

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
ph: (914) 631-1885

Planning Board Minutes 1/27/2014

Planning Board
Village of Tarrytown
Regular Meeting
January 27, 2014; 7:00 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Birgy; Counsel Shumejda; Village Administrator Blau; Village Engineer McGarvey; Secretary Bellantoni

ABSENT: Ms. Raiselis

APPROVAL OF THE MINTUES – December 18, 2013

Mr. Aukland asked that for last item, a New Public Hearing – Split Development Corp. – 10 Emerald Woods, a statement be added that the application was continued to the January 27, 2014 meeting. The board approved that amendment to the minutes.

Mr. Tedesco moved, seconded by Mr. Birgy, that the minutes of December 18, 2013, be approved as amended. All in favor; motion carried.

CONTINUATION OF PUBLIC HEARING –21 Wildey Street, LLC – 21 Wildey Street

John Meyer of National Resources, Inc. said he was asked by the Board to submit two sketches; one moving the building to the front setback line with all parking in the rear; and the previous plan with six parking spaces in the front of the building and 15 in the rear. He showed both sketches and spoke about the parking ratio. With parking in the rear only, they used 1½ space per unit for a total of 18 spaces, which is the same as the affordable units across the street. With the original plan we used 1½ space for the one bedroom units and 2 spaces for the two-bedroom units for a total of 21 spaces.

Mr. Meyer addressed the peaks that were shown on the original plan and a revised plan without the peaks. Chairman Friedlander asked the height of the peaks. Mr. Meyer said approximately 6-8'. He said they are just decorative, which is the same for the one over the front entrance. Chairman Friedlander said they won't interfere with the view from the Library. Mr. Meyer said no; they Library Board just didn't like the look of them.

Mr. Meyer read a letter from Joe Cotter into the minutes (attached).

Mr. Tedesco stated that Michael McGarvey, the Village Engineer, reviewed the plan and submitted his comment letter. Mr. McGarvey read the letter (attached). Mr. Meyer said most of his comments are construction related and can be handled administratively with the Building Department; all issues will be addressed with the Building Department.

Chairman Friedlander said they can make a motion to approve subject to Mr. McGarvey's approval. Mr. McGarvey said the only concern he has is steep slopes on the property which are 25% or greater. According to the code 50% of that area must be taken out of the buildable area. There are not much, but they are there beyond the retaining wall heading toward the Library. Mr. Meyer said there are some on this property but most are on the Library property; he did not know the percentage on their property. Chairman Friedlander said we have to know the amount of steep slopes before we approve.

Counsel Shumejda said we need to clear up item #10, the encroachment. Mr. Meyer said there is a small corner of the building which may encroach slightly. It is the storm drain line which we plan to relocate it and alter that easement in that corner if it is being impacted by the construction of the building. The storm drain line will remain in the same easement.

Chairman Friedlander said we have to decide where the building should be located. Should it be moved up front with some parking in the front and the majority in the back or should it be up front with all of the parking in the back. It is a difference of three spaces. Mr. McGarvey said he is in favor of getting as much parking as they can. Parking in the front may only be three additional spaces but it's something. He does not think that the parking on this site at 1½ space per unit will work like it does for the affordable site across the street.

Mr. Birgy asked Mr. Meyer if he put together something showing the building up front in relation to the other houses on the street. Mr. Meyer said there is only one house that has frontage on Wildey Street in line with this building. Mr. Blau said the house on the corner of North Washington and Wildey Street also has frontage on Wildey Street.

Mr. Birgy said he liked the new look better than the one with the peaks but would like to see some detail. The gable over the entrance can be taken away; he prefers a flat roof with a black wrought iron fence around it.

Mr. Tedesco said he is concerned with parking as is Mr. McGarvey. He feels that the reduction from 2½ spaces down to 1½ space for two-bedroom units is a severe reduction. Parking is such a critical issue; and if we do this with this application, it will set precedence for other applications. He agrees with Mr. McGarvey that three spaces is three additional spaces; and living with some parking in the front of the building in order to get those three additional spaces, may be the way to go.

Mr. Meyer is in agreement with the option that has six parking space in the front and 15 in the rear.

Mr. Birgy asked if we gain any spaces on the street. Mr. Meyer said there is only one driveway so you will gain one space on the street.

Chairman Friedlander asked the dimension from the street to the front of the building if we go with the parking in the front. Mr. Meyer said 53'. Chairman Friedlander asked if that will put it in line with the Library. Mr. Meyer said the Library is 69' back so it would be at an average on an angle.

Chairman Friedlander said he supports having the parking in the front; Mr. Aukland agreed.

Mr. Birgy asked Mr. Blau if they received any more information regarding who can dictate whether affordable house is rental or for sale; the contractor or the Village based on need. Mr. Blau said he and Village Attorney reviewed it and there is nothing in the law that allows the Village to dictate whether it will be rental or for sale. Chairman Friedlander asked if that applies to all affordable housing or only for this project because it was negotiated. Counsel Shumejda said the old law applies to this project and it does not give the Village the right to dictate. Chairman Friedlander said we may want to have someone look into that for the future. Mr. Blau said the new law is very different than the old law and this is the last project in the Village that would be subject to the old law.

Chairman Friedlander read a letter from Alex Roberts of the Tarrytown Affordable Housing Committee dated January 27, 2014 (attached).

Counsel Shumejda addressed Mr. Meyer and asked him to confirm that there will be no impact on that small area of steep slopes, which is not shown and should be, by this development; it will not destroy it, undermine it or denigrate it. Mr. McGarvey explained that according to the contour lines on the existing topo map there is a small area of steep slopes at about the middle of the building on the east side on that site plan. Mr. Meyer showed Mr. McGarvey the plan to confirm the location of the steep slopes. Mr. Meyer said they are not altering that area. Counsel Shumejda said so the answer to his question is that there will be no impact whatsoever on this small area of steep slopes. Mr. Meyer said the area we are referring to is a 25% slope, correct. Both Mr. McGarvey and Counsel Shumejda confirmed that. Mr. Meyer said it is his professional opinion that that area of steep slopes is not going to be impacted by this project. Counsel Shumejda said the building is certainly not going there. Mr. Meyer said there is an existing retaining wall there and they will be building an additional retaining wall in that location but that will not impact the steep slopes at all; that existing slope will not be altered by them. Mr. McGarvey said according to the plans, he agrees with Mr. Meyer's statement. Counsel Shumejda asked will you still be able to build this project even with the 50% reduction of building area due to the small section of steep slopes. Mr. Meyer said the current lot size allows for 20 units and they are only proposing 12; therefore, he feels even if there was some nominal impact, he does not believe it would reduce it down to below 12 units. Counsel Shumejda said, so the answer to my question is yes, you can still build the 12 units even if there is a 50% reduction for that small area of steep slopes. Mr. Meyer said that is correct. Counsel Shumejda said so the answer is, no it will not; Mr. Meyer said the answer is, no it will not.

Chairman Friedlander asked if anyone in the audience would like to speak.

Dean Gallea, 20 Wildey Street, asked if it could be reduced to 10 units, which would reduce the parking and allow

more space on the site for additional parking. Mr. Blau said that is a decision that must be made by the Board of Trustees.

Mr. Gallea said he would like to see robust screening of the parking in the front and would like assurance that there will be zero run-off from the site. Mr. McGarvey said State law says there cannot be any increase in run-off from the existing to the proposed. There cannot be any more than there already is; according to the calculation, it will not get any worse. Mr. Gallea said he would like to see a completed rendering of what it is going to look like. Chairman Friedlander said it will be better than it ever looked and he assured him that the landscaping will be reviewed by our Landscape Architect to be sure it is sufficient and attractive. He stated that the board is very sensitive to that. Chairman Friedlander further stated that there are 12 units which is a requirement for the Hudson Harbor project. There were more units proposed and it is now reduced down to 12. He stated that we need that many.

Mr. Birgy asked Mr. Blau if there will be 12 affordable units. What percentage below market rate will they be? He is concerned that they be affordable and not unaffordable. Mr. Blau said they are mandated to be affordable under the Moderate Income Housing law and it is based on the average salary of a municipal employee and then there are multipliers that dictate what the rent will be; it's not determined by the developer, it's determined by the Village. Mr. Birgy said so an agency comes in and determines the rate. Mr. Blau said yes.

Benjamin Gross, 20 Wildey Street, asked what the mechanism is that assures that the Planning Board will get to review the final screening and landscaping. Mr. Tedesco said it will be a condition before C of O. Chairman Friedlander said we will have a real landscape plan which will be reviewed by our Landscape Architect.

Mr. Gross asked how wide the landscape area will be. Mr. Meyer said 4'-6'. Mr. Gross asked if it could be made wider. Mr. Meyer said it will have to be taken away from the parking which is not proposed for 24'. We could probably reduce it to 22' if the building department approves it. Chairman Friedlander once we have the landscape plan we will be able to determine if it is sufficient. Mr. Birgy said can we put three spaces in the front and three additional in the back. Mr. Meyer said no because they are up against the building and they need a back-up aisle. He said 5' should be enough.

Mr. Gross spoke about rent vs. ownership. He would like that issue to go back to the Village Board of Trustees. Mr. Blau said the problem is that there is an executed agreement between the contractor and the Village which is silent on this particular matter so the Village Board cannot dictate one or the other. Chairman Friedlander suggested that Mr. Gross go to the board regarding this matter; perhaps he will have more influence. Mr. Gross said he has recused himself. Mr. Blau said he will discuss it with the Board of Trustees.

Chairman Friedlander said if something is silent it does not mean it's determined; Counsel Shumejda disagreed and said if there was authority or a preference, it would state it. Chairman Friedlander said can it be stated if people came to an agreement on it; Counsel Shumejda said he agrees if it is an agreement as opposed to changing the legislation.

Chairman Friedlander asked the board to make some decision informally on the parking and all agreed that it should be some in the front with the rest in the back. All agreed that the engineering issues raised by Mr. McGarvey can be put in the form of conditions of approval. All were in agreement to asking the applicant to prepare a landscape plan which will have to be reviewed and approved by Lucille Munz, the Village Landscape Architect.

Chairman Friedlander said they will have to go before the Zoning Board and the Architectural Review Board. Mr. Janos said he thought the Planning Board could waive the parking. Chairman Friedlander said the Zoning Board has to approve the parking variance but the Planning Board will recommend their approval.

Liza Glover of McKeel Avenue and the Library Board asked where the air conditioner units will be installed. Mr. Meyer said they will be using P-TAC units which go under the windows through the wall.

Mr. McGarvey said to Mr. Meyer to be sure he prepares the zoning chart and make it clear that the only variance needed is for parking.

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

Mr. Aukland moved, seconded by Mr. Tedesco, that the Planning Board declare itself Lead Agency for the proposed project. All in favor, motion carried.

Mr. Aukland moved, seconded by Mr. Tedesco, that there will be no significant adverse environmental impacts as a

result of this proposed action. All in favor; motion carried.

Mr. Aukland moved, seconded by Mr. Tedesco, to approve the construction of a two-story residential building providing 12 affordable housing units, with 21 parking spaces, as shown on the architectural plan lodged with the Village on December 27, 2013, subject to the following conditions:

- Approval by the Building Inspector/Village Engineer, including resolution of items identified in the memorandum dated January 24, 2014 from Michael McGarvey to the Planning Board.
- Inspection of the final landscaping and screening on a site visit by the Planning Board and Village Landscape Consultant and approval of the final landscaping and screening plan by the Village Landscape Consultant and the Planning Board, prior to issuance of the C of O. Special attention is to be given to screening from Wildey Street. Plantings shall be of non-invasive native or ornamental species.
- Approval by the Architectural Review Board.
- Approval by the Zoning Board of Appeals for requested variances as follows:
 - Parking spaces: 21 provided vs 30 required.
 - Building coverage: 26.84% requested vs 15% for principal building and 25% for accessory building, totaling 40% required.
 - Driveway: proposed 2' from west side lot line vs 5' required.
 - Side Yard Setback: Total of 30' at rear of parking area vs 35' required.

The Planning Board considers that the public good from the proposal justifies these variances.

- Payment of any outstanding escrow fees prior to the granting of a building permit.
- Signing of the final site plan by the Planning Board Chair.

All in favor; motion carried.

CONTINUATION OF A PUBLIC HEARING – EF International – 100 Marymount Avenue

Don Walsh, representative for EF, spoke about the consolidated plan which was recently submitted to the Board. Mr. Walsh said he did not expect the board to comment at this time but after they had sufficient time to review it. He explained that the consolidated plan not only shows the administrative matter but also the ARB matter, the two matters with the repair of walls that went before Mr. McGarvey and also the Gaines project to date. He gave a brief update stating that on January 11, 2014 the Fire Department came to the site where they took measurements at various angles at Gaines. The Fire Department was able to reach with ladders and buckets as Mr. McGarvey inquired. He said he sent a letter to the fire department asking for their comments and heard back that they would be responding to the letter shortly. He said they had one final meeting with the Police Department regarding the taxis parking on Marymount Avenue. They reviewed the alternate parking day, which would be Friday, and they concur it would be the best place to do it. The Board of Trustees has to make that switch.

Mr. Walsh said one issue which needs to be resolved is the size of the retaining wall behind Gaines to support the fire truck access. Engine 78 would like it a little bit wider on the south side. They have accommodated that on the plan but they will not submit that plan until they get a written report from the Fire Department so that they can be absolutely sure it is put in the correct location. The Fire Department did give them a number of comments on what they would like on the inside of Gaines and their comments will be worked into the plan. Mr. McGarvey asked if they will be addressing the steep slopes with regard to the retaining wall. Mr. Walsh said absolutely. He said some trees will have to come down and they will plant more.

John Canning, VHB, said in their package they have a grading plan and a steep slopes plan; and if the Fire

Department agrees with what they discussed at the January 7th meeting, the fire access road and the walls will be submitted. They hope to discuss it at the work session and then they will present a detailed design. Preliminarily the wall looks like it will be 9½ to 9¾ feet but it will be finalized once they get into the detail design.

Mr. Canning said regarding the taxi parking, on the consolidated plan it shows that all of the signs will be moved from the east side of the road to the west side of the road and vice versa. He said they are proposing to expand the parking restriction by about 60' longer on the east side of the road in front of the campus and on the west side they will prohibit parking between the two driveways in front of the campus. They are proposing a light to indicate that a taxi is requested to pick up students which will bring the cab to the students so that the students will not have to cross the street. Mr. Canning said they visited the site with Chief Brown and Lt. Herguth and they indicated they had no problem with the plan.

Mr. Aukland said it sounds pretty good but asked for a letter with the details for approval purposes.

Stephen Yarabek, Landscape Architect for EF said they are proposing the removal of 10 trees for the Gaines project; two are in poor condition, three in fair condition, the rest are in good to very good condition. They will be replaced with 30 trees. None being removed are specimen trees. They are all immediately around Gaines and surrounded by mature trees. He is proposing to plant evergreens and holly along the northeastern side of the stone-faced wall to help soften the impact from the wall which is an average of 4' to 6' in height with the highest point being 9½'. Mr. Birgy asked if that wall could be lowered. Mr. Canning said no because there is a sewer easement there and the property beyond the easement is private property. Mr. Birgy asked for a sketch with elevations so they can get an idea of what it will be. Mr. Walsh said as soon as they hear from the Fire Department they will provide the sketch.

Chairman Friedlander opened the meeting to the public.

Charles Markanter, Union Avenue, said the installation of a sidewalk on the east side was brought up at a previous meeting. He feels it will be a safety issue because it will create more foot traffic; you will have students coming down on both sides. He said instead of crossing at the one intersection, they might be crossing in the middle of the street.

Mr. Walsh asked if the board could comment on the taxi situation. Mr. Aukland said in his opinion it is a good idea, but it is for the Board of Trustees to decide. Perhaps they could give their recommendation to the Board of Trustees.

Mr. Blau said it would have to be an amendment to the Vehicle and Traffic law. John Canning asked if the board could make a recommendation now, before approval, so that the Board of Trustees could work on it now. Mr. Blau said the normal procedure is for it to go to the Chief of Police who brings it to the Board of Trustees. If the Planning Board thinks it advisable, he will talk to the Chief. An amendment to the Vehicle and Traffic law does not require a public hearing; it can be done at a meeting, so it could be done in a month. Mr. Canning said this was looked into at the recommendation of Ms. Raiselis. It is a safety issues which could be remedied now. Mr. Walsh said the Police Chief is fine with it but did not want to write a recommendation until he knows the Planning Board is okay with it. Mr. Blau said he would speak with the Chief when he returns from vacation.

Mr. Tedesco moved, seconded by Mr. Aukland to continue the public hearing. All in favor; motion carried.

CONTINUATION OF A PUBLIC HEARING—Split Development Corp.—10 Emerald Woods

Chairman Friedlander said that the Board went on a site visit and looked at the trees, driveway and the siting of the house and they were satisfied with the proposed plan.

Jim Annicchiarico of Cronin Engineering addressed the board on behalf of Split Development Corp. He said he has spoken with Lucille Munz, the Village Landscape consultant, and she gave them some recommendation which they are happy to incorporate into the plan.

Chairman Friedlander asked Mr. Annicchiarico to explain the diagram that was given to the board. Mr. Annicchiarico said the orange circle represent added canopy trees which will be 3-3½ caliper red oaks and the blue circles indicate existing canopy trees.

Mr. Annicchiarico went over the proposed plan as follows:

- Single-family residence.
- Lot is located on the north side of Emerald Woods Road, east of the Croton Aqueduct, and south of lot

3.

- All utilities have already been brought to the side of the road as part of the subdivision infrastructure.
- No steep slopes will be disturbed.
- They prepared a tree removal plan and a landscaping plan.
- They have provided a streetscape plan showing the proposed house to existing house and the one under construction.
- They have provided a streetscape from the rear.
- This house sits down lower than the rest of the houses.

Chairman Friedlander asked what portion of the house do you see from the cross street. Mr. Annicchiarico said you see the roof and cupolas; these are at the corner, just as you make the turn. Chairman Friedlander asked about the trees. Mr. Annicchiarico said there are streetscape trees that were planted for the subdivision and they are adding more. It is a heavily landscaped area; you won't even be able to see down into the lot.

Mr. McGarvey questioned whether there are steep slopes on the property. Mr. Annicchiarico said yes there are and they show them, but they will not be disturbing any.

Mr. Tedesco said you will be seeking a 2' height variance? Mr. Annicchiarico said yes.

Mr. Birgy asked Mr. McGarvey if this construction is affected by the new codes, the fresh air, etc. Mr. McGarvey said yes and they are aware of them.

Mr. McGarvey said to Mr. Annicchiarico to be sure he prepare the zoning chart and make it clear that the only variance needed is for parking.

Mr. Birgy moved, seconded by Mr. Aukland, to close the public hearing. All in favor; motion carried.

Mr. Birgy moved, seconded by Mr. Aukland, that the Planning Board declare itself Lead Agency for the proposed project. All in favor, motion carried.

Mr. Birgy moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. All in favor; motion carried.

Mr. Birgy moved, seconded by Mr. Aukland, to approve the construction of a new single-family dwelling subject to the following conditions:

- Approval by the Building Inspector/Village Engineer particularly with regard to the adequacy of the stormwater/drainage plan.
- Approval of a Landscaping and Screening Plan by the Village Landscape Consultant. Plantings should be non-invasive native species or non-invasive ornamentals. This condition is also to be recorded in the Homeowner's Deed and conveyed with the property. If, during the implementation of the approved Landscape Plan, any changes or amendments are desired, such changes must be approved by the Planning Board.
- Compliance with the recommendations on landscaping made by the Village Landscape Consultant in her memo to the Planning Board dated January 27, 2014 (attached).
- If any trees that are designated to be preserved are damaged due to site work, and subsequently need to be removed, the application agrees to replace them in kind. If this is not possible, then planting of multiple trees approved by the Village Landscape Consultant, or payment of the appraised value of the trees to the Village Tree Replacement Fund will be required. The appraised value is to be determined by the Village Tree Warden using the most current International Society of Arborist Guide as the source.
- The Applicant also agrees to perform any treatment and pruning of existing trees deemed necessary by the Village Landscape Consultant at a time the Consultant deems most appropriate.
- Payment of any outstanding escrow fees/recreation fees prior to the granting of a building permit.

- Approval by the Architectural Review Board.
- Approval by the Zoning Board of Appeals for any variances required.
- Signing of the final site plan by the Planning Board Chair.

NEW PUBLIC HEARING – Streit – 65 Castle Heights Avenue

This application has been adjourned at the request of the applicant.

PRELIMINARY PRESENTATION-Makan, Davinder/DM Equities of NY-200 Sheldon Ave.

Michael Miele, representative for the applicant, introduced himself and explained that they are before this board for the construction of a new single-family dwelling. He stated that there are some steep slopes on the property but they will not be disturbing them. He also stated that there are wetlands on the property which they will be impacting. He said originally they were within the 100' buffer, but they shifted the house and are no longer within the 100' buffer but are within the 150' buffer. He showed pictures of surrounding houses in the neighborhood that are also in the 150' wetlands buffer. He asked if the board had any questions or required any additional information.

Mr. Birgy asked if it requires any variances. Mr. McGarvey said it is conforming and does not require any variances. Mr. Aukland said other than the wetlands buffer.

Chairman Friedlander asked if this was the corner lot. Mr. Miele said yes it is on the corner of Sheldon and Browning. Chairman Friedlander said across the street is a major wetland. Mr. Miele said that is correct.

Chairman Friedlander asked if the side yards, rear and front yards are conforming. Mr. Miele said yes. Mr. McGarvey said it is an over sized lot.

Mr. Birgy said they only issue he has is with the sewer connection. Mr. McGarvey said they had the sewer line cleaned and TV as part of the Jardim East development and it seems to be ok now; he could not say if it would back up again.

Mr. Aukland said they now have a complete application and he thanked Mr. Miele for his efforts.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the February 24, 2014 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION - HKP Realty Inc. - 25 Main Street

Javier Taborga of C&T Design Build, LLC, representative for Mr. Cabral, stated that Mr. Cabral presently rents the space next door at 27 Main Street where he has a restaurant. He would like to use 25 Main Street as a deli, which is an approved use, in the front with an eat-in room which consists of a large table with chairs where you can go and eat whatever you purchase at the deli. There is no waiter service; you simply take your sandwich or whatever to the table and eat it. He said Mr. Cabral would like to break through from his restaurant into that back space so that it can be used as a party room. It will also have a small service kitchen. He said that room would only be used after the deli closes; hours of operations will be approximately 6:00 a.m. to 6:00/7:00 p.m.

Chairman Friedlander said his main concern is that it is not clear that it will not be a restaurant; people are eating on the premises. Restaurants need a certain amount of parking. Mr. Taborga said they would restrict the number of seats to 12; and if it grows in the future, they will have to come back for additional parking.

Chairman Friedlander asked the size of the party room. Mr. Taborga said 600 s.f. Chairman Friedlander asked how many round tables can go in a 20' x 30' room. Mr. Taborga said he understands his point. Chairman Friedlander said if a larger party wants to use the room, he can accommodate them; no one can check that, and that would create

a serious parking problem.

Mr. Tedesco said he agrees with Chairman Friedlander. He said looking at the plans he sees it as one restaurant. You need to look at what the real potential of the space is and that is what we need to work with. There is no one to police it.

Mr. McGarvey said he has an 'as of right' to put a deli in, but he cannot make the opening.

Mr. Taborga said they would like to go forward and would like to know what needs to be done to acquire more parking. Mr. McGarvey said you can buy parking. You are given five spaces automatically for the deli; and you need one parking space for every three chairs or one space for every 100 s.f., whichever is greater.

Counsel Shumejda said you can't transfer the five spaces from one building to another but this is an extension of the restaurant that is opening up when the deli closes. Once you open up the wall it becomes one contiguous space and one use so you can use the 5 spaces.

Chairman Friedlander said you have to look at the number of chairs that can occupy that space; probably 40. Mr. Taborga said yes, 40. For 40 seats you will need 13 parking spaces. You are given 5, so you will need 8 seats; that's a ball park number.

Mr. Taborga said Mr. Cabral has been renting the space at 25 Main since October and he would like to open the deli now, can he do that? Chairman Friedlander said yes. Mr. McGarvey said but you cannot break through. Mr. Taborga said he understands that and asked if the board would set a public hearing for the next meeting. Chairman Friedlander said yes.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the February 24, 2014 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Tarrytown Associates, LLC – 1-7 Main Street

Leo Napior of FHKP introduced himself as representative for the applicant along with Rex Gedney of Crozier Gedney Architects. Mr. Napior explained that his client is proposing to restore two apartments in the rear of the third floor of the building which were damaged in a fire in the 1970's. He said it's pretty straight forward with no proposed changes other than the restoration. The exterior walls are still standing and there are two apartments in the front of the third floor. The tenants use the area in the rear as a make-shift patio.

The following variances will be required:

- Minimum lot size is deficient by 7,500 s.f.
- Variance for five additional parking spaces. There is no room on the site for any additional parking; but if the board allows, his client will contribute to the parking fund.

Mr. McGarvey said the plan shows six parking spaces and asked if they are on the owner's property. Mr. Napior said yes that is the parking area on their property. Mr. McGarvey said he has only seen delivery trucks back there. Mr. Napior said they are licensed out on a first come first serve basis. Mr. McGarvey asked if they could find out who has the licenses. Mr. Napior said sure; he does not know if they are resident tenants or the commercial tenants below but he is almost sure they are tenants of the building, but will check.

Chairman Friedlander asked how many units are in the building now. Mr. Napior said 16 residential units with commercial below.

Chairman Friedlander asked the square footage of the building. Mr. Napior said roughly 9,200 s.f. on the first floor.

Chairman Friedlander asked about the variance for the minimum lot size. Mr. Napior said according to the code 5,000 s.f. is required for commercial space and 1,000 s.f. for each residential unit; the commercial space plus the 16 residential units requires 21,000 s. f. and there is 15,861 s.f.; by adding two more units, he adds an additional 2,000 s.f. to the requirement.

Mr. McGarvey asked the size of the units. Mr. Napior said between 850 s.f. to 1250 s.f. depending on which side of the building you are on. He said he is already deficient on the lot area with the existing conditions. Chairman Friedlander said you are going to increase the non-conformity. Why should we do that? Mr. Napior said under the Comprehensive Plan it was deemed desirable to add more rental units in the downtown area; and we are not adding more square footage, the shell is still there and we are only looking to restore the two units.

Chairman Friedlander asked the size of the proposed units and the number of bedrooms. Mr. Gedney said they are 850-1,000 s.f. one bedroom apartments. The present tenants use the space as outdoor space right now. Mr. Napior said but their lease states if the project moves forward there is no right for them to use the space.

Chairman Friedlander asked if they are market rate and approximately what they rent for. Mr. Napior said he does not have that information right now but will find out.

Chairman Friedlander said he is concerned about the number of units. He said your argument is the shell of the building was there before; but his concern is if there were less units with larger apartments before because the Village has grown and become more congested with more demands for parking since the Comprehensive Plan was written. He would like to know the number of original units; larger units for families is different than smaller units for single people.

Mr. Gedney said according their research the building was built with 18 units the same size as they are now. The fire burned out two units so they just want to return the building to the original 18 units.

Mr. Aukland said he is willing to support moving to a public hearing but he would like to hear more benefits to the Village to add to the parking problem that we already have as well as increasing the non-conformity. He also said replacing what was once there is not 'as of right'; it is something the board has to approve and we need those benefits to justifying approving it.

Mr. Birgy asked how long they have been burned out. Mr. Napior said since the 1970's. Mr. Birgy asked Mr. McGarvey if it has been inspected for safety and is there a roof over it. Mr. Napior said yes there is a roof over the main section but not over the burned out section. There is some correspondence in the file between the prior owner and the building inspector regarding repairing deficiencies. There were repairs made, but his client would like to make updates and improvements.

Counsel Shumejda asked Mr. Napior if he could provide Town of Greenburgh tax property cards on this property. Mr. Napior said sure.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the February 24, 2014 meeting; all in favor. Motion carried.

Mr. Tedesco asked Mr. McGarvey if his client can purchase parking. Mr. McGarvey said he believes anyone can purchase parking. Mr. Napior said the property is in the RR zone and he believes the code reads that anyone in the restricted retail zone can purchase parking by contributing to the Village parking fund.

Mr. Aukland said we should make a note to discuss parking on Main Street. Besides this application we have two others coming before us with parking issues on Main Street.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland to adjourn the meeting. All in favor; motion carried. Adjournment at 9:00 p.m.

Dale Bellantoni
Secretary