

Planning Board
Village of Tarrytown
Regular Meeting
April 25, 2022 7 pm

PRESENT: Chair Raiselis; Members Friedlander, Aukland, Member Gaito; Counsel Addona; Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros.

ABSENT: Member Mendez-Boyer

Chair Raiselis called the meeting to order at 7:02 pm and welcomed the public. She advised that meetings have resumed in person and the public will be given the opportunity to address the Board on agenda items only; each speaker will be given three minutes during the public comment period. In addition, the Board welcomes public written comments via email or regular mail no later than 12pm on the Friday before the Monday meeting, in order to be distributed and considered at the meeting.

APPROVAL OF MINUTES: March 28, 2022

Chair Raiselis moved, seconded by Mr. Aukland, to approve the minutes of the March 28, 2022, as submitted.

Ms. Raiselis asked for a roll call vote:

Member Aukland: Yes
Member Friedlander: Yes
Member Gaito: Yes
Chair Raiselis: Yes

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING - Hackley School – 293 Benedict Avenue

Mark Weingarten, ESQ., partner with the Law Firm of DeBello Donnellan Weingarten Wise & Wiederkehr LLP, representing Hackley School, appeared before the Board in connection with a request for site plan and tree removal permit approvals, as well as a steep slopes waiver to facilitate the construction of a state of the art 54,000 square foot Center for Creative Arts and Technology Building (located in the Town of Greenburgh), together with 56 parking spaces and limited infrastructure on the Hackley School campus.

Mr. Weingarten advised the Board that since last month, they have completed the approval process with the Town of Greenburgh. A Negative Declaration was issued by the Town Board under SEQRA, followed by site plan approval which included a steep slope waiver request. They have returned to this Board for site plan approval. He referred

to their April 21, 2022 submission, which included a number of materials in addition to an April 20, 2022 letter from Kimley-Horn, the project engineer, responding to specific questions raised last month by the Village Engineer and the Board. He introduced his entire team of people, Peter McAndrew and Robert Aldrich, both from the Hackley School, Michael Junghans, PE, the project engineer, with Kimley-Horn, Mitch Hirsch and David Coon, the project Architects with Pelli-Clarke & Partners, and Jeff Gada, the project manager, who are available to answer any questions this evening as they are hoping to close out the record tonight.

Michael Junghans, of Kimley-Horn, the project engineer, briefly showed the site plan and went through the April 20, 2022 response letter to comments made at the April 14, 2022 Planning Board work session. He showed the requested sidewalk area on the plans along Benedict which continues to the corner of Midland, the fence around the retention pond which has been, labeled for clarification, and advised that a complete set of updated plans has been submitted as requested. A temporary 20,000-gallon water storage tank will be located in the driveway area next to the pump house to provide for adequate fire protection during construction. It will take up two parking spaces and will not affect any through traffic. It will be suitable for a fire truck to hookup to the tank if needed. When the new tank is put into service, this tank will be removed from the property.

Mr. Junghans advised that there will be no additional traffic impacts since the site population has not changed. There will be no increase in events or traffic generation.

Mr. Aukland asked if they plan on holding any new events since it is a new facility. He thinks it is manageable, but would like to have a better understanding of the impacts. Mr. Weingarten returned and said that there is no current plan for any change in the programming activity that is currently taking place in the existing as opposed to the new facility. It is possible that they may have some events in the future, but for the most part, they would expect those events to take place when school is not in session, most likely during the summer. They have no programming in place, or any expectation of any future programs at this time.

With regard to the lighting, Mr. Junghans noted the Board's concern about light spilling over from the proposed parking lots. He advised that they have provided additional foot-candles in that area and have confirmed that there will be no overspill onto Benedict Avenue. They are using all LED with cut offs and they will be dark sky compliant.

With regard to the landscaping around the parking lot areas, he showed the significant landscaping around these areas and lastly, he showed the fence around the detention basin with an added safety bench.

Ms. Raiselis asked for more information about the possibility of future events on site to determine the potential impacts. Mr. Weingarten said there is a chance they could use the facility while school is out of session, but that would not be a problem because there are no students, faculty or staff on site. From a traffic perspective, the traffic is

manageable. Ms. Raiselis is concerned about the traffic impact of having 300 cars coming in and out within a four-hour period.

Mr. Weingarten said the school currently handles more traffic in a shorter period of time on a daily basis. They are not adding any traffic to the road that has not already been designed for.

Mr. Galvin noted that the events take place in Greenburgh and they should have to get a permit from Greenburgh to make arrangements for traffic control with the Town of Greenburgh; a condition could be added to the resolution.

Ms. Raiselis said as long as it is managed, it is fine. She did not realize that the police were involved for traffic control during certain events. Mr. McAndrew said they have notified the police in the past and they have not had any issues with the traffic for the graduations. Currently, about 820 students arrive between 7:50 a.m. and 8:10 a.m., by car, bus, and there are two afternoon dismissals at 2:45 p.m. and 4:45 p.m. Any additional program would not take place during school hours and most likely would occur in the summertime.

Mr. Gaito asked the applicant to show the flow of cars on the site plan. Mr. McAndrew briefly went through the plan and noted that they upgraded the traffic light. He showed the proposed upper lot and the lower lots that will be improved which will accommodate the traffic flow. Traffic can also be diverted to the lots by middle school and science building. The Midland Avenue entrance can also be used which has access to all of these lots. They currently have a security staff and parking monitors that assist with the traffic flow.

Mr. Weingarten reminded the Board that the traffic impacts were all subject to the original GEIS, that was adopted by the Town of Greenburgh when they did the original master plan and nothing has changed. Greenburgh also reviewed the traffic as part of this project and has issued a Negative Declaration.

Mr. McAndrew noted that he recently met with the three Tarrytown Fire Department Chiefs and they are all satisfied with the location of the tank.

Mr. Pennella noted that, in general, event traffic is less impactful than the daily traffic impacts during the morning and afternoon dismissals. He suggested a condition be added in the Resolution that requires that the Police Department be notified when they plan a large event.

Mitch Hirsch and David Coon, the project architects, with Pelli, Clarke & Partners, appeared before the Board and briefly went through their presentation, attached as "Exhibit A" of these minutes. They went over some of the issues and concerns relative to the lower lots and what can be seen in the neighborhood. They showed a birds eye view of the campus from Benedict Avenue and the enhanced parking areas. They will

use gravel and additional landscaping in the lower lots. They showed before and after pictures of the entrance to the School and the parking areas which illustrates how the building naturally steps down and fits into landscape. They showed the retention pond with landscaping and fencing designed to be an amenity. Mr. Coon advised that their Landscape Architect worked with Ms. Nolan to get a beautiful array of grasses and small flowering plants for the plan and some shrubs will also be installed. Mr. Hirsch pointed out the natural wood posts for the fence which are transparent, made of wire, and are rustic in nature to blend in and look like trees.

Mr. Hirsch said that safety is a main concern on campus and lighting is important. He showed a dusk impression of the west face (facing the soccer field). All of the lighting is under the canopy of the lower level. There is no architectural lighting on the main façade of the building.

Mr. Coon advised that the project will be LEED Gold certified which requires all site lighting to be dark sky. The fixtures will be shielded and lighted downward.

Mr. Hirsch showed the parking lot lighting and noted no spillover or spread of light pollution.

With regard to the reflective light from the building, Mr. Hirsch said the building is very low scale and sits within the green area. You will not see the building most of the time. Mr. Coon brought a sample of the glass to be used. Mr. Hirsch said they try to use transparent glass for most of their projects, rather than dark, tinted, or reflective glass. The more transparent the glass, the more you can see into the building. It is a low iron glass which costs more, but it is more transparent and less reflective. Mr. Coon said this high performing glass is required to maintain the LEED Gold standard.

Mr. Aukland has concerns with light shedding on Crest Drive or Benedict from the building. Mr. Hirsch said this is a legitimate concern. He believes that the trees in the neighborhood will block it as much as possible and they have kept the scale of the building low. They are using the lowest reflective glass and does not believe it will disturb the neighborhood.

Ms. Raiselis asked Mr. Hirsch to briefly speak about energy and sustainability proposals. Mr. Hirsch said they work with mechanical engineers who specialize on “gathering space” projects. It is a challenge with gathering space because the goal is to deliver air at low volume and speed due to acoustic issues within the space. They are using the most efficient air handling units to achieve this balance. No gas is being proposed, only electrical. Mr. Coon also added that the natural daylighting reduces the number of light fixtures in the building. Mr. Hirsch also noted that the energy proposals are in line with the LEED Gold building certification goals.

Mr. Coon added that they will use low flow fixtures for reduce water usage. A 3,500 s.f. green roof will be installed over the building and a rainwater harvesting tank which goes

back into irrigating the landscape has been proposed. The retention pond and stormwater are all exposed for “learning on display” as you walk the site. Mr. McAndrew said they demanded a LEED Gold rating on this building since all their buildings have this rating and “learning on display” is actively integrated into the curriculum.

Mr. Gaito is satisfied with the lighting and spillage explanation.

Mr. Weingarten advised that they have completed their presentation.

Ms. Raiselis asked if anyone in the public has any questions or comment.

PUBLIC COMMENT PERIOD

Mistrella Murphy, President of the Board of the Tarry Crest Pool, which abuts the Hackley School, is concerned about the potential impacts to their pool during the construction period.

Mr. McAndrew said the building demolition will not be an issue. The rock removal method has not been determined yet. Hammering is very noisy and blasting requires surveys of adjacent properties before and after, which he noted was done 20 years ago. He advised that the neighborhood has been invited to a meeting at the campus tomorrow evening 4/26/22 at 7:30 p.m.

Mr. Weingarten also noted that the Town of Greenburgh has blasting regulations that they are required to follow. Before and after videos are taken of the adjacent homes. He has never experienced any claims at this property. They would prefer hammering, but blasting is quicker. They will do a geotechnical study to figure out the best way to proceed. Mr. Galvin said there could be a condition in the resolution about the blasting or rock removal process.

Becky Guardella stated that her family has owned the property at 10 Crest Drive for 40 years and she is very aware of the water problems in the area basements, especially the homes in the lower Crest. She is concerned that the 131 trees that are proposed to be removed will change the water table and create flooding problems. She also wants to make sure that there is asbestos mitigation before the gym building is demolished, and would like to confirm the method of blasting and how can she follow up on this issue once the method is decided.

Mr. Weingarten said there is no asbestos in the building to be demolished and they will work with the Village Building Department to secure a permit. Mr. Junghans stated that they are taking out a number of trees but they are all being replaced. This final disturbance will not have any impact on the groundwater table. They are not changing the distribution or how it currently infiltrates in any significant way.

Mr. Weingarten also mentioned that they are taking down more building than what they are putting back up and are adding more efficient water utilities which will result in a decrease in

water usage. Ms. Raiselis advised Mr. Weingarten that Ms. Guardella's concern is that the applicant will be taking down all these trees that are sucking up a lot of water and replacing them with smaller trees, so it is going to take a few years for them to get to that level again.

Mr. Pennella said the stormwater design was originally an underground system which has changed to a retention pond design due to groundwater concerns. The net decrease is greater than what is existing and the applicant has also reduced the coverage.

Ms. Guardella returned to the podium and asked why there is a need for the stormwater pond since it is not there now. Mr. Weingarten said they are improving the situation. An irrigation tank will also be added while they are doing the construction to trap the water before it gets to the retention pond. Mr. Weingarten advised that they are required, under SEQRA, to improve the existing condition, and to show a plan during the environmental review. Mr. McAndrew also noted that the standards today for stormwater retention are more stringent when the original buildings were built.

Ms. Raiselis asked if any Board Members or staff had any comments or questions. There were no additional questions or comments.

Ms. Raiselis advised that the hearing will not be closed this evening to allow the Board to review the submission and to continue the discussion at the work session.

Mr. Weingarten advised that the package submitted was discussed this evening and they have responded to all items raised at the last work session. They were hoping that the hearing could be closed this evening. They still need to return to Greenburgh for their permit.

Counsel Addona advised that the hearing can remain open but the Board can authorize that a Resolution be prepared for consideration at the next meeting.

Mr. Gaito agrees with this and does not want to delay the process.

Counsel Addona will discuss the recommendation to the Board of Trustees for the Compatible Use Permit with Counsel Zalantis.

Ms. Raiselis moved, to authorize Planner Galvin to prepare a draft Resolution for consideration at the next meeting, and to continue the public hearing, seconded by Mr. Aukland. All in favor. Motion carried.

NEW PUBLIC HEARING – Peter Rose – 240 Crest Drive

Chair Raiselis read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 25, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York to consider an application by:

Peter Rose
240 Crest Drive
Tarrytown, NY 10591

for site plan approval for the construction of a second story addition over the principal dwelling and a garage conversion to an existing single-family dwelling.

The property is located at 240 Crest Drive and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.120, Block 84, Lot 4 and is located in the R-10 Zoning district.

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

Additional approval will be required by the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: April 8, 2022

The mailing receipts were received and the sign was posted.

Sam F. Vieira, RA, the project architect, appeared before the Board, representing the applicants, Mr. and Mrs. Rose, also present. He showed the site plan and briefly described the project proposing to add a second story addition onto an existing single-story house at 240 Crest Drive. This house as it exists is a typical Crest area home just under 1,200 square feet of livable area with a single car garage on the side. The addition will add approximately 1,100 square feet and they will convert the existing garage into a mudroom/side entrance. They have received the required variances from the Zoning Board on March 14, 2022; the ZBA Resolution has been included in the site plan application. Mr. Vieira noted that they have provided elevations in the application along with a stormwater management plan which was part of the application. There were landscaping comments from Suzanne Nolan, the Village Landscape Architect, specifically relating to tree protection which they have also responded to. He advised the Board, for the record, that in an effort to mitigate the visual impact, a cape look design has been proposed to keep the single story look on the same plane profile in the front. They have added a large sloped roof with doghouse dormers and put the full two-story structure in the rear.

Ms. Raiselis referred to her work session notes regarding sprinkler issues. There was also a report from Ms. Nolan requiring a note be added to the plan indicating that no staging or material storage be permitted within tree protection zones.

Mr. Pennella advised that the landscaping plan has been addressed and Ms. Nolan has no further recommendations. The sprinkler system design will be addressed with the building permit application. They may propose a pump and tank system.

There were no comments or questions from the Board.

Ms. Raiselis asked for public comment. No one appeared from the public to comment on this application.

Mr. Gaito moved, seconded by Mr. Aukland to close the public hearing. All in favor. Motion carried. 4-0

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted April 25, 2022)**

**Application of Peter Rose
Property: 240 Crest Drive (Sheet 1.120, Block 84, Lot 4 and Zone R-10)
Resolution of Site Plan Approval**

Background

1.The Applicant requested site plan approval to construct a 1,030 sf second-floor addition above their existing 1,430 sf single-family residence located at 240 Crest Drive. The proposed project also includes the conversion of part of the existing single car garage into a finished side door/mud room entry space. This will require creating a new parking space on the existing driveway. The proposed project will require area variances from the Zoning Board of Appeals.

2.The Planning Board on April 25, 2022, determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *“construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...”* and, therefore, no further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on April 25, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memorandum dated April 14, 2022, from the Village Landscape Consultant in a review dated April 13, 2022, and final review dated April 25, 2022, and denial letters from the Building Inspector/Village Engineer dated November 30, 2021, and revised December 1, 2021, which the Board has considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for variances for front and side yard setbacks, parking in the front yard and side yard and a variance to allow a light exposure plane of 19' 5" where the Code does not permit the light exposure plane to exceed 12' at a public hearing held on February 14, 2022, and continued on March 14, 2022, at which public comments were heard and considered. The Applicant demonstrated through a streetscape that there are already other two-story homes in the immediate area. Applicant has also designed the home in a cape-style to keep the character of the existing home. The only members of the public who participated in the hearing advised the Board that they did not object to the variances including the light plane variance. These neighbors have a garage separating their house from the Applicant's house which mitigates any impacts. The Zoning Board of Appeals closed the public hearing on March 14, 2022, and approved the requested variances on that date.

6. The Planning Board closed the public hearing on April 25, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

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

I. Findings

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

The Planning Board has reviewed the Applicant's site plan. The Project is situated on an 11,025-sf lot. The property's steep slopes account for a total of 59 sf. There is no disturbance proposed within the steep slopes.

The Project proposes a second-floor addition above the existing single-story residence. The proposed second floor addition increases the existing 1,430 sf residence by 1,030 sf to 2,460 sf. The garage conversion required the creation of a new parking space on the existing driveway, and driveway which required area variances from the Zoning Board of Appeals to allow parking in the front yard. The FAR of the project will increase to 2,730 sf. where 3,776 sf is allowed. The impervious surface will increase from 24.5 percent to 25.3 percent where 37.25 percent is the maximum allowed

The existing house has three bedrooms, one bathroom and a small kitchen/dining room area. The proposed second-story addition will have three bedrooms, 1 or 2 bathrooms, larger closets and a laundry room. The exiting first floor will be renovated to create a side entrance door, larger common

areas, a play room and a guest room/home office space. The second-floor addition will align with the existing floor below, therefore, requiring side yard variances.

Applicant submitted a set of plans dated October 27, 2021, and revised December 21, 2021, which included a *Front Elevation Plane Study, Zoning Bulk Table, floor plans, elevations, photographs of the residential streetscape and a topographic survey*. Applicant separately provided a landscaping plan dated February 2, 2022, as well as a Stormwater Management Plan showing a one new culvert drywell system. The Plan includes runoff calculations which were reviewed by the Village Engineer. The Village Landscape consultant has reviewed the landscape plan and provided comments and recommendations to the Applicant. The Applicant has revised the landscape plan to include these recommendations.

II. Approved Plan:

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

-Plans prepared by Samuel F. Viera, R.A. for *Additions and Alterations to Rose Residence, 240 Crest Drive, Village of Tarrytown, NY. 10591 dated 10/27/21 and revised 12/21/21 unless otherwise noted as follows:*

- SP-1 *"Existing and Proposed Site Plan, Zoning Chart, Calculations, Site Details and Light Plane Study"*
- A-1 *"Foundation and First Floor Construction Plans"*
- A-2 *"Second Floor Construction Plan and Roof Framing Plan"*
- A-3 *"Proposed Exterior Elevations"*
- SP-2 *"Storm Water Management/Stabilization Plan and Details" dated 2/2/22*
- SP-3 *"Landscaping Plan, Details and Notes" dated 2/2/21, last revised 4/21/22*
- *Topographic Survey for 240 Crest Drive, Lot 4, Block 84, Section 1.12 Tarrytown, Westchester County, NY prepared by Stephen F. Hoppe, L.S. dated August 1, 2021.*
(the "Approved Plans").

III. General Conditions

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

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

IV. Specific Conditions:

- 1. Prior to start of demolition, the applicant shall be required to have their landscape consultant conduct a tree protection inspection on-site and provide results to the Village Engineer.

Mr. Gaito moved, seconded by Mr. Aukland, to approve the Resolution.

Ms. Raiselis asked for a roll call vote:

Member Aukland: Yes
Member Friedlander: Yes
Member Gaito: Yes
Chair Raiselis: Yes

All in favor. Motion carried. 4-0

ADJOURNMENT - Marcel Martin- 20 Wildey Street

Chair Raiselis acknowledged that the following application has been adjourned at the applicant's request:

Marcel Martin
20 Wildey Street
Site Plan approval for the expansion of a parking area for 5 off street parking spaces.

NEW PUBLIC HEARING – Lucas and Heather Isola -7 Stephen Drive

Chair Raiselis read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 25, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York to consider an application by:

Lucas and Heather Isola
7 Stephen Drive
Tarrytown, New York 10591

For site plan approval for the construction of a two-story addition over the garage and a one-story addition over the main structure.

The property is located at 7 Stephen Drive and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 112, Lot 14 and is located in the R 60 Zone.

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

Additional approval will be required by the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

Dated: April 15, 2022

The mailing receipts were received and the signs were posted.

Lucas Isola, the applicant, appeared before the Board to present his site plan application. He thanked the Board for their service. The original subdivision identifies the street as Stephen Drive, but the US Post Office identifies it as Stephens Drive. Mr. Pennella confirmed that the original subdivision was filed as "Stephen" Drive, without the "s".

Mr. Isola briefly went over the chronology of his application. A building permit application was submitted on November 23, 2021 and their project was first considered by the Architectural Review Board on December 15, 2021. They continued to the

Zoning Board of Appeals at the March and April 2022 meetings and secured the necessary variances from the Zoning Board to move forward with the project on April 11, 2022. They are before this Board for site plan approval and will subsequently return to the Architectural Review Board for final approval. The plans submitted will update their home to suit their growing family. They will be adding a second story and a non-livable attic over the garage and a small attic on top of the existing second story. A rear addition on the first floor in a similar footprint to the rear porch is also proposed in addition to the replacement of existing block elements, in kind. They will undertake a number of green updates including the transfer of the existing solar electric generating panels to the new roof after the renovation. They will be transitioning away from natural gas for heating to high efficiency air source heat pumps which will also use electricity from the sun. The windows will all be replaced with more high efficiency units to increase the overall insulation in the home. Lastly, they are adding about 617 plants in total and 15 new trees. He noted the three letters of support have been provided from his neighbors which were included in the application materials. He advised that one of those neighbors is present in support of the project. He acknowledged an email forwarded by Mrs. Meszaros from the Tarrytown Environmental Advisory Council questioning the types of four out of the 617 plants proposed, which amounts to .6% of their proposal. He introduced Sean Walters, the Landscape Architect for this project, to briefly go over the proposed landscape plan.

Sean Walters, appeared before the Board, and briefly described the landscaping plan which includes the replacement of the pool, patio and retaining wall in the backyard. These improvements will improve the aesthetics as well as the structure of existing elements on the site which have been engineered for stormwater management. In addition to some of the green approaches that Mr. Isola outlined, they made special considerations to eliminate as much planted lawn as possible. Planted lawn is universally frowned upon because it requires irrigation, is treated with chemicals, and is compacted for maintenance and recreational activities, thereby preventing infiltration and facilitating increased runoff stormwater. The current lot has over 9,000 square feet of planted lawn that constitutes 59% of the property. The proposed conditions will reduce the planted lawn to 50% with just over 4,000 square feet. The balance of those areas, except for 350 square feet, will be replaced with mulch beds and perennials, shrubs and trees. Mr. Walters explained that the lot is a relatively small lot and there are many contained spaces behind the retaining wall and between the proposed patio and retaining wall. He noted that native plants generally do not grow well in these areas since they are contained in pockets similar to pots or containers. They have gone out of their way to specify plantings that will grow in these contained spaces. They have addressed the concerns of Ms. Nolan, the Village Landscape Architect by replacing the 41 Spirea with 41 Clethra, which is a dwarf variety. They have added a Redbud tree which can produce as much pollen in a season as the equivalent mass of flowers proposed to be planted on this entire property. He said that working with the tight

constraints of the small lot, they planted the natives where they could, in the larger areas, where there was space for them to grow, proposing over 600 different perennials, shrubs and trees.

Ms. Raiselis asked if the plants are going to be grown in containers. Mr. Walters said no and showed the spaces between the retaining wall and pool and patio which are essentially small pockets or “containers”, they are like “raised beds”, and essentially, “pots”. The roots of the native plants will not grow in this type of environment since they do not like to be contained. They do much better in a native environment and not a developed area.

Mr. Pennella wanted to clarify that the landscape plan they are discussing is dated 4/14/22. Mr. Isola confirmed the date of the revision which is 4/14/22.

Ms. Raiselis is pleased with the green/energy efficiency proposals and commended the applicant for addressing today’s environmental issues. She noted that her yard has all native plants and she believes that there are other native plant alternatives that they could use to reach their goal.

Mr. Isola said that that he and his wife spent many months with Mr. Walters to come up with a careful balancing of native plants and non-natives. They have replaced the 41 invasive with native plants.

Ms. Raiselis asked Mr. Isola what he is asking this Board to overlook.

Mr. Isola believes that they have made adjustments to the Village Landscape Architects recommendation. Ms. Nolan had made a secondary recommendation asking for more natives, but they haven’t made any changes after that second recommendation. He believes that he has made a good number of changes to date.

Ms. Raiselis advised Mr. Isola that they still are proposing some non-native plants.

Mr. Isola agreed but said that for this particular lot, the village code does not mandate native plants. They have gone a good long way in adding native plants. They are also adding 15 new trees from what exists today. The neighbors are fond of the plan, especially since their home is the first seen as you turn onto Stephen Drive.

Mr. Walters advised that he reviewed the site plan development requirements and recommendations and noted that there is very specific verbiage about planting natives along properties within the Hudson River view shed so that visitors will look down towards the river and see native plantings as nature intended. Also, natives are required for mitigation if you are proposing activities within regulated areas, but he did

not see anything specific that required planting all native plantings on a residential site plan.

Mr. Galvin would like to know how many non-native plants are proposed.

Mr. Isola said there are four out of the 617 that the TEAC has brought issue with. There are three (3) Rose of Sharon and one (1) Japanese Cutleaf Maple representing .6% of the proposed plantings.

Ms. Raiselis opened the meeting up for public comment.

PUBLIC COMMENT PERIOD

Andrew Snell, a resident of 67 Stephen Drive, submitted a letter to this Board. He advised that he has reviewed the plans and they are similar to their home, which was built in the 70's, and it will fit into the area. He is very supportive of improving the housing stock, trees and plants and fully supports this application.

Mr. Pennella asked the applicant what impact the removal of the Rose of Sharon and Japanese Maple would have on the plan.

Mr. Walters said that if it were mandated to remove them, they would be agreeable to replace them with the recommendations made by Ms. Nolan.

Ms. Raiselis said that it is the policy of this Board and the Village, through the Comprehensive Plan, to promote the planting of native species. She asked Mr. Isola if he would agree to make the changes so that the Board can consider voting on the resolution this evening. Mr. Isola agreed.

Rachel Tieger, Co-chair of the Tarrytown Environmental Advisory Council, came up to the podium and commended the applicant for their sustainability efforts. She asked if the applicant could possibly replace the Japanese Maple with a Native Maple.

Mr. Walters said that Native Maples get rather large and there are space constraints on the property. It would get too big over time. Mr. Isola stated that he does not want to block the solar electric production.

END OF PUBLIC COMMENT

Ms. Raiselis said that as long as they agree with planting native species, they can confer with Ms. Nolan for suggestions. The applicant agreed to add a condition to the

resolution requiring them to replace the Three (3) Rose of Sharon and the One (1) Japanese Cutleaf Maple with alternate non-invasive, native species.

Mr. Aukland moved, seconded by Mr. Gaito, to close the public hearing. All in favor. Motion carried. 4-0

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

RESOLUTION

VILLAGE OF TARRYTOWN PLANNING BOARD (Adopted April 25, 2022)

**Application of Lucas and Heather Isola
Property: 7 Stephen Drive (Sheet 1.190, Block 112, Lot 14 and Zone R-60)**

Resolution of Site Plan Approval

Background

1. The Applicant requested site plan approval to construct a two-story addition over the garage and a one-story addition over the main structure on a 15,515-sf property in the R-60 zoning district. The proposed additions total 1,740 square feet of finished and habitable floor area to an existing 2,120 square feet, 2-story single-family residence located at the southwest corner of Stephen Drive and Sheldon Avenue. The property's existing pool is failing in certain areas and present a safety risk in other areas and is proposed to be replaced with a new pool and patio. The existing retaining wall is proposed to be replaced with 4' modular block. The proposed project will require area variances from the Zoning Board of Appeals.
2. The Planning Board on April 25, 2022, determined this to be a Type II Action under NYS DEC 617.5 (c) (9) "*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*" and, therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on April 25, 2022, at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application including the Applicant's *Cover Letter, Overview of Project Scope and Green Initiatives, set of drawings, Landscape, Grading, Planting, and Hardscape Plan, Topographical Survey, Artist Rendering of Final Elevation, Stormwater Management and Slope Analysis Plan, Zoning Compliance form, Environmental Clearance form, Stormwater Management Plan & Drainage Analysis* prepared by Hudson Engineering dated February 24, 2022, and received comments and recommendations from the Consulting Village Planner in memorandum dated April 14, 2022, from the Village Landscape Consultant in a review dated April 13, 2022, and April 20, 2022, and an

email response from Applicant regarding recommendation on native plants, and denial letter from the Building Inspector/Village Engineer dated January 25, 2022, which the Board has considered.

5. The Zoning Board of Appeals reviewed the Applicant's request on 3/14/22 for area variances included in the 1/25/22 Denial letter from the Village Engineer/Building Inspector. The public hearing was continued to 4/11/22. Applicant eliminated a variance for the one-story addition. All the other seven area variances in the Denial Letter related to building coverage, front yards, maximum livable area, floor area and impervious coverage remained. Three neighboring residents provided written support for the Applicant's request. The ZBA noted that the residences across the street are in the R-15 zone where the proposed addition would be largely zoning-compliant. The ZBA reviewed and approved the requested area variances on 4/11/22.

6. The Planning Board closed the public hearing on April 25, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

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

I. Findings

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

The Planning Board has reviewed and considered the *Steep Slopes Narrative* from Applicant's Engineer, Hudson Engineering. The Applicant is replacing the existing retaining wall in total, only 0.8% of the total lot square footage or 131 square feet is affected by a Steep Slope Disturbance. Moreover, these Steep Slopes were man-made in 2007 and the Applicant is not disturbing naturally occurring steep slopes.

The Steep Slope disturbances are isolated to two small areas. These areas are annotated in Hudson Engineering's Exhibit A and outlined in photographs in Exhibit B, C and D. The "*North Area*" near the shed is getting a new retaining wall in the identical position as the existing retaining wall. This is the area of the wall that is currently close to collapse (Exhibit D), as the railroad ties are buckling and already pressing against the shed. As such, this retaining wall replacement project technically qualifies as a disturbance. The "*South Area*" of the existing retaining wall presents a constant dangerous tripping situation.

Section 305-67 of the Tarrytown Village Code states: "*a waiver may be granted if the applicant establishes that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Planning Board will also consider the following*" The four criteria of this balancing test are addressed below.

Neighborhood Character: The Steep Slope Waiver requested herein is to replace an existing retaining wall in kind. The granting of a waiver for this purpose will not produce any undesirable change in the character of the neighborhood. The current retaining wall has been present since 2007 and the replacement is proposed as 4 feet compared to the current 6 feet, therefore, reducing any perceivable impact on the environment and neighborhood overall.

Alternate Feasible Method to achieve benefit sought by applicant: The current portions of the retaining wall must be replaced to ensure the health and safety of the Applicants. The repositioning of the wall is to accommodate a safer pool and patio area. As a result, the only alternative would be for the Applicants to abandon any plans to improve their property and continue to have a safety hazard.

Impact on Other Properties No danger or injury will occur from this action. The current retaining wall will be replaced in kind and continue to retain the same amount of earth. No detriment will occur to any other properties as a result of this wall replacement. The current slopes were man-made by the 2007 creation of the existing retaining wall. Lastly, as can be clearly seen on the *Slope Analysis Plan*, the proposed replacement retaining wall is clearly designed to minimize the impact to Steep Slopes.

Consistency of Project with Intent of the Steep Slopes Chapter: Section 305-67 states its purpose is to “*preserve and safeguard those features that identify its landscape: steep slopes... the Planning Board shall restrict new construction and/or vegetation removal in such designated areas*” Since this proposed waiver is simply to **replace** an existing retaining wall in kind, this waiver is consistent with the purpose of this particular portion of Village Code. Further, Section 305-67(F)(1)(b) states “*a waiver may be granted if the applicant established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood*” The granting of this Steep Slope Waiver and the replacement of the existing retaining wall in kind will present a large benefit to the Applicants in terms of increased safety for the Applicants’ children, family and guests. Additionally, the replacement retaining wall nearly matches the position of the existing wall and is proposed to be reduced in height. As such, no detriment to health, safety, or welfare seems to exist for the neighborhood and the benefit here clearly outweighs that.

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

The Planning Board has reviewed the Applicant’s site plan. The Project is situated on an 15,515-sf parcel located at the southwest corner of Stephen Drive and Sheldon Avenue opposite Laguna Field. The property is mapped in the R-60 zoning district. The properties on the other side of Stephen Drive are zoned R-15.

The Applicant is proposing improvements to the Property, which is a corner lot and the first house seen when driving into the neighborhood. The Applicant provided a streetscape of neighboring properties that demonstrates the proposed addition is consistent with the character of the neighborhood. Several neighboring property owners also participating in the public hearing process to voice their support for the application. The proposed addition also complies with the story and height requirements of the Code.

The proposed addition totals 1,740 square feet of finished and habitable floor area to an existing 2,120 square feet, 2-story single-family residence. The Project consists of creation of a 2nd floor addition, rear addition, front porch, and replacing the existing exterior elements of the lot in kind. A pool and patio will replace the existing pool which is failing in certain areas and presents a health and safety risk in other areas. The existing retaining wall in certain areas will be replaced with 4' modular block wall. Removal of four (4) trees to accommodate new native plantings and evergreen screening that will mitigate any visual impact of the rear yard from adjoining properties. One tree is a tall white pine that blocks much of the sun from the solar panels; the other three trees identified for removal are oak trees located near the northwest corner of the property that regularly encroach on the safe usage of the adjacent sidewalk.

The Applicant provided a full set of plans revised 1/28/22; *Stormwater Management Plan & Drainage Analysis* prepared by Hudson Engineering dated 2/24/22 and *Stormwater Management plans* dated 4/7/22. The stormwater runoff will be conveyed via a comprehensive drainage system to four (4) culvert recharger units. The system is designed to fully accept (no release) the entire stormwater runoff volume for the 25-year storm event from the watershed. The Plan includes runoff calculations which were reviewed by the Village Engineer. The Village Landscape consultant has reviewed the landscape plan (4/13/22) and provided comments and recommendations to the Applicant. The Applicant has revised the landscape plan to include these recommendations.

II. Approved Plan:

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

-Architectural Plans prepared by Eric Baker Architecture for Isola Residence, 7 Stephen Drive, Tarrytown, New York dated 1/10/22 and last revised 2/23/22 *unless otherwise noted*. Engineering Plans prepared by Hudson Engineering and Consulting for Proposed Additions & Alterations, 7 Stephen Drive, Village of Tarrytown, Westchester County – New York dated 2/24/22. Landscape Drawings prepared by Wagner Pools Landscape Design Consulting PC for Isola Residence Proposed Landscape Enhancements dated 11/8/21 and last revised 1/28/22 unless otherwise noted.

Architectural Plans

- T-001 "Title Sheet"
- G-001 "Specifications/General Conditions"
- G-002 "Specifications/General Conditions"
- D-101 "Demolition Plans"
- A-101 "Foundation Plan"
- A-102 "First Floor Plan"
- A-103 "Second Floor Plan"
- A104.1 "Attic & Roof Plan" (last revised 3/23/22)
- A-201 "Building Elevations"
- A-202 "Building Elevations"
- A-301 "Sections, Details"
- A-302 "Details, Rescheck & Riser Diagram"
- F-101 "Framing Plans"
- F-102 "Framing Plans"
- E-101 "Electrical Plans"

- *Topographic Survey of Property prepared for Lucas M. Isola Situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York* prepared by TC Merritts Land Surveyors dated 10/22/21 and revised 10/25/21.

Engineering Plans

- C-1 *"Stormwater Management Plan "*
- C-2 *"Details"*
- SA-1 *"Slope Analysis Plan"*

Landscape Drawings

- L-100 *"Existing Conditions Plan"*
 - L-101 *"Site Protection & Removal Plan"*
 - L-200 *"Layout, Grading & Drainage Plan"*
 - L-201 *"Pool Fence Enclosure Drawings"*
 - L-300 *"Planting & Lighting Plan" (revised 4/14/22)*
 - L-400 *"Elevations, Sections & Details"*
- (the "Approved Plans").

III. General Conditions

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

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

IV. Specific Conditions - this condition was added in during discussion.

- 1. Applicant shall replace the three (3) Rose of Sharon and the Japanese Maple on the site with alternative non-invasive and native species.

Dr. Friedlander moved, seconded by Ms. Raiselis, to approve this Resolution with the added landscaping condition.

Ms. Raiselis asked for a roll call vote:

Member Aukland: Yes
Member Friedlander: Yes
Member Gaito: Yes
Chair Raiselis: Yes

All in favor. Motion carried. 4-0

Adjournment:

Ms. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 8:40 p.m.
All in favor. Motion carried. 4-0

Liz Meszaros – Secretary

EXHIBIT A

HACKLEY SCHOOL PRESENTATION
Pelli Clarke & Partners
293 BENEDICT AVENUE
APRIL 25, 2022

Pelli Clarke & Partners

ARCHITECTS

10000 Wilshire Boulevard
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Beverly Hills, CA 90212
Tel: 310.279.6000
Fax: 310.279.6001
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01

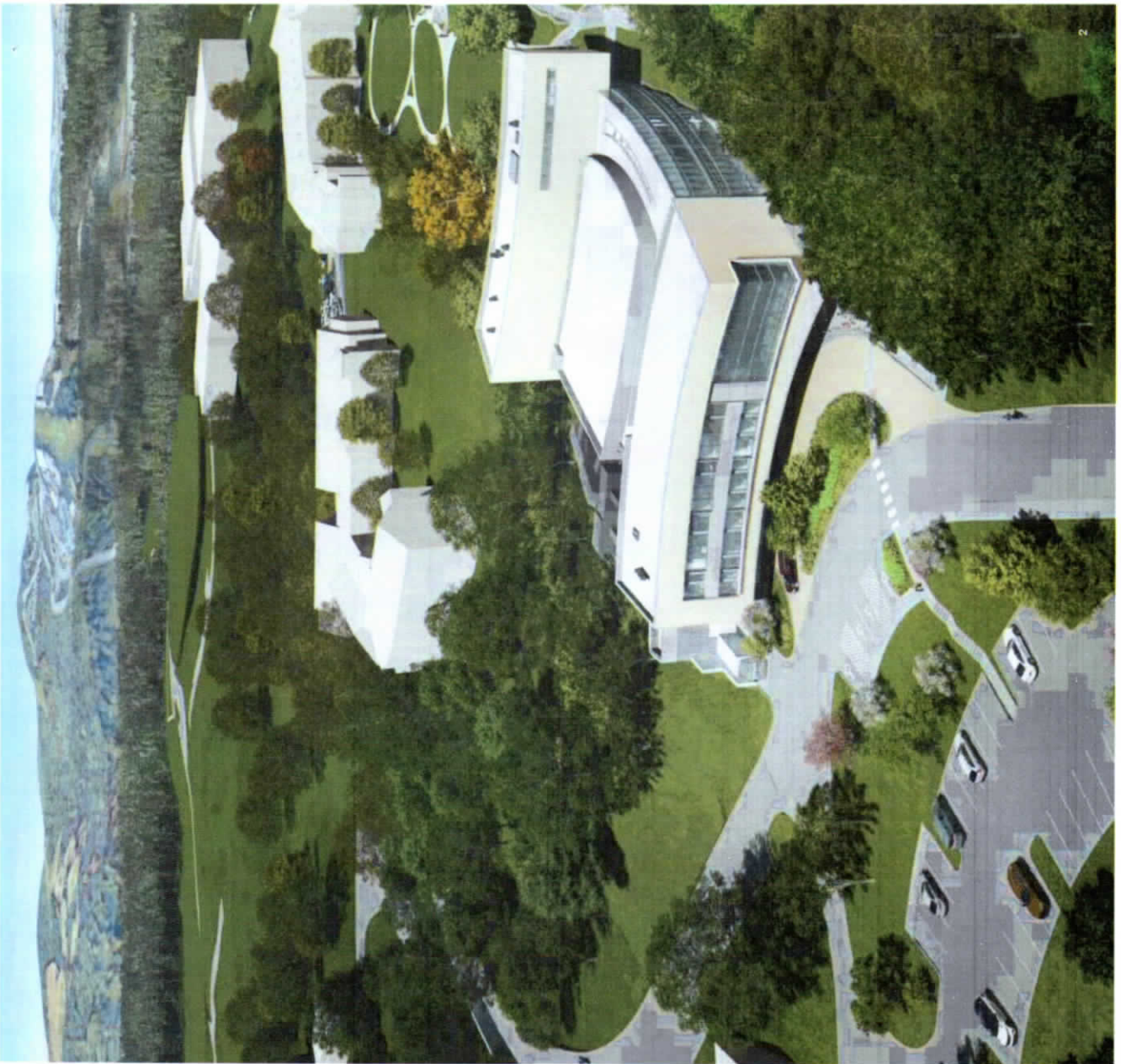
Campus View

02

Stormwater

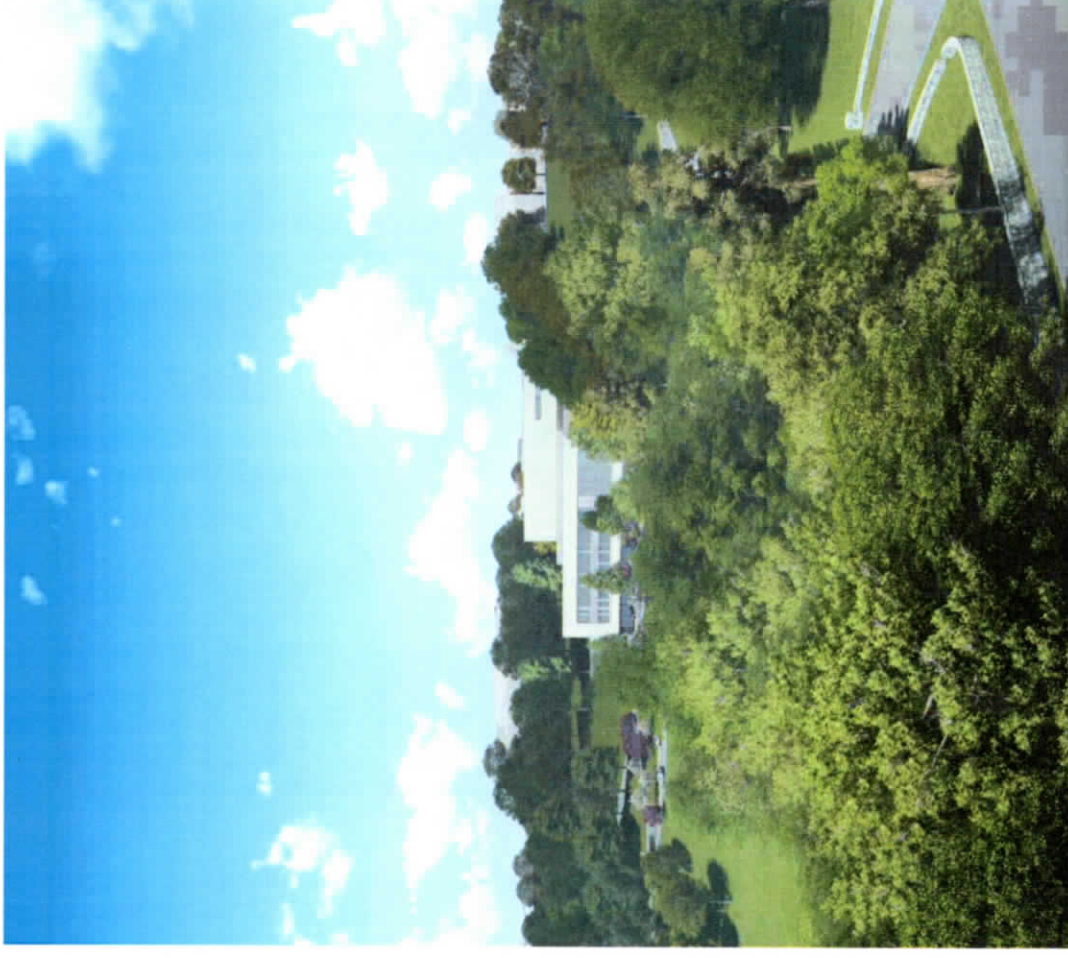
03

Lighting

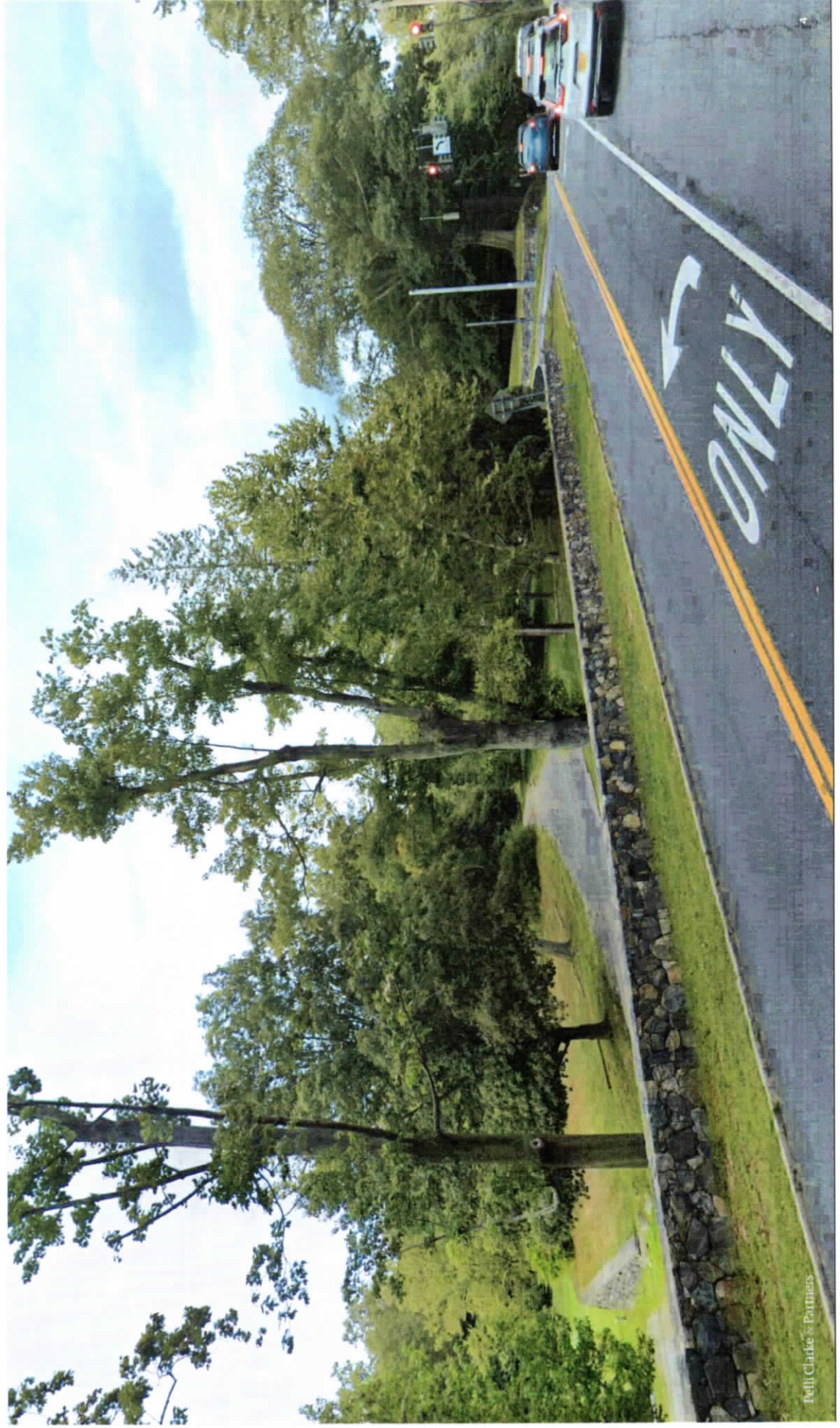


01 Campus View

Lower Parking Lots w/ Trees



Benedict Ave - Existing Condition



Benedict Ave - Planned



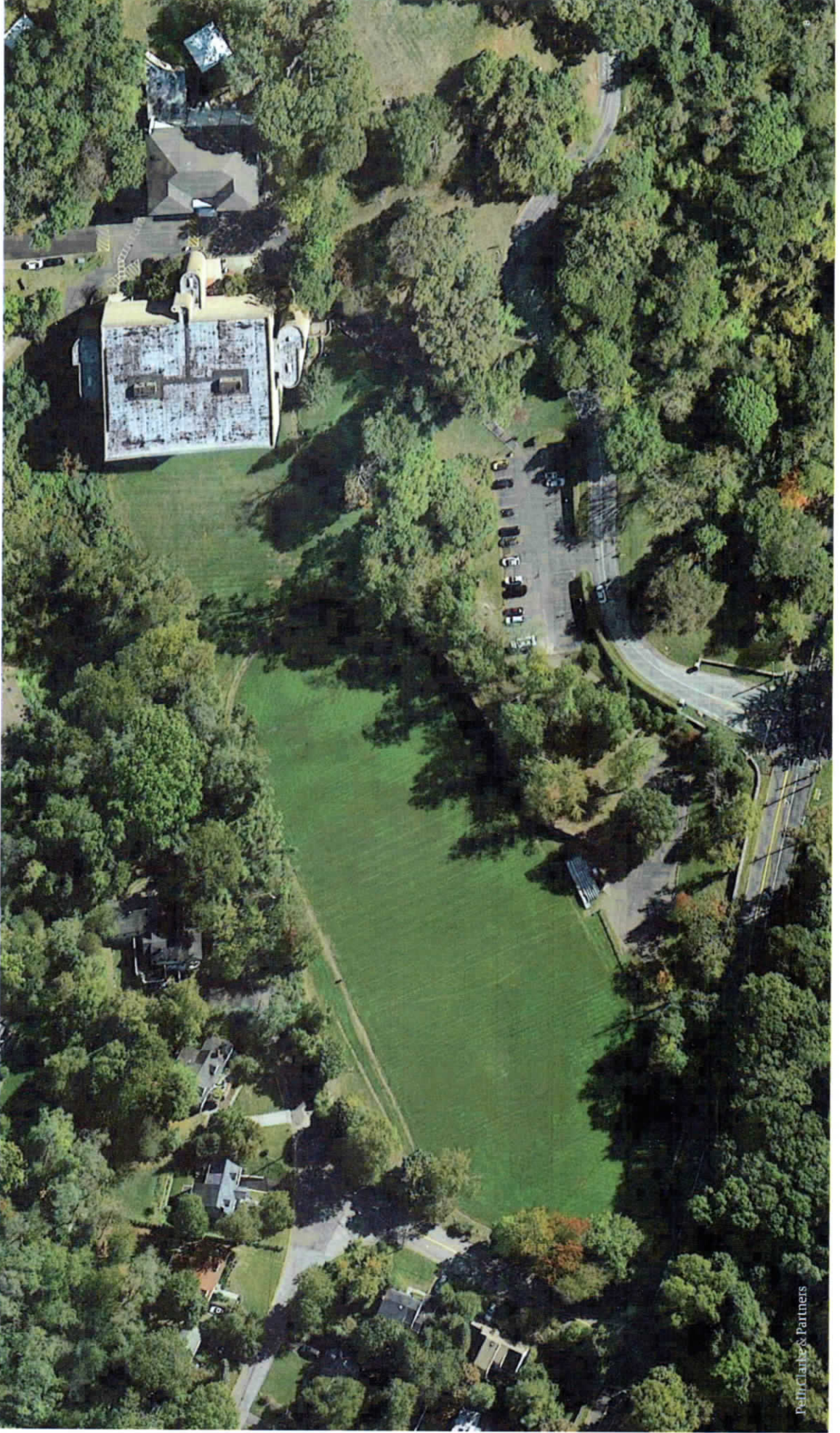
Entry Gateway - Existing



Entry Gateway - Proposed



Plan View - Existing



Plan View - Proposed

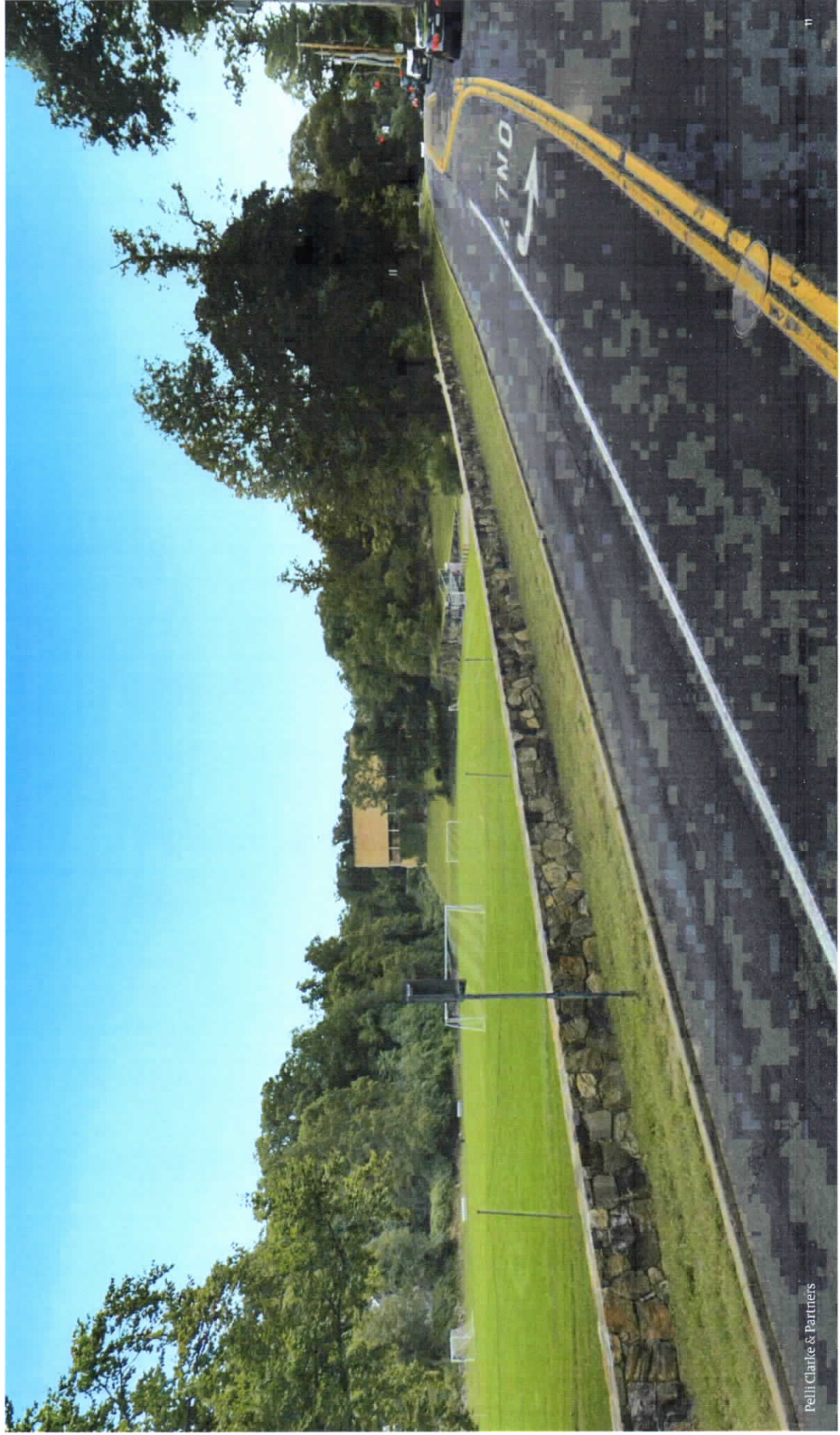


02 Stormwater

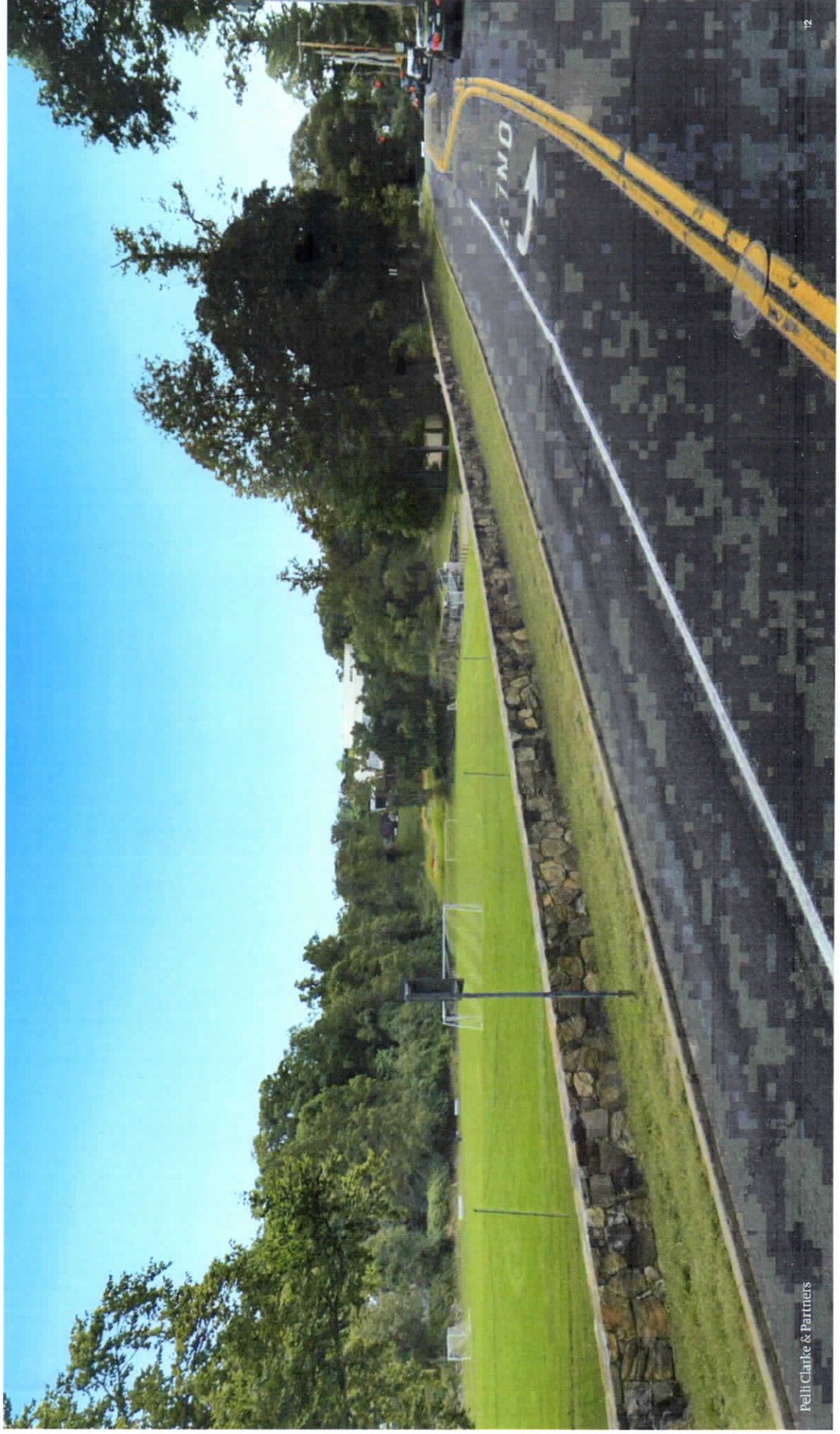
Stormwater Detention Pond



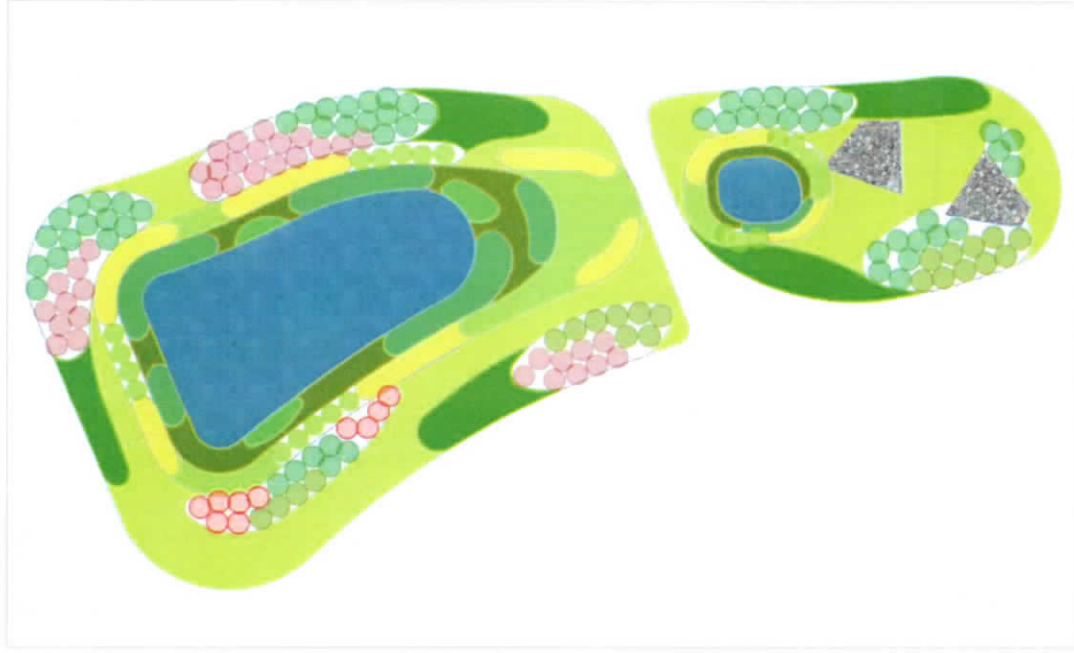
Benedict Ave - View Toward Pond - Existing



Benedict Ave - View Toward Pond - Proposed



Planting Plan - Stormwater Retention Pond



Groundcover



Tufted Hair Grass
Deschampsia cespitosa



Big Bluestem
Andropogon gerardii



Fowl Manna Grass
Glyceria striata



Blue Flag
Iris versicolor



Wild Celery
Vallisneria americana



Long Leaf Pondweed
Potamogeton



Planting Plan - Stormwater Retention Pond

Shrubs



Red Chokeberry
Aronia arbutifolia



Silky Dogwood
Cornus amomum



Buttonbush
Cephalanthus occidentalis



Northern Bayberry
Myrica pensylvanica



Winterberry
Ilex verticillata



Planting Plan - Stormwater Retention Pond



Pelli Clarke & Partners

4' TALL FENCE



Riprap stone at outlets

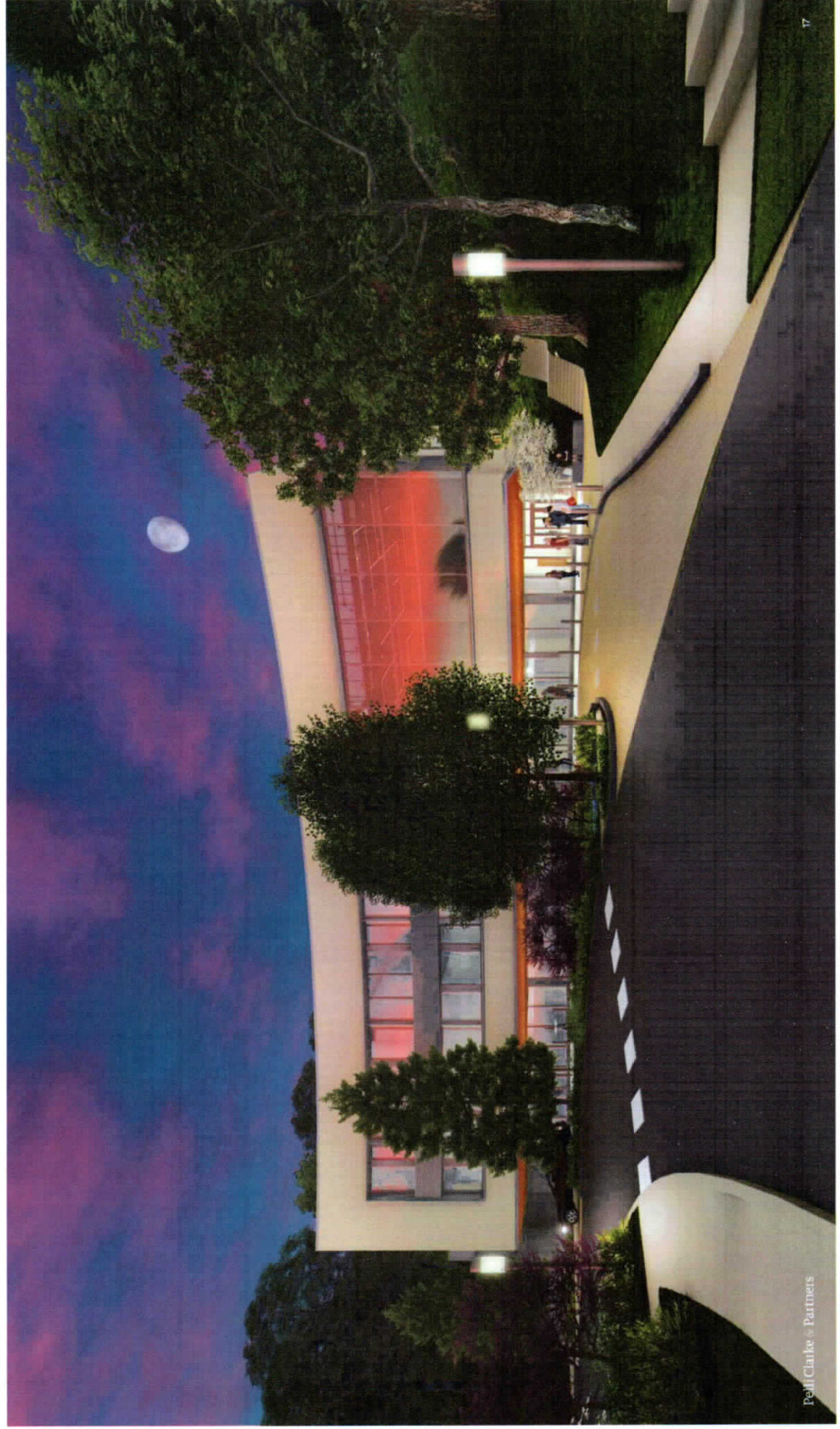


03 Lighting

Site & Building



Entry Approach - Evening

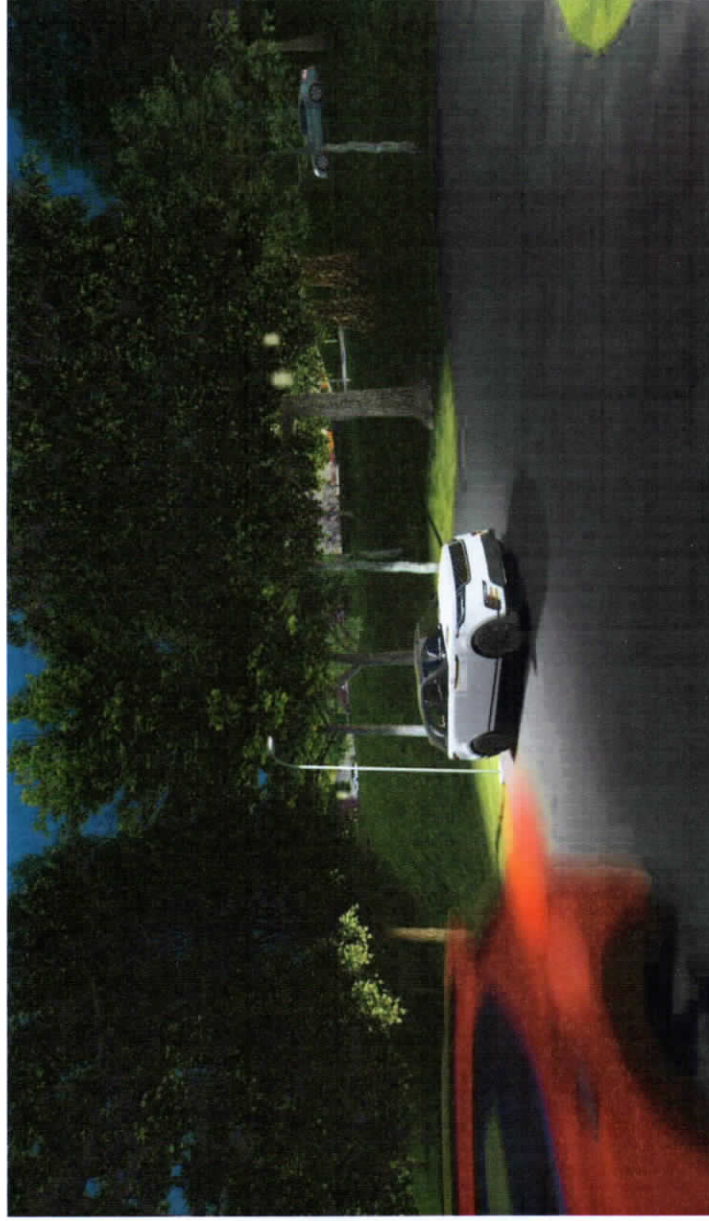




Drop-off and upper parking lot lighting

Safety Lighting

The planned drop-off and upper parking lot utilize high-efficiency Bega pole-top luminaires with asymmetric wide spread light distribution: ideal for illuminating streets and pathways. With an upward waste light ratio of 0.00, the pedestrian-scaled pole-top fixture emits zero light pollution while providing glare-free illuminance on walking paths and roadways.



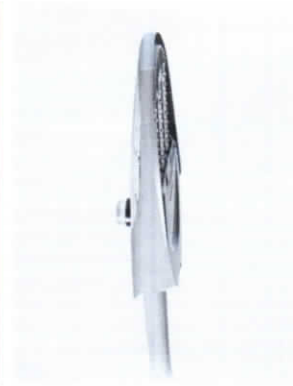
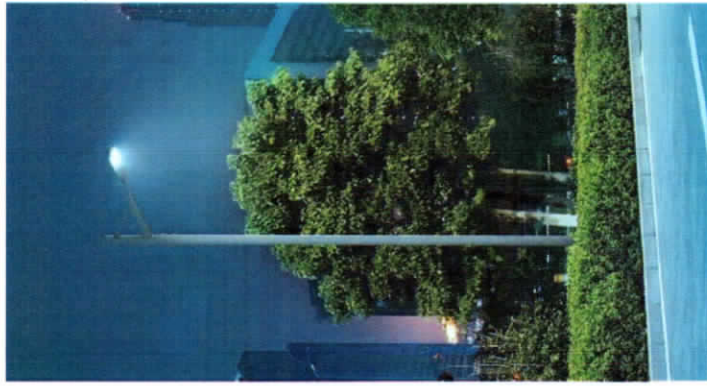
Lower parking lot lighting

Safety Lighting

The planned lower parking lots will include low profile, high efficiency LED luminaires.

Fully downward-facing, the Lumec RoadStar architectural fixture provides efficient lighting for safety and security without glare, sideways light spill, or upward light pollution.

Safety Lighting



Lower parking lot lighting



Drop-off and upper parking lot lighting



Pathway lighting bollard

All exterior site lighting fixtures are compliant with USGBC LEED requirements, including glare, uplight, and BUG ratings. All building mounted exterior lighting fixtures for safety comply as well.