Second, the conveyance to Gracemere 2021 HOA, INC occurred after the conveyance of Lot 1.

[redacted] that there is no basis to entirely eliminate the maintenance bond given that: (1) the Recorded HOA Agreement was recorded in December 2022 and there has been no maintenance of the roads that are part of the Common Area by the Association (Gracemere 2021 HOA, INC) since that time and (2) all the subdivision roads were not conveyed to Gracemere 2021 HOA, INC as required in the Recorded HOA Agreement.

[redacted] that the existing Common Area roads and rights-of-way are in an extreme state of disrepair and the Planning Board reviewed: (i) the DPW Opinion of Probable Construction Cost dated September 25, 2023 regarding the costs to make repairs to said roads and rights-of-way; and (ii) the September 26, 2023 email from Lou Martirano, DPW Superintendent of Highways regarding the cost of snow plowing.

[redacted] that upon proof of recording of a deed conveying fee-simple title to all of the subdivision roads that are part of the defined "Common Area" to Gracemere 2021 HOA, INC (which must be in a form approved in advance by the Planning Board attorney and which proof must be provided prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1), the requirement to file a $320,0000 maintenance bond shall be extinguished and shall be of no force and effect upon the following:

(1) Applicant completes the road repair work on the existing Subdivision or Common Area roads and/or rights-of-way to the reasonable satisfaction of the Superintendent of Public Works by October 20, 2023; OR

(2) if Applicant fails to complete the repair of the Common Area roads and/or rights-of-way to the reasonable satisfaction of the Superintendent of Public Works by October 20, 2023, Applicant must file a $129,307.65 bond (in form approved in advance by the Planning Board attorney) Applicant, which bond or escrow amount will be used by the Village, if necessary, for road repair purposes and which bond or escrow amount will not be released to the Applicant until the road repair work on the existing Subdivision or Common Area roads and/or rights-of-way is completed to the reasonable satisfaction of the Superintendent of Public Works and further providing (in either the bond form or escrow agreement) that the Village has the right but not

the obligation to draw down on such monies to do said road repair work if the Applicant fails to do so; and

[redacted] Applicant must submit $1,600 in escrow for the 2023-2024 season for snowplowing pursuant to an escrow agreement (in form approved in advance by the Village attorney) signed by the Applicant providing that the Village can use the escrow money to reimburse the costs to plow the roads that are part of the Common Area if Applicant fails to do so and that the Village will hold and not release the aforementioned escrow amount until the end of the 2023-2024 season.

[redacted] in the event the Applicant fails to complete the road repair work on the existing Subdivision or Common Area roads and/or rights-of-way to the reasonable satisfaction of the Superintendent of Public Works by October 20, 2023, the Applicant must either file: (1) a $320,000 maintenance bond; or (2) the $129,307.65 bond (or escrow amount with escrow agreement), prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1.

[redacted] that the $1,600 escrow (and escrow agreement) for snowplowing must be submitted prior to the issuance of any building permit for any lot in the Subdivision, including Lot 1.

Condition 16(e) (easement related to roadway trees):

> *16. Easements relating to infrastructure shall be prepared and properly executed between the owner of the subject property, future purchasers and adjacent property owners, where applicable. Said easements and agreements shall include, but not be limited to:*
>
> *e. Preservation of existing trees consistent with Village roadway specifications and the safety of emergency vehicles as determined by the Village Engineer.*

Applicants seek to remove Condition 16(e) as a condition based upon its submission of a global tree removal plan for the areas in roadways and utility locations negating the need for any easements.

The Planning Board finds that there is no basis for the issuance or need for an easement.

IT IS HEREBY RESOLVED that condition 16(e) is extinguished and shall be of no force and effect.

Condition 20 (condition to file $1.3m construction bond)

20. An amount of $5199.25 shall be paid for sewer improvement costs prior to the issuance of each building permit. A construction bond of $1,300,000 shall be required for all other infrastructure improvements. The Applicant/property owner shall be required to install all sediment and erosion control measures and make sure that they are in place and functioning throughout the entire construction process. Such measures shall be monitored by the Village Engineer or his/her designee.

Applicant seeks to modify Condition 20 to remove the requirement to post a construction bond of $1.3 million and to instead to post a $25,000 cash performance bond to cover the water main tie-ins in Village-owned property, a separate $25,000 cash performance bond to cover the sewer main tie-ins in Village-owned property and a construction bond of less than $10,000. The Applicant contends that the rationale for this change is that the improvements are on its private property, and the Applicant is prepared to install them at its expense. Applicant is not requesting any modification to the requirement to pay $5,199.25/lot for sewer improvement costs prior to the issuance of each building permit, as noted in Condition 20.

[redacted] that while the to be constructed cul de sac road is on private property, the project requires disturbance of a portion of an existing private road and based upon construction estimates submitted by the Applicant and by the Village's consulting engineer, a construction bond of $200,000 is necessary in addition to the sewer and water tie-in bonds to protect the existing neighborhood that the utilizes the existing roads.

[redacted] that Condition 20 shall be modified only to the extent that instead of the requirement for Applicant to file a $1.3 million construction bond, Applicant shall file: (a) a $25,000 cash performance bond to cover the water main tie-ins into the Village system; (b) a $25,000 cash performance bond to cover the sewer main tie-ins into the Village system and

(c) a $200,000 construction bond (in form approved in advance by the Planning Board's attorney) regarding the work in the existing private road known as Gracemere extending from the existing water main to Open Space Area as depicted on the Approved Plans, which two cash performance bonds (each in the amount of $25,000) and the $200,000 construction bond must be filed prior to the issuance of any building permit for any of the subdivision lots 3, 5, 6, 7, 8 and 9 (collectively, the "Six Lots").

[redacted] that no certificate of occupancy may be issued for any of Six Lots until all infrastructure, including water, sewer and drainage/stormwater, road work (with the exception of the top course), curbing and off-site improvements in accordance with the Approved Plans and Lot 4 is connected to the new sewer system, is completed and all regulatory certificate of completions have been obtained, including from WCDOH; and

[redacted] that with respect to the Six Lots, no more than a total of three building permits may be issued for any of the Six Lots prior to completion of the all infrastructure, including water, sewer and drainage/stormwater, road work (with the exception of the top course), curbing and off-site improvements in accordance with the Approved Plans and Lot 4 is connected to the new sewer system, is completed and all regulatory certificate of completions have been obtained, including from WCDOH (collectively, the "Infrastructure"); as the completion of the Infrastructure is a condition to issuance of building permits for any of the last three building permits for the Six Lots.

[redacted] that these conditions set forth above regarding the Six Lots shall be recited and set forth in any contract of sale for any of the Six Lots to put any potential buyer of the Six Lots on notice.

[redacted] that $5,199.25 must be paid to the Village prior to the issuance of any building permit for any of the subdivision lots, including Lot 1.

C. **Satisfied Conditions:**

IT IS HEREBY RESOLVED that the Planning Board approves the Approved Plans and the Approved Plans, including the notes on the Approved Plans, to satisfy the following conditions (Conditions 2, 3(a), 4-16; 21-25; 27-31; 33) subject to any additional findings and conditions set forth below:

Conditions 2

2. The two existing structures known as "Gracemere Courts" will be demolished in accordance with all federal, state and local laws. The site of the two existing structures will be planted with non-invasive, native species approved by the Village's Consulting Landscape Architect.

IT IS HEREBY FURTHER RESOLVED REGARDING CONDITION 2 that the Planning Board determines that the two existing structures referenced in Condition 2 have been demolished.

Condition 3(a) (BOT Approval of acceptance of Open Space Parcel A).

IT IS HEREBY FURTHER RESOLVED REGARDING CONDITION 3(a) that the Planning Board determines that the Village of Tarrytown Board of Trustees accepted Open Space Parcel A and Open Space Parcel A was conveyed to the Village of Tarrytown by bargain and sale deed dated November 25, 2014, recorded on December 5, 2014 under Control Number 543283534.

Condition 4

4. The Planning Board approves a reduction in <u>some</u> dimensional parameters required for an R-60 Zone to permit the clustering proposed.

These parameters would be reduced from R-60 to R-30 requirements:

a. Lot size
b. Width at building front
c. Street frontage
d. Yard setbacks

The Planning Board approves this reduction to achieve the following environmental benefits:

a. The open space is enhanced significantly,
b. Linkages to other open space areas are provided,
c. Viewsheds are protected, and
d. Environmental features, including specimen trees, steep slopes, wetlands, hilltops, and other features are protected.

Condition 5 (re: 3rd party environmental assessment of pond report and 3rd party structural assessment of retaining wall)

5. The Applicant/property owner will conduct an environmental assessment of the pond to evaluate the need for dredging of the pond and the trees on the site. The assessment will be completed by professional consultants with experience in these fields. The assessment will be reviewed by the Village Engineer. If the assessment indicates that dredging of the pond is required, Applicant/property owner will be responsible for dredging the pond to the extent indicated by the assessment or as determined by the Village Engineer. The Applicant/property owner will also

5. conduct a structural assessment of the retaining wall on the north bank of the pond. If the assessment indicates that structural reinforcement or other remedial work of the retaining wall is required, the Applicant/property owner will be responsible for conducting the improvements. The Applicant/property owner will have the site inspected each spring and each fall for three years following final stabilization of the retaining wall. Plant material displaced during dredging and other site improvements will be replaced as required and deficiencies in site stability corrected immediately. Upon acceptance of open space area A by the Village, the Applicant/property owner will remove dangerous items, including trash, debris and rusted cars, to the satisfaction of the Village engineer, within six months of subdivision approval. No building permits will be issued until open space areas are cleared of trash, debris, rusted cars, or other dangerous items to the satisfaction of the Village Engineer. The Applicant/property owner shall be responsible for the maintenance of all open space, including the pond.

Condition 6

6. Notwithstanding anything in this resolution, no tree will be removed on individual lots prior to individual site plan approval by the Planning Board. Trees may be removed for roadway and utility construction, in accordance with the Village's Consulting Landscape Architect's approval.

Condition 7

7. A landscaping plan must be provided for roadway landscaping along the new cul-de-sac prior to the issuance of the first building permit. The landscaping plan shall be submitted to the Village's Consulting Landscape Architect for review and approval. The cost of this review and approval shall be the responsibility of the Applicant/property owner. Installation of landscaping shall be done consecutively with installation of the road top course. Wayfinding signs acceptable to the Village Engineer shall be provided to direct hikers to Taxter Ridge Park. The landscaping and signage plans must be presented to the Village Planning Board for approval before building permits are issued.

Condition 8

8. A design for the intersection of Gracemere and Gracemere Lake Drive must be submitted to the Village Engineer for review and approval and must also be reviewed by the Village Fire Chief. The intersection should be designed to deter cut throughs and should include landscaping and mountable curbs. The intersection design must be presented to the Village Planning Board for approval before a building permit is issued for any residence in the subdivision.

Condition 9

9. The wooden guard rail to be provided along Gracemere at Gracemere Lake which shall include break points to allow for access to the lake, as delineated on the subdivision plan. The guardrail plan and mailbox placement must be presented to the Village Planning Board for approval before a building permit is issued for any residence in the subdivision.

Condition 10

10. Within Wetland B, in conjunction with road construction the two existing dwellings will be razed. The area will be restored to a wetland/buffer habitat or a retention basin will be provided in this location with appropriate landscaping, as determined by a wetland consultant and the Village's Consulting Landscape Architect. The Planning Board approves a Wetlands Permit for this action.

Condition 11

11. In Wetland C, there is a culvert that has been entirely blocked by sedimentation.
a. To remedy this, the sediment is to be removed and the culvert restored, allowing for a resumed flow of the watercourse in its original path. A sediment trap will be needed on the upstream side of the culvert for future maintenance of the culvert.
b. The trail would then remain as a walking path for access to the open space area and, ultimately, to Taxter Ridge Park.

Condition 12

12. The Applicant/property owner shall submit a site plan application for each lot of the approved subdivision where a home is to be constructed. Conceptual layouts or building envelopes do not constitute a site plan.

Condition 13

13. Construction of all infrastructure shall commence within six (6) months from receipt of all permits and approvals associated with the infrastructure and shall be completed within thirty (30) months.

Condition 14

14. The Applicant/ property owner shall furnish "as-built" drawings (both paper and disc) when site work is completed.

Condition 15

15. Before beginning land clearing, placing construction equipment on site or actual construction, the boundary of each lot must be staked out by a licensed surveyor. The parking of construction equipment and storage containers shall not occur within the drip line of any tree.

Condition 16

16. Easements relating to infrastructure shall be prepared and properly executed between the owner of the subject property, future purchasers and adjacent property owners, where applicable. Said easements and agreements shall include, but not be limited to:

a. Easements for wastewater collection and water distribution mains located on private property, including the existing private roadways;

b. An easement to allow the Homeowners' Association access to maintain the retention basin referenced in #10 above, in Lot "Open A;"

c. An easement to address roadway encroachment over 8 Gracemere and 12 Gracemere; and

d. Easements for trails.

e. Preservation of existing trees consistent with Village roadway specifications and the safety of emergency vehicles as determined by the Village Engineer.

f. A Pedestrian easement shall be provided that extends from the western corner of Outparcel A on Gracemere to Open Space Parcel A at the eastern edge of the subdivision that provides access to Taxter Ridge Park.

These easements and agreements shall be submitted to the Village Attorney and Village Engineer for review prior to their recordation to ensure consistency with the purpose and intent of subdivision approval and subsequent site plan approval. In addition, notes shall be added to the site plan listing these and all other easements on the property.

The Planning Board finds that Applicant submitted a proposed Water and Sewer Line Maintenance and Access Easement Agreement in connection with Conditions 16(a), a proposed Declaration of Drainage Easement in connection with Condition 16(b), a Proposed Private Access & Utility Easement Agreement in connection with Condition 16(c), and a proposed Pedestrian Easement Agreement in connection with Conditions 16(d) and 16(f)

[redacted] and on the Subdivision Plat that proof of recording of the above referenced easements in a form acceptable in advance to the Village Attorney and the Village Administrator with authorization from the Board of Trustees must be provided prior to issuance of a building permit for any of the Six Lots or prior to issuance of a certificate of occupancy for any of the Subdivision lots, whichever is sooner; and

[redacted] that proof of recording of the Private Access & Utility Easement Agreement (or similar easement agreement approved by all parties, including the 8 Gracemere and 12 Gracemere property owners) must be provided prior to issuance of a building permit for any of the Six Lots. If the Applicant is unable to obtain said easements from the 8

Gracemere and 12 Gracemere property owners, the Applicant must seek another Subdivision Amendment and submit a revised plan to the Planning Board depicting the reconfiguring of the road for the Planning Board's review and approval, which Planning Board approval for the reconfigured road must be obtained prior to the issuance of any building permits for any of the Six Lots.

[redacted], that in the event the Applicant obtains approval for the reconfigured roadway, construction of the reconfigured roadway must be completed prior to any certificates of occupancy being submitted for any of the Six Lot and prior to more than a total of three building permits being issued for any of the Six Lots.

[redacted] that these conditions set forth above regarding the Six Lots shall be recited and set forth in any contract of sale for any of the Six Lots to put any potential buyer of the Six Lots on notice.

Condition 21:

21. The Applicant/property owner shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval prior to commencing site work. The Applicant/property owner shall notify the Village Engineer or Building Inspector with confirmation at least 72 hours in advance of any site disturbance to provide sufficient advanced notice for the inspection of the installation of erosion and sediment control devices and tree and stream protection measures.

Condition 22

22. The Applicant/property owner shall provide to the Building Inspector or Village Engineer a staging and construction plan to identify the location of construction equipment, construction materials and debris on the Jardim East site. This plan shall be submitted prior to any site disturbance.

Condition 23

23. All slopes shall be graded to a slope of 3:1 or less and shall be planted with a non-invasive ground cover or shrub and tree plantings to ensure long-term stability of the slope. Any slopes 2:1 shall be provided with rolled erosion control blankets.

Condition 24

24. All applicable local, county, state and regional permits shall be obtained prior to receiving a building permit. In the event that such permit(s) requires a modification to the subdivision approved by this resolution, a determination shall be made by the Building Inspector or Village Engineer as to whether the modification is substantive and should be returned to the Planning Board.

Condition 25

25. All Village engineering, inspection, and planning consulting fees shall be paid prior to the issuance of a certificate of occupancy for each house constructed.

Condition 27

27. The Applicant/property owner shall provide an on-site and qualified arborist or landscape architect in advance of all grading activities that are occurring within 100 feet of any healthy tree shown on the subdivision plan as to be preserved, as required by the Village Engineer or his/her designee. The arborist or landscape architect shall ensure that the tree protection measures shown on the tree protection and preservation plan are in place and properly maintained throughout all grading activities.

Condition 28

28. Subsequent site plans for individual lots shall comply with the Village's Tree Replacement and Maintenance Policy and Tree Replacement Fund. Each site plan application shall include a landscaping/planting plan and a tree protection and preservation plan. The proposed houses shall be located such that existing topography, trees, and wetlands are preserved to the maximum extent practicable. Within the limits of disturbance for the individual site plans, all efforts shall be made to avoid removal of existing mature trees through site design and construction best practices, including the use of smaller construction equipment.

Condition 29

29. Construction vehicles with more than six wheels must use Browning Lane, not Grocemere. Signage must be provided at appropriate locations, per Village code, to direct construction vehicles to access the site via Browning Lane. Construction vehicles with six wheels or fewer may access the site via either Browning Lane or Grocemere.

Condition 30

30. All construction activities shall be performed during the times permitted under the Village Code. If deemed necessary by the Village Engineer/Building Inspector or Chief of Police, the Applicant/property owner shall pay for a police officer or certified flagger to direct traffic at the entrance to the site on weekdays during the permitted hours of construction until the time when the level of construction activities at the site no longer warrants the officer or flagger. Prior to any site disturbance or the location of construction equipment on the site, the location of construction vehicle signage, a construction plan and construction schedule shall be provided and approved by the Village Engineer/Building Inspector.

Condition 31:

31. All blasting shall be carried out by a licensed professional and shall be done in full conformance with New York State and the Village of Tarrytown ordinances governing the use of explosives.

Condition 33

33. For lots abutting open space areas, lot lines must be demarcated with monuments at lot corners. A covenant shall be placed in each of the subject homeowners' deeds prohibiting solid and/or opaque fencing along or near lot lines abutting designated open space areas.

D. Pending Conditions

IT IS HEREBY RESOLVED that the Planning Board determines that the following conditions are still pending but must be satisfied prior to the issuance of the building permit for any lot in the Subdivision, including a building permit for Lot 1 unless otherwise set forth below.

Conditions 3(b) and 3(c):

3. Approvals by:

a. The Board of Trustees for acceptance of any open space areas offered to the Village
b. The County Health Dept. for water and sewer extensions
c. NYS DEC for general stormwater SPDES Permit prior to construction

[redacted] that the County Health Department water and sewer extension permit must be issued prior to the issuance of any building permit for any

of the Six Lots, but the building permits for lots 1, 2 and 4 may be obtained prior to County Health Department approval.

[redacted] that the Applicant must provide a complete SWPPP (which was previously prepared by Cronin Engineering on February 2014) with the inclusion of the drainage analysis prepared by Robert G. WASP, PE and with addressing all comments in the September 26, 2023 memorandum by Hahn Engineering, which complete SWPPP must be submitted prior to any site disturbance on any subdivision lot and prior to submitting an MS-4 acceptance form to the Village and the NOI to the DEC and Applicant must file a NYS DEC SPDES Permit prior to the issuance of the building permit for any lot in the Subdivision, including a building permit for Lot 1.

Conditions 18 and 19

18. Implementation of the Erosion and Sediment Control Plan, which is to include the following:
a. Install erosion control measures for approval by the Village Engineer or his/her designee prior to commencing construction;
b. Complete cleaning and grubbing operations for approval by the Village Engineer or his/her designee prior to earth moving operations;
c. When earthwork commences erosion and sediment controls are to be monitored, maintained and approved by the Village Engineer or his/her designee;
d. Earth excavation is to occur only within the limits of disturbance;
e. When rough grades are established, utility infrastructure shall be installed;
f. After building construction is complete grades must be brought to final elevations, road pavements and curbs must be installed and the site must be stabilized with topsoil and plantings; and
g. A schedule must be submitted to the Village Engineer or his/her designee for all of the above for approval prior to commencing site work.

19. The Applicant/property owner shall provide detailed monitoring, maintenance and inspection of erosion control measures as follows:
a. A qualified inspector shall be designated by the Applicant/property owner to maintain and inspect the effectiveness of the erosion control;
b. The Applicant/property owner 's designee shall inspect all erosion and control measures during and after rainfalls;
c. Erosion and sedimentation problems shall be identified and corrected as soon as possible with immediate notification to the Village Engineer or his/her designee;
d. Additional hay bales, silt fencing and wood stakes shall be stored on site for emergency use;
e. A written weekly inspection and maintenance report shall be prepared by the Applicant/property owner's designee and submitted to the Village Engineer until the proposed stormwater management plan is determined to be fully installed.
f. No building permits will be issued until the qualified inspector approves the implementation of erosion control measures.

IT IS HEREBY FURTHER RESOLVED that the Applicant must provide a complete SWPPP (which was previously prepared by Cronin Engineering on February 2014) with the inclusion of the drainage analysis prepared by Robert G. WASP, PE and with addressing all comments in the September 26, 2023 memorandum by Hahn Engineering, which complete

SWPPP must be submitted prior to any site disturbance on any subdivision lot and prior to submitting an MS-4 acceptance form to the Village and the NOI to the DEC and Applicant must file a NYS DEC SPDES Permit prior to the issuance of the building permit for any lot in the Subdivision, including a building permit for Lot 1.

Conditions 24 and 26

24. All applicable local, county, state and regional permits shall be obtained prior to receiving a building permit. In the event that such permit(s) requires a modification to the subdivision approved by this resolution, a determination shall be made by the Building Inspector or Village Engineer as to whether the modification is substantive and should be returned to the Planning Board.

26. Prior to any construction, the Applicant/property owner must prepare and submit a Notice of Intent to NYSDEC to seek coverage under General Permit GP-0-10-001 for Construction Activity. The Applicant/property owner shall copy the Village on all correspondence relevant to the NYSDEC permit.

IT IS HEREBY FURTHER RESOLVED that the Applicant must provide a complete SWPPP (which was previously prepared by Cronin Engineering on February 2014) with the inclusion of the drainage analysis prepared by Robert G. WASP, PE and with addressing all comments in the September 26, 2023 memorandum by Hahn Engineering, which complete SWPPP must be submitted prior to any site disturbance on any subdivision lot and prior to submitting an MS-4 acceptance form to the Village and the NOI to the DEC and Applicant must file a NYS DEC SPDES Permit prior to the issuance of the building permit for any lot in the Subdivision, including a building permit for Lot 1.

Conditions 34 and 35

34. A covenant shall be placed in each homeowner's deed, in the miscellaneous document of each property, and in the Homeowner's Association Declarations that prohibits the use of phosphate fertilizers and Roundup herbicide. Organic, non-phosphate fertilizers may be used.

35. A deed restriction will appear on the final subdivision plat requiring the Homeowners' Association to maintain Gracemere Lake. A covenant shall be placed in the HOA declarations stating that the HOA is responsible for maintenance of Gracemere Lake.

IT IS HEREBY FURTHER RESOLVED that the Applicant shall continue to adhere to these conditions.

Condition 32 (regarding recreations fees)

32. Prior to site development, the Applicant/property owner shall provide recreation fees per lot pursuant to the fees established by the Village Board of Trustees. The Applicant/property owner shall construct walking trails with signage in accordance with the submitted plans. These will be installed at the time of the binder course of the asphalt of the road.

[redacted] that the Applicant shall pay in full the applicable recreation fee (the current recreation fee is $12,077) prior the issuance of a building permit for Lot 1 and prior to the issuance of building permit for each of the Six Lots. No recreation fees are required for either Lot 2 or Lot 4 (which are improved with existing structures), but recreation fees must be paid for the remaining subdivision lots (Lots 1, 3, 5, 6, 7, 8 and 9).

Condition 37

37. Applicant/property owner shall comply with the affordable housing provision in the Village Code.

The Applicant represents that it will comply with the Village's affordable housing provision by remodeling and renting one of the units in an existing multi-family building that is on one of the Subdivision Lots in accordance with the Village's affordable housing provision.

[redacted] that the Applicant has identified the affordable unit that it will provide – namely Unit 2 (3 bedrooms, 2 bath) of the existing three-family home on subdivision lot 2.

[redacted] that in accordance with Zoning Code 305-30(D), the Applicant must prior to the issuance of the last three building permits for the Six Lots or any certificates of occupancy for the Six Lots either: (1) pay $300,000 to the Village; or (2) create and construct a 3-bedroom, 2-bath affordable unit (Unit 2) in the existing three family house on subdivision Lot 2 in accordance with Village and Westchester County regulations (including but not limited to, obtaining all applicable approvals for the creation of the an

affordable unit, recording all applicable deed restrictions and other documents, constructing the affordable unit and making it available for rent or purchase).

[redacted] that this condition set forth above regarding the Six Lots shall be recited and set forth in any contract of sale for any of the Six Lots to put any potential buyer of the Six Lots on notice.

Exhibit D -1

Gracemere Partners, LLC

Chart of Conditions with Timeline Requirements

EXHIBIT D-1
9/26/23
PB MINUTES

CHART OF CONDITIONS AND TIMELINE FOR APPROVALS
Jardim Estates East Subdivision Amendment

Prior to BP for Lot 1 (or any other subdivision BP):	Prior to BP for any of the Six Lots (lots	Prior to issuance of BP for any of the Six Lot or prior to issuance of C/O for any Lot in Subdivision, whichever is sooner:	Prior to C/Os for any or the Six Lots and Prior to issuance more than a total of 3 building permits for the Six Lots
Record Deed: Proof of recording of deed conveying all the other roads/R.O.Ws to Gracemere 2021 HOA, INC.	Construction Bonds -$25,000 cash performance bond for water tie-in -$25,000 cash performance bond for sewer tie-in -$200,000 construction bond	Village Easements: 1. Proof of Recording of the Water and Sewer Line Maintenance and Access Easement Agreement (per Conditions 16(a)) 2. Declaration of Drainage Easement (per Condition 16(b)) and 3. Pedestrian Easement Agreement (per Conditions 16(d) and 16(f))	Infrastructure: Complete All infrastructure (including water, sewer, drainage/stormwater, road work (with the exception of the top course), curbing and off-site improvements in accordance with the Approved Plans and Lot 4 is connected to the new sewer system) AND complete reconfigured road (if unable to obtain private easement (referenced elow))
Road/Maintenance Bond: (1) Complete road repair work by October 20, 2023; OR (2) If Applicant fails to compete the road repair work by October 1, 2023, Applicant must submit: (a) $320,000 maintenance bond; or (b) 129,307.65 bond (or escrow amount with escrow agreement).	DOH Approval" County Health Department water and sewer extension permit		Private Easement Either submit: (1) proof or recording of the Private Access & Utility Easement Agreement (or similar easement agreement approved by all parties, including the 8 Gracemere and 12 Gracemere property owners) OR (2) obtain amended subdivision approval and submit revised plan to the Planning Board depicting the reconfigured road and obtain Planning Board approval.
Snow Plowing: $1600 escrow for snowplowing			Affordable Unit: Pay 300K or create and construct 3-bedroom, 2 bath (Unit 2) in existing three-family house.
Complete SWPPP: Provide a complete SWPPP, which complete SWPPP must be submitted prior to submitted an MS-4 acceptance from to the Village and the NOI to the DEC			
SPDES Permit: Obtain NYS DEC SPDES Permit			
Recreation fees: Payment of applicable recreation fee (the current recreation fee is $12,077) prior the issuance of a building permit for Lot 1 and prior to the issuance of building permit for each of the Six Lots. No recreation fees are required for either Lot 2 or Lot 4			
Condition 20 (sewer improvement costs): Pay $5,199.25 (for Lot 1 and every other subdivision lot)			

Exhibit D -2

Gracemere Partners, LLC

SEQRA Negative Declaration for the Application Amending/Modifying Conditions of the Conditional Final Subdivision Plat for Jardim Estates East Subdivision

Agency Use Only [If applicable]	
Project:	Amended Conditions Jardim Subdiv.
Date:	September 18, 2023

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

PRINT FORM

Agency Use Only [If applicable]

Project: Amended Conditions Jar

Date: September 19, 2023

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is a request for amendments to certain conditions of the Conditional Final Subdivision Plat for the Jardim Estates East Subdivision. This subdivision was approved by resolution of the Planning Board on November 13, 2014, and filed with the Westchester County Division of Land Records, on December 2, 2014, under Map No. 28829). The Applicant is requesting the amendments since certain conditions have been satisfied and others are no longer relevant or required due to the lapse of time. A Draft Environmental Impact Statement, dated January 2012, and revised March 13, 2012, was prepared by VHB on the original subdivision. It was accepted by the Planning Board on March 26, 2012. The Final Environmental Impact Statement was accepted by the Planning Board on August 27, 2018.

The Planning Board has reviewed the status of the original 37 conditions as part of its review of the current amended application. The Planning Board also reviewed additional information from the Applicant including: letter from Applicant reviewing the outstanding conditions on the original subdivision plat dated 9/7/23; Global Site Plan dated 7/28/23; Response Memo dated 9/7/23 to the Hann Engineering 8/28/23 review; Response Memo dated 9/7/23 to Landscape 8/28/23 report; Technical Memorandum for Structural Assessment of Retaining Wall from Applicant's Engineer dated 5/3/23; report by Paul Jaehnig, Wetlands & Soils Consulting, Investigation of a Pond on the Jardim Estates East Site, Gracemere Ave. dated 5/3/23; Review of SWPPP Compliance Design, Wasp Engineering dated 4/3/23; Tarrytown Fire Chief email approving the plans for the property dated 4/27/23; Applicant's submission to Attorney General for Gracemere 21 HOA, Inc. dated 7/21/22; Village Landscape Consultant review of overall subdivision conditions dated 9/13/23; proposed easement language for Pedestrian/Trailway, Drainage, and Utility plans; and the new Staging and Construction Plan.

After a review of the requested information listed above and the Part 2 of the EAF, the Planning Board determined that the proposed action is not expected to result in any significant adverse impacts that would rise to the level of significance required for a Positive Declaration.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Tarrytown Planning Board	September 26, 2023
Name of Lead Agency	Date
Joan Raielis	Chairperson
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Robert Galvin, AICP - Consulting Planner
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM