

Village of Tarrytown, NY

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

Planning Board Special Meeting Minutes 10/16/2014

Planning Board
Village of Tarrytown
Special Meeting
October 16, 2014; 8:00 p.m.

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

ABSENT: Members Raiselis and Tedesco

NEW PUBLIC HEARING – DCD Realty Holdings LLC (Tarrytown Honda) - 480 S. Broadway

The Chairman read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Thursday, October 16, 2014 at 8:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*DCD Realty Holdings, LLC
480 South Broadway
Tarrytown, NY 10591*

For a total two-year extension of the July 23, 2012 approval which includes the 90 day extension approved on July 23, 2014 to demolish the existing automotive dealership and construct a new automotive dealership with associated site plan at 480 South Broadway in the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.180, Block 102, Lots 1, 2, 3, 4, 5, 6, 8, 11 and is located in a NS (Neighborhood Shopping) 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.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: October 6, 2014

The certified mailing receipts were submitted and the sign was posted.

Chairman Friedlander moved, seconded by Mr. Birgy to open the public hearing. All in favor; motion carries

John Hughes was present on behalf of Tarrytown Honda along with Jack Ryan, General Manager of Honda; Mr. Hughes stated that Dwight Dachnowicz was unable to attend tonight's meeting.

Mr. Hughes said the New York State Thruway Authority (NYSTA) owns two pieces of property which are licensed for use by Honda, one is to the south of the property on Walter Street and one is to the north of Honda's property. Mr. Hughes said the Occupancy Agreement were recently reviewed by the NYSTA and were found to be satisfactory. He spoke with Gail Winters, Permit Coordinator for the NYSTA and she indicated that there were no plans to revoke or modify the permit. He also spoke with Brian Connebear who is a special advisor to the Governor who also said that there are no plans to revoke the permit on the north side and any plans to widen the ramp will not affect the

Tarrytown Honda property. Mr. Hughes said these were telephone conversations but they are getting written documentation as well.

Mr. Hughes addressed some issues stated in several letter from Marissa Feind of the Pennybridge Neighborhood Association. In her October 14, 2014 letter it is stated that this is a new application; Mr. Hughes said it is an existing approval for which they are seeking an extension. The only issue before you now is if there are changes in circumstances between the date of the approval, July 23, 2012, and today's date. In her letter dated October 9, 2014 she said there were violations against the property. Mr. Hughes said there are no known violations against the property at this point in time nor are there any alleged violations against this property. In her letter which was not dated she states that there are employee cars and cars in for service parking in the rear of the Eldorado Dinner. Mr. Hughes said employees park outside of the Village limits and are shuttled back and forth. They are picked up and dropped off in the Eldorado Diner just to avoid any addition congestion on dealership property; but if you prefer, they can change the pick-up/drop-off location to the dealership property.

Mr. McGarvey asked if any old or new cars park in the diner. Mr. Hughes said no. Mr. McGarvey said at one time you had a problem with cars parking in the Double Tree. Mr. Hughes said no violations have been issued from the Building Department. Mr. McGarvey said no, none. Mr. McGarvey said you did have a problem at one time with new cars being parking on the Double Tree property. Mr. Hughes said that is correct.

Mr. Hughes said the only issue before the board is whether there are some change of circumstances between July 23, 2012 and today; no procedural issues.

Mr. McGarvey asked as of now are you getting tractor trailers of new cars to the site. Mr. Hughes said no; we reserve our right to do so but don't at his client's discretion. Mr. McGarvey said at this time you are not getting any tractor trailer traffic. Mr. Hughes said that may be correct; that is his client's decision; he may opt at his own discretion to adhere to the 2012 conditions of approval but he does not have to because those conditions were based on the building of a new building, which they have not done. Presently he is operating under his original approval. Mr. McGarvey said he has not had any static about tractor trailers or test driving through the neighborhood. Has the test driving stopped? Mr. Hughes said yes; and if you go into the dealer ship, you will see signs stating that they cannot test drive through the neighborhood. Mr. Hughes said those are his client's business decision which he can change; he is a good person and he is trying to be a good neighbor.

Chairman Friedlander opened the hearing to the public.

Marissa Feind, 12 Walter Street said she is representing the Pennybridge Neighborhood Association. She said she submitted a lot of letters today and gave the secretary a copy of them for the record. She said there is still testing driving in the neighborhood but no tractor trailers; everything else is still happening. She said they are supposed to go in one way and out another; there are still traffic jams and people backed up on and off their site. She said if they followed the approved site plan from 1983, they would not have these problems and Walter Street would move more smoothly. She said there are lots of violations which haven't been given to them. She said if the rules are followed, they wouldn't have these problems.

Mr. McGarvey asked if it is backed up enough that if she called him would it still be backed up by the time he got there. Ms. Feind said yes. Mr. McGarvey said why don't you try that; and if it is so, I will issue him a violation.

Ms. Feind read her October 14, 2014 letter (copy attached).

Ms. Feind said they do park at the Eldorado Diner. Mr. McGarvey asked if she has seen them parking there. Ms. Feind said no but the large number of cars parked there in the morning indicates that they are. She showed pictures of the side portion of the parking lot with lots of cars at 8:00 a.m. that morning.

Mr. McGarvey asked if she has ever seen a van dropping off or picking up employees. She said no bus, maybe a van.

She said that according to the zoning board 40% of the cars can be used care, but 90% are used.

She read her October 9, 2013 letter regarding violations.

Chairman Friedlander asked Mr. Hughes why his client parked cars in Double Tree for such a long time. Mr. Hughes said because they needed the parking and was allowed to do so; they did not think it was a violation of Double Tree's site plan. When he became aware of it, he stopped. Mr. Hughes said dealership through Westchester County

have a problem with parking. He has parking in Rockland County. Chairman Friedlander said did he not ask his attorney if he could park in these places. Mr. Hughes said no. Chairman Friedlander said many changes were made to Double Tree for their approval; it was a serious violation that had a significant impact for the Village and traffic problem.

Mr. Aukland asked Mr. Shumejda if it's true that we cannot hear their application. Mr. Shumejda said it is an extension so it can be heard; it's not new. Ms. Feind said a new plan was submitted. Mr. Shumejda said it is the same plan; there were only some changes to the zoning table.

Mr. Hughes said if the board believes there is a change of circumstances between July 23, 2012 and today and wants to discuss that, his client is in no rush. He is looking for ways to satisfy his principal, who is a big company and to mitigate some of the variances. That is the reason for the delay. He has a good business but his options with the site are limited because of the demands of the principal and it's possible they may not work on this site. If the board wants to extend for a short time and look at this, that's fine.

Chairman Friedlander said we asked for a couple of changes in the 90 day extension and we have not seen anything. The extension is not necessary because there is no action on your part. Mr. Hughes said we offered a 5% reduction in the size of the building. If we could, we would give you more but we can't. This is a situation where the principal wants what it wants. Chairman Friedlander said this location is priceless and at the beginning we told you we would not accept the original plan; so your client went back to the principal and they said ok. If necessary he can go back to them again to make it better for the community. Now we feel the building is a little too large and we have other issues. Honda is a good member of the community and we want them to be successful and happy.

Chairman Friedlander said we are going to discuss the decision and we won't put anyone out of business or hurt anyone. Mr. Aukland asked if he can come in with an accurate proposal. Mr. Hughes said his client is trying to be efficient with everyone's time. He referred to his letter and the pre-existing condition saying the only issue is the one that Ms. Feind brought up, the display on the south side and on the north side. He said in order to have a property certified as a Honda property there are certain conditions that must be met.

Chairman Friedlander said this is a difficult site to run a business of this size. The Village Board amended the code to allow used cars which increased the business. We don't want to have a full-blown SEQRA; we just want to go over the original approval and see what is appropriate considering the change in conditions. It is not a start over it is an amended-over. If we make the building smaller or push it back further, what are the implications?

Mr. Hughes said we thought bringing a lot of the exterior activity to the interior was a good thing. Chairman Friedlander said so did we. He said getting out of Walter Street and making a left turn is very dangerous; the traffic is a real issue for him. He said we will have a public hearing and work it out to the satisfaction of everyone. We want a quick resolution to these issues. We want to keep the operation successful.

Mr. Birgy said you are not starting from zero. We are going to work with you to make this work because it can't work with what we approved.

Mr. Hughes said his client is not going anywhere.

Chairman Friedlander said I want a better building built, the neighbors happy, and the traffic better. He said he feels there is a way to do that by focusing on the issues, see what has to be done to change it and work toward changing it. We are prepared to work with you and you have to be prepared to work with us. These changes will make it more acceptable to the Zoning Board.

Mr. Aukland said it has to be procedurally correct.

Mr. Aukland made the following motion:

Applicant: Dachnowicz Automotive Inc. d/b/a Tarrytown Honda
Owner: DCD Realty Holdings, LLC
Property Address: 480 South Broadway, Tarrytown, New York

VILLAGE OF TARRYTOWN
PLANNING BOARD RESOLUTION

WHEREAS, Site Plan approval was granted to the applicant on July 23, 2012 and

WHEREAS, the Planning Board finds that conditions have changed since the granting of Site Plan approval. For example, subsequent to the approval it was determined that a setback that is required when a commercial property is adjacent to a residential area was not shown on the plan and thus was not included in the consideration of the site plan application, even though it should have been as part of the review process. The Site Plan now requires several new and additional variances that were not presented to the Planning Board during site plan review; and

WHEREAS, this change and others require the following new additional variances:

§305-63 for the 16 parking spaces which were previously located on the property owned by the New York State Thruway authority;

§305-63 (C) (3)(b) for parking of cars in the front yard;

§305-47 B for parking of cars in the rear and side yards;

§305-63 (c)(5)(C) for the lack of landscaping strips;

§305-142 (C)(3)(f)(7) for lack of one shade tree per 12 car parking spaces

§305-142 13(d) for lack of raised planting per 10 parking spaces; and

WHEREAS, the 90 acre property previously owned by Kraft was sold in January, 2013 to the Montefiore Medical Center and the traffic impacts to its current and future use needs to be reviewed.

NOW THEREFORE BE IT RESOLVED that the Village of Tarrytown Planning Board hereby denies the request to extend the approval of the site plan for a total of two years as requested by the applicant.

Mr. Aukland moved, seconded by Mr. Birgy that the Board hereby issues a negative declaration and denies the applicant's request to extend the approval of the site plan for a total of two years.

Votes in Favor 3 Votes Against 0

Motion carried.

ADJOURNMENT

Mr. Birgy moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 9:00 p.m.

Dale Bellantoni
Secretary