

Planning Board
Village of Tarrytown
Regular Meeting
April 25, 2016; 7:00 p.m.

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis, Birgy (arrived at 7:10); Counsel Zalantis; Michael Blau, Village Administrator, Village Engineer McGarvey; Village Planner Galvin, Secretary Meszaros

Chairman Friedlander called the meeting to order at 7:02 p.m.

APPROVAL OF THE MINTUES – March 28, 2016

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of March 28, 2016, be approved as submitted. All in favor. Motion Carried.

Mr. Tedesco read the following adjournments:

- Continuation of a Public Hearing – Peter Bartolacci - 67 Miller Avenue
- Continuation of a Public Hearing – Toll Brothers, Inc. - 112 Wilson Park Drive
- Continuation of a Public Hearing – Ann E. Hanley - 73 High Street
- Continuation of a Public Hearing - Tarrytown Associates - 1-7 Main Street
- Continuation of a Public Hearing – Kaufman Organization – 69 North Broadway
- New Public Hearing – Paul Jeris – 15 Baylis Court

CONTINUATION OF PUBLIC HEARING – Education First - EF School – 100 Marymount Avenue

Chris Orofino, P.E., of VHB Engineering, Surveying and Landscape Architecture, representing Philip Johnson, Executive Director of EF Schools, Inc. stated that they presented their application to the Board last month and since then, have addressed the public concerns regarding the need for additional landscaping on Neperan Road, along with comments from the Village Landscape Architect, Lucille Munz, and the stormwater review has been completed. He introduced Stefan Yarabek, Landscape Architect for the project, to go over the changes in Landscaping.

Stefan Yarabek presented the landscape plan in response to Lucille Munz's comments. He explained that he has not put additional screening because the Planning Board was in agreement and supportive of keeping the river view.

Village Planner Galvin read a part of Ms. Munz's memorandum to the Board recommending that the revised plan dated 4-12 16 was complete and she has no further comments.

Mr. Yarabek presented the revised plan showing the planting of an additional 17 trees along Neperan Road in response to resident Matt McLaurin's request from the last meeting.

Chairman Friedlander asked if anyone had any comments.

Village Engineer McGarvey asked Mr. Orofino to address if this project is on hilltop. Mr. Orofino, PE provided a stamped exhibit, which has become part of the record, certifying that this project is not within a hilltop, it is on a hillside, and is within the provisions of the code. The Hilltop area is well outside the sports building area.

Chairman Friedlander asked again if anyone wished to speak.

Counsel Zalantis asked that we include additional language in the resolution to address the hilltop area is within 100 feet of the project area.

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

Mr. Tedesco read the resolution:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted April 25, 2016)**

**Application of Education First School, Sports Building Site Improvements
Property: 100 Marymount Avenue (Sheet 1.50, Block 24, Lot 1 and Zone R-20)
Resolution of Site Plan Approval**

Background

1. The Applicant requests site plan approval to renovate and upgrade an existing parking lot with related improvements to drainage and accessibility to the existing sports complex at the Education First School (EF).

2. The Planning Board determined the proposed action to be an Unlisted Action under SEQRA on February 22, 2016 and issued a Notice of Intent to be Lead Agency on February 23, 2016, assumed Lead Agency status at its meeting on March 28, 2016 and issued a Negative Declaration for the proposed unlisted action on March 28, 2016.

3. The Applicant has made a preliminary presentation to the Planning Board on February 22, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on March 28, 2016 and April 25, 2016 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 from the Consulting Village Planner in memoranda dated February 17, 2016, March

17, 2016, March 21, 2016 and April 12, 2016 and commentary from the consulting engineers, D& B Engineers, dated March 11, 2016, the Village Landscape Consultant in memoranda dated March 2, 2016 and March 31, 2016 and comments received from the Building Inspector/Village Engineer dated February 1, 2016 and March 28, 2016 which they have considered.

5. The Planning Board at its meeting on March 28, 2016 reviewed and considered the Applicant's *Narrative on Parking and Steep Slope*, prepared by Michael W. Junghans, PE of VHB Engineers dated April 11, 2016. This Narrative explains the justification for the amount of parking and addresses the criteria for granting the waiver for steep slope disturbance under 305-67 (F)(1)(b). The Narrative highlights the reduction of steep slope disturbance by 17 percent to 4,090 sf. square foot. Additionally, 50 percent of the steep slope disturbance is being maintained or softened in the proposed condition. The Narrative also describes the installation of measures to control drainage and preserve slope stability in areas that would otherwise not be safeguarded. The proposed parking lot setbacks will be increased from 4' to 8' which provides an additional buffer for Marymount Avenue and reduces the existing steep slope disturbance. The Narrative concludes that benefits to the applicant and its availability for use by community groups outweigh any detriment to the community's health, safety and welfare.

6. The Applicant has provided a *Narrative for the Education First Sports Building Improvements Project* dated March 16, 2016 and April 12, 2016 indicating the revisions to the plans and SWPPP that have been made in response to comments from the Village Landscape Consultant, D&B Engineers, and the Village Engineer/Building Inspector.

7. The Applicant has submitted a drawing on April 25, 2016 (Figure 1 dated April 2016) prepared by VHB indicating elevations around the property. The VHB engineers have indicated spot elevations around the proposed improvements as well as the average elevation of approximately 325 feet and determined that there is no hilltop within 100 feet of the proposed improvements.

8. The Applicant has provided a revised landscape drawing (L-2) revised April 12, 2016 in response to comments from the Planning Board and the Village Landscape Consultant which cleans up and adds 14 additional evergreen plantings ranging from 4 to 6' in height along the northern side of the existing driveway between the sports building and Neperan Road. The Landscape drawing maintains the spacing of the Hawthorne trees along Marymount Avenue to preserve the views to the river and places the American Elms behind the 8.5' pole light in the new parking islands to buffer the shielded light source and frame rather than obscure the river view.

9. The Zoning Board of Appeals reviewed the Applicant's request for a parking front yard setback variance of 31' at a public hearing held on April 11, 2016. The Zoning Board closed the public hearing at this meeting and approved the requested variance on April 11, 2016.

10. The Planning Board closed the public hearing on April 25, 2016. 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 and the waiver for steep slopes disturbance are 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. **Neighborhood Character:** Specifically, there will not be an undesirable change in the character of the neighborhood as the proposed parking lot improvements will improve the curb appeal of the parking lot, create a more desirable streetscape along Marymount Avenue and preserve views of the Hudson River. **Alternate Feasible Method to achieve benefit sought by applicant:** The applicant has explained how the proposed parking lot improvements cannot be achieved by another feasible method. Applicant proposes to improve the existing parking lot and extend the lot for additional parking. The current parking lot lends itself naturally to the additional spaces based on shape and terrain. The number of proposed spaces will be zoning compliant and designed for the current uses at the Sports Building and open to use by community groups. The applicant also proposes to improve an existing condition by increasing the parking lot setbacks from 4' to 8'. This will substantially reduce the proposed impacts on steep slopes. **Impact on Other Properties:** The waiver will not result in an adverse effect on the physical or environmental conditions in the neighborhood. The physical and environmental conditions will improve as a result of the retaining walls (no greater than 6' in height), stormwater drainage and improved landscaping in the parking lot islands and along Marymount Avenue. The parking lot will not rise above the current street level elevation and the increase in setback will reduce the existing steep slope disturbance. Views of the Hudson River from Marymount Avenue will be preserved. **Consistency of Project with Intent of the Steep Slopes Chapter:** Granting the waiver will be consistent with the purposes, objectives or general spirit and intent of the "Visual Character and Environmentally Sensitive Areas" Chapter in the Zoning Code. The proposed parking lot improvements will: 1) provide a more stable and easily maintainable condition and provide protection from soil erosion and sedimentation; 2) provide increased slope stability; 3) provide improved stormwater drainage system, minimizing runoff and flooding in the sports building; 4) project will improve site's aesthetic character, while maintaining sufficient protection to the public health, safety and general welfare of the Village and its residents.

In addition, the Planning Board has considered the standards set forth in the 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 extensively reviewed the Applicant's site plan. The proposed parking lot improvements replace a deteriorated lot in need of improvement. The application is in conformity with the existing Compatible Use Permit (CUP) for the Educational First School Campus. During the Planning Board review, the applicant's site plan has been revised to reflect comments from the Planning Board resulting in significant improvements. Specifically, 1) these include a 17 percent reduction from the original steep slope disturbance by increasing setback from 4 to 8' feet along Marymount Avenue. 2) The site plan provides a more aesthetic front yard for the sports building users by installing a new accessible sidewalk leading to the facility, improved stormwater drainage, and the elimination of the ponding between the field and sports building and the potential for flooding in the sports building. 3) The heights of the pole lights in the parking lot have been reduced from 15' to 8.5'. These LED lights will be shielded and dark sky compliant with a timer system to decrease lighting levels during low use periods. 4) The Landscape Plan was revised to reflect the Planning Board's priority to preserve the views to the Hudson River and soften views to the improved parking lot. The parking lot includes two new parking islands with three American Elms which buffer the shielded light source as seen from Marymount Avenue. The Landscape Plan maintains the spacing of the Hawthorne trees along Marymount Avenue which preserves the river views. The Landscape Plan also cleans up and adds 14 evergreen plantings along the northern side of Neperan Road behind the sports building.

II. Approved Plan:

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

Site Plans – Education First Sports Building Parking Improvements prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. unless otherwise noted dated February 3, 2016 and last revised April 12, 2016 entitled:

- C-00 *Cover Sheet*
- C-01.1 *Legend and General Notes*
- C-01.2 *Abutter's List and Map*
- C-02 *Overall Site Plan – Sports Building*
- C-03 *Layout and Materials Plan*
- C-04 *Grading, Drainage and Utility Plan*
- C-05 *Erosion and Sediment Control Plan*
- C-06 *Erosion and Sediment Control Notes and Details*
- C-07 *Lighting Plan*
- C-08 *Lighting Details*
- C-09 *Sight Line Distance Plan*

- C-10 *Site Details 1*
 - C-11 *Site Details 2*
 - C-12 *Site Details 3*
 - C-13 *Site Details 4*
 - EX-1 *Existing Conditions Plan*
 - L-1 *Tree Preservation and Removal Plan* prepared by Hudson & Pacific Designs
 - L-2 *Planting Plan* prepared by Hudson & Pacific Designs
 - SS-1 *Steep Slopes Plan*
- (the “Approved Plans”).

Reference Materials

Stormwater Pollution Prevention Plan (SWPPP) dated February 2016 and last revised April 12, 2016;
Long Form Environmental Assessment Form dated February 1, 2016;
Percolation Tests, EF Sports Building dated January 18, 2016.

III. General Conditions

(a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

- i. 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.
- ii. 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.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair

of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (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) 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.

- (f) Plantings Cash Bond:
 - Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board’s Landscape Consultant to ensure the Applicant replaces any plantings that do not survive for two (2) years (“Cash Bond”).
 - In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.
 - At the end of the two year period, the Planning Board’s Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect

the Premises and indicate if all plantings called for in the approved plans are present and in good health.

(g) Release of Cash Bond:

Prior to releasing or reducing either the Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, including a landscape plan showing landscape conditions at the time of the re-evaluation, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board Secretary shall forward the request to the Village Engineer and attorney each of whom shall provide a written recommendation to the Planning Board which shall make a formal recommendation to the Village Board concerning the request. The Planning Board will, upon receipt of all required documentation, act upon the request.

Motion by: Mr. Tedesco
 Seconded by: Mr. Aukland

In Favor: 5
 Opposed: None
 Abstaining: None

Mr. Tedesco moved, seconded by Mr. Aukland that the Board approve this resolution with additional language in the resolution regarding the hilltop.

CONTINUATION OF PUBLIC HEARING – Realty @460 SB LLC – 460 South Broadway

This portion of the meeting was transcribed by a court stenographer and the transcript will be included as part of the record.

Mr. John Hughes, Jr. ESQ, representing owner, Dwight Dachnowicz introduced Mr. Jack Ryan, V.P of Operations of Honda, John Manilio, PE, Craig Zimmerman, PE and Robert Martinez, all of Redcom, LLC, the design engineers for this project, and John Collins who is working on the traffic study.

Mr. Manilio, PE, presented the last rendering they shared at the March 28, 2016 meeting. He advised the Board that they have been working on a new design since the last submission 2 weeks ago, just before the April 14, 2016 work session. He presented the plan and said that they spruced up main entrance with a brick veneer; additionally, 3 ft. high shrubs have been added along the frontage with 7 street trees to hide the building and make a nicer appearance. He also presented a photo montage looking at Mavis and the BP gas station. He explained that the building must have all of the Honda elements and no site plan changes have been made.

Chairman Friedlander asked if they had a rendering of the side of the building. Joan Raiselis pointed out that the photo montage is clearer.

Stan asked if anyone had comments in the audience.

Mr. Tedesco commented that some of these trees could probably be evergreen so that they would not shed in the winter.

Mr. Birgy commented and said that this rendering is really nothing new. They have been supportive of Honda's effort to expand in Tarrytown and we have outlined the reasons we think a different kind of building would be appropriate. The problem is a very commercial building in the gateway to Tarrytown. He would like to see something less of a gasoline alley and more of what Tarrytown should look like. Hiding it with trees and greens is silly. He wants a win-win situation for everyone and does not feel that this rendering reflects this.

John Manilio said this site is in a commercial zone in the village, and he feels the building will be one of the nicer things out there than the existing uses. Mr. Aukland said it is not nicer than the Doubletree. Mr. Manilio said the Doubletree Hotel needs to be nice to attract people and compared to other Honda dealerships not one has deviated from white façade.

Chairman Friedlander explained that the last approval allowed for a change in color. Mr. Manilio said that was a long time ago and Honda has a new regime; they will not allow the building to be stone or brick. Mr. Manilio thinks that this is a great improvement with the landscaping.

Mr. Birgy wanted to know if the owner is afraid that if he does something different, Honda will not be recognized. Mr. Manilio said if the applicant is not compliant with Honda, Mr. Dachnowicz could lose the franchise. They are trying to compromise with Honda and the Village.

Ms. Raiselis said she would like to separate the look and landscaping of the building and talk about the scale of the project. For her, part of the problem is that Honda is asking for too much. The size increase is the real problem. In terms of variances, you need to go to zoning to find out if they are going to allow you to build.

Chairman Friedlander said that the reason it is a difficult application is that we had achieved a great compromise with Honda, the neighbors and the Village before and now we have nothing. At the last application, a major discussion took place to change the architecture. Mr. Friedlander wants to know if any exceptions can take place with regard to design and architecture because it was done before and is still alive. It is difficult to hear about regime change. He wants to know why architecture is off the table.

Secondly, he has heard and wants to confirm if this is a service center or full scale automotive sales business? Mr. Friedlander said it looks more like a garage with 26 bays. He wants to know why there are so many bays and asked to see the interior plan.

Mr. Friedlander asked how much do the bays consume of entire layout? He would like an explanation of why they need 26 bays.

Mr. Manilio said with regard to use, 460 will predominantly be for 90% of service. 480 is 90% sales. However, in the future, things could change.

Mr. Ryan said the new building is proposed as full service car dealership for sales, service, parts and new and used car sales. Our initial plan is for 90% of service; 90% of sales will stay at 480. With regard to size of the facility, it is not just for customers who bring in for service. Cars have to be re-conditioned, and new and used cars need to be prepped at new facility. He explained that used car sales are a big part of the business. Last year, the business sold 2,700 new cars and 1,200 used cars. Based upon current and anticipated sales volume, this facility requires 23,800 SF. Mr. Ryan said that Honda will not make any more concessions with regard to changing the look of the building.

Mr. Friedlander said they are currently working with 11 bays. Mr. Ryan said they are barely servicing cars with the 11 bays and he has spoken with the neighbors who are happy they are moving service to across the street. It will take all the congestion and service from #480 and move it to #460.

Again, Mr. Manilio said the building has to be compliant with Honda or they won't allow us to build.

Mr. Birgy asked the square footage of the existing diner. Mr. Manilio said about 8,000 s.f. Mr. Birgy said that this project is 3 times the size of the existing diner and the scale is too large. Mr. Manilio said the diner is for people; this facility is for cars.

Mr. Manilio showed the floor plan and explained that the requirement for a franchise is to have vehicles come into building for service. The square footage of the bay area is about 13,000 s.f. The area where cars pull in is about 2,500 s.f.

Mr. Ryan said that Honda Corporate will not make any more concessions with regard to changing the look of the building.

Mr. Birgy again would like to see a building that looks more appealing since the proposed building is 3 times the size as the existing diner.

Chairman Friedlander asked if there were other options to decreasing the size while still making it a viable service center.

Mr. Ryan stated that they own the existing building and are leasing other building and could lose that lease in the future. They want to make sure each site is viable in the future.

Chairman Friedlander asked for a record of facilities that have been approved for different sizes.

Mr. Friedlander said he doesn't understand Honda position. You picked this site but Honda is not being flexible with changes. There are a lot of ifs and the Village should not have to compromise because Honda says it has to be this size.

Mr. Ryan explained it is not what we want and what fits but based upon current and anticipated sales volume, the minimum required size lot Honda would approve is 23,800 SF.

Mr. Tedesco asked Village Planner Bob Galvin to go through Part 2 of the EAF. Mr. Galvin explained that this is a Draft review of Part 2 of the EAF form. The purpose of this form is to identify potential issues and concerns so that the applicant can address them in PART 3 of the EAF and also provide a vehicle to ZBA, ARB and other involved agencies so that they may review and get comments.

Mr. Galvin read through items in the Part 2 EAF and commented where noted:

Impact on land

Steep slopes; Adverse environment impact during construction; Best management practices proposed; Rock removal; Increase in impervious surface; Are there any mitigation proposals? How does project address drain soils and composition. Do you need to bring in fill?

Geological features: Mr. Galvin said there does not seem to be an issue.

Surface water: Mr. Galvin said none has been identified at this point in time.

Historic and Archeological resources: Mr. Galvin said this area does have impacts; 100 foot setback was to establish the same kind of characteristics as South Broadway with regard to the historic walls around Broadway and the historic district. What impact does existing site have on Glenwolde Historic District?

Impact on Transportation: The EAF part 2 will be sent to NYS DOT and NYS Thruway for comments and we will wait for Mr. Canning's review.

Noise Impact: Truck traffic, rock removal, hours of operation and how it relates to traffic; Construction management plan, etc.

Consistency with Community Plans - (item #17) There is an impact on community character. Project could be out of character and scale. It is inconsistent with zoning –

and has a moderate to large impact. In addition, the applicant shall provide detailed comparison of surrounding area setback, street frontage, density of surrounding developments, Height, mitigation measures with regard to reducing setbacks; analysis of historic walls in surrounding areas.

Consistency with Community Character: Project has a moderate to large impact regarding predominant scale and character. Other impacts include the proposed action's scale and character of newer development in the area. Maybe the applicant can look at both sites in conjunction with each other and review possible mitigation methods for example lessen the amount of parking in the rear of the existing facility.

Mr. Galvin explained that the above is a short synopsis of impacts. The burden is on applicant to mitigate and address them. It will be circulated to involved agencies like the ARB and ZBA to get feedback from them earlier than later in the SEQR process.

He further stated that the applicant has significant variances and should figure out the most important ones. It is Board's responsibility as Lead Agency to determine impacts and see whether or not they can be mitigated; and it is the applicant's responsibility to attempt to mitigate these impacts to the maximum extent practical.

Chairman Friedlander asked Mr. Galvin to include 2 other items in the EAF Part 2, on page 9, that address Impact on Human Health, which are:

#16a.

The proposed action is located by the JCC who operates a pre-school program – should be checked off “moderate to large”. Also, with regard to solid waste – burden on applicant to prove- how they collect oil.

With regard to timeline, Mr. Galvin said applicant should wait to address until we receive comments back from interested parties.

With regard to traffic concerns, there will be many traffic concerns which will be addressed after ongoing study of the area. Village Planner Galvin said they will be sending out the EAF to NYS DOT and the NYSTA since they are involved agencies.

Mr. Friedlander advised that Village Administrator, Mike Blau, has sent a letter to interested parties to attend the traffic meeting to discuss traffic improvements in this area and impending projects.

Mr. Hughes asked Village Planner Galvin if there was going to be a meeting. Mr. Galvin advised Mr. Hughes that no, the Village will circulate the draft EAF. He further said that other agencies have obligation and responsibility to weigh in and make their issues known. This is for the benefit of all, including the applicant.

Mr. Tedesco, moved, seconded by Mr. Aukland, to direct Village Planner Galvin to send memo to other Boards and agencies, circulating the EAF. All in Favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to continue public hearing. All in Favor. Motion carried.

NEW PUBLIC HEARING – Brad Zucker – 55 Stephen Drive

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 Monday, April 25, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Brad Zucker
55 Stephen Drive
Tarrytown, NY 10591

To consider an application to construct a new patio and replacement of an existing railroad tie wall.

The property is located at 55 Stephen Drive and is shown on the tax maps as Sheet 1.190, Block 112, Lot 7 and is in the R60 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.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: April 15, 2016

The certified mailing receipts were submitted and the sign was posted

Steve Anderson, of Gabriel E. Senor, Planners, Engineers and Surveyors, representing the applicant, said the applicant wishes to replace a railroad tie wall which is old and in disrepair and failing. The wall will be placed in same area as existing wall. He explained that they have returned from Zoning Board for an increase in impervious surface, which was granted on April 11, 2016. Since then, they have made a slight change to the plan by squaring off the existing patio to look better. He is here before the Planning Board to request a waiver of steep slope. The area will be improved with landscaping and they are compensating for additional impervious surface by adding a cultec drainage system.

Mr. Tedesco read Mr. Anderson’s letter to the Board requesting a waiver for the disturbance of steep slope. He suggested that Mr. Anderson add to the letter “that the steep slope area will be backfilled to its original condition”.

A Landscaping plan was not sent to Lucille Munz for her review since it was determined this area is private and not visible to neighbors. The applicant will plant native plantings as this will be part of condition of approval. A picture was also requested of the area to see how it may affect the neighbors.

Chairman Friedlander asked if anyone had comments.

Counsel Zalantis advised applicant that he should provide a narrative addressing the steep slope using the criteria that is listed in the code.

Mr. Tedesco moved, seconded by Mr. Aukland to continue public hearing. All in Favor. Motion carried.

NEW PUBLIC HEARING – Robert DeRocker – 5 Warner Lane

Chairman Friedlander read the Public Hearing Notice.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 25, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Robert DeRocker
3 Warner Lane
Tarrytown, NY 10591

For a lot line adjustment enabling an even land exchange to be conveyed to the Village of Tarrytown for proposed parkland at Wilson Park. The property is located at 5 Warner Lane and is shown on the tax maps of the Village of Tarrytown as Sheet 1.10, Block 1, Lot 36.3 and in the R30 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

Lizabeth Meszaros
Secretary to the Planning and Zoning Boards

DATED: April 15, 2016

The certified mailing receipts were submitted and the sign was posted

Robert DeRocker, owner of 3 Warner Lane, also known as the Ice House, introduced his wife Melinda, who presented the survey. Mr. DeRocker explained that 5 years ago the Board realized that the Village needed to separate public from private property. The Planning Board determined that the property would be demarcated by surface level paving stones for about 3 years, and then the Board of Trustees reversed the recommendation and authorized the construction of the wall be built by Toll Brothers. Proposed remedy was to buy a strip of land from the neighbor at 5 Warner Lane, to allow him (Mr. DeRocker) to eventually swap with the Village and have the property squared off. The wall has already been built by Toll Brothers.

Mr. Aukland asked if it is an even swap, 3,300 SF for 3,300 SF. Mr. DeRocker confirmed that it was and it would benefit all, especially the village.

Mr. Blau said that the Village will apply to the State Legislature for alienation of land. The Planning Board has to approve this subdivision change. Once this is done, the Board of Trustees is ready to act. The Board of Trustees was supportive but advised the DeRockers that they had to go through steps to provide the Village the land.

Chairman Friedlander asked if anyone had any questions.

Mr. Tedesco moved, seconded by Mr. Aukland to close the public hearing. All in Favor. Motion carried.

Mr. Tedesco read the resolution.

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted April 25, 2016)**

**Application of Robert DeRocker
Property: 5 Warner Lane (Sheet 1.10, Block 1, Lot 36.3 and Zone R-30)
Resolution of Amended Subdivision Plat Approval**

Background

1. The Applicant requests an amended subdivision plat approval which contemplates the applicant purchasing a rectangular strip of land consisting of 3,307 square feet at 5 Warner Lane which is adjacent to the Village’s parkland (Open Space “Parcel E” on filed Map 28452). Applicant would then transfer the land to the Village in exchange for a 3,307 square foot triangular shaped parcel and strip of land from the Village

adjacent parkland (Open Space “Parcel E” as described above) to be merged with the applicant’s property at 3 Warner Lane. This transfer would require a lot line adjustment to a previously approved subdivision plat. The Lot Line Adjustment is detailed on applicant’s proposed map surveyed March 12, 2015.

2. The Planning Board on March 28, 2016 determined this to be a Type II Action and, therefore, no further SEQRA review is necessary.

3. The Applicant has made a preliminary presentation to the Planning Board on March 28, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on April 25, 2016 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 reviewed the Proposed Lot Line Adjustment Map surveyed March 12, 2015 which documents the lot line adjustment and proposed property transfer involving 5 Warner Lane, 3 Warner Lane and the Village of Tarrytown and received comments and recommendations from the Consulting Village Planner in memoranda dated March 17, 2016, March 21, 2016 and April 12, 2016 as well as received input from the Village Administrator.

5. The Planning Board closed the public hearing on April 25, 2016. 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 amended subdivision plat approval is granted subject to the conditions set forth below.

IV. Findings

The Planning Board considered the standards set forth in Village of Tarrytown Code Chapter 263 entitled “Subdivision of Land” and finds that subject to the conditions set forth below, the proposed amended subdivision plat and lot line adjustment is consistent with the subdivision plat and the design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant’s amended subdivision plat. The application concerns a lot line adjustment which involves the transfer of the same amount of property between adjacent parcels with no loss of parkland for the Village. It appears to be a minor adjustment in a previously approved subdivision. The transfer would involve the purchase of a 3,307 sf strip of land at 5 Warner Lane and incorporation into the adjacent Village parkland (Open Space Parcel “E”). In exchange, the Village would transfer a 3,307 sf. triangular shaped strip from the Village adjacent parkland to 3 Warner Lane, thereby, squaring off the applicant’s property. The Board of Trustees will have final approval for the land transfer. The Board of

Trustees will need to request the alienation of involved parkland being transferred to 3 Warner Lane and the dedication of new parkland being purchased from 5 Warner Lane.

V. Approved Plan:

Except as otherwise provided herein, the Proposed Lot Line Adjustment Map of Property situate in the Town of Greenburgh, Village of Tarrytown, Westchester County New York as surveyed March 12, 2015 by JRL Land Surveying P.C. is approved by the Planning Board as an amendment to the previously approved subdivision plat (filed Map 28452 “TOLL LAND V LIMITED PARTNERSHIP” Filed in Westchester County Office Division of Land Record as follows:

Proposed Lot Line Adjustment Map of Property situate in the Town of Greenburgh, Village of Tarrytown, Westchester County New York surveyed March 12, 2015 by JRL Land Surveying P.C. Premises are designated on the Tax Maps for the Town of Greenburgh/Village of Tarrytown Map 1.10 * Block 1 * Lot 34 and Lot 3 as shown on Filed Map 28452. (the “Approved Amended Subdivision Plat”).

VI. General Conditions

A. **Prerequisites to Signing Amended Subdivision Plat:** The following conditions must be met before the Planning Board Chair may sign the Approved Amended Subdivision Plat:

- a. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Amended Subdivision Plat.
- b. The Village of Tarrytown Board of Trustees will need to approve the proposed land transfer described in this resolution and the Approved Amended Subdivision Plat as well as requesting and receiving approval from the NYS Legislature or other appropriate authority for the alienation of involved parkland being transferred to 3 Warner Lane and the dedication of new parkland being purchased from 5 Warner Lane.
- c. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- d. The Approved Amended Subdivision Plat shall be such that its meets the satisfaction of the Village Engineer and shall thereafter be endorsed by said Engineer.

- e. The Approved Amended Subdivision Plat shall be endorsed by the Town of Greenburgh Assessor and Village of Tarrytown Assessor and if required by Westchester County Department of Health, by the Westchester County Department of Health.
- f. The Applicant shall submit a statement signed by the Town of Greenburgh Receiver of Taxes and Village of Tarrytown Receiver of Taxes which indicates that all taxes due on the Subject Property have been paid.
- g. In accordance with Section 7-728(7)(c) of New York State Village Law, the approval of the Approved Amended Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless the requirements listed above have been completed to the satisfaction of the Planning Board and the plat has been submitted for signature. The Planning Board may, however, extend the time for periods of ninety (90) days each in which the requirements must be fulfilled and said plat is to be submitted for signature if, in its opinion, the particular circumstances warrant such extension(s).

B. After Signing Subdivision Plat: The following are general conditions which also must be met.

- a. In accordance with Section 7-728(11) of New York State Village Law, the endorsed subdivision plat shall be filed in the Westchester County Clerk's Office (Division of Land Records) within sixty-two (62) days of the date of the endorsement of said plat by the Planning Board Chairman.
- b. Subsequent to the filing of the Subdivision Plat in the County Clerk's office, the Applicant shall submit three (3) copies of the filed plat to the Village's Building Department.
- c. All construction on this Project, if any, shall be in accordance with best management practices.
- d. No portion of any approval by the Planning Board shall take effect until all conditions herein are met.

Motion by: Mr. Tedesco
 Seconded by: Mr. Aukland

In Favor: 5
 Opposed: None
 Abstaining: None

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in Favor. Motion carried.

NEW PUBLIC HEARING – Albert Collado – 116 South Broadway

Chairman Friedlander read the Public Hearing Notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 25, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Albert Collado
75 Wharton Drive
Cortlandt Manor, NY 10567

To demolish an existing commercial building and rebuild it as a primary residence. The property is located at 116 South Broadway and is shown on the tax maps as Sheet 1.80, Block 54, Lot 16 and is in the R10 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.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: April 15, 2016

The certified mailing receipts were submitted and the sign was posted

Albert Collado, owner of property since 2003, stated that he and his wife are here to present a plan to demolish the building and build a new single family residence at 116 South Broadway and move back into the area. Mr. Collado stated that this will be his primary residence and presented the drawings.

Mr. Aukland asked if there was a landscaping plan.

Mr. Collado said the plan has been reviewed by the Village Landscape Architect and he has made the changes requested.

Mr. Aukland asked if there are any deviations from code as a result of building this new home. Mr. Collado said no and with regard to parking, there are 7 parking spaces are in the back of the property.

Chairman Friedlander asked if anyone had questions.

Mr. Tedesco moved, seconded by Mr. Aukland to close the public hearing. All in Favor. Motion carried.

Mr. Tedesco read the resolution:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted April 25, 2016)**

**Application of Albert Collado
Property: 116 South Broadway (Sheet 1.80, Block 54, Lot 16 and Zone R-10)
Resolution of Site Plan Approval**

Background

1. The Applicant requests site plan approval to replace the existing commercial property with a new single family residence in the same footprint as the existing structure. Project will also reduce the existing parking lot in the rear to include a small patio.
2. The Planning Board on March 28, 2016 determined this to be a Type II Action and, therefore, no further SEQRA review is necessary.
3. The Applicant has made a preliminary presentation to the Planning Board on March 28, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on April 25, 2016 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 memoranda dated March 17, 2016, March 21, 2016 and April 12, 2016, the Village Landscape Consultant in a Staff Report dated April 20, 2016 and comments from the Building Inspector/Village Engineer which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant's request for several area variances including minimum lot size, minimum street frontage, side yards, number of stories (3 stories), FAR and impervious surface coverage at a public hearing held on December 14, 2015 and

continued on January 11, 2016 and February 8, 2016. The Zoning Board closed the public hearing on February 8, 2016 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on April 25, 2016. 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.

VII. 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 will occupy the same footprint as the existing structure on the property. The property is located in the R-10 Residential District and the single family use will be replacing a commercial office use. The proposed residential use will be less intensive. The property is located between an existing residence and an accessory parking lot attached to an office use. There are no planned changes to the site except to create a small patio at the rear by reducing the size of the existing parking lot. There are no trees being removed nor is the grading being changed. There are no steep slopes being effected. There is also no site lighting proposed. The proposed residence is designed to be energy efficient and conform to the NYS Energy Code. Drywells and a cultec will be used for stormwater management on site. An appropriate landscape plan designed by a landscape architect has been provided which has been reviewed by the Village Landscape Consultant with recommended changes included in her Staff Report dated April 20, 2016. The Applicant has also provided photo elevations of the project.

VIII. 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 by Albert Collado, P.E. dated November 4, 2015 and last revised March 10, 2016 unless otherwise noted entitled:

- A- 100 *Site Plan, Collado Residence*
- A- 101 *Layouts for Basement, First, Second and Third Floors*
- A- 102 *Sections thru Attic*
- A- 103 *North and South Elevations*

- A- 104 *East and West Elevations*
- A- 200 *Sections*
- L- 1 *Landscape Plan* prepared by Anthony Zaino, Landscape Architect, AZ Associates, Ltd. dated April 11, 2016 (the “Approved Plans”).

IX. General Conditions

(h) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

iii. 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.

iv. 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.”

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

(i) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

(j) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to

the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (k) 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.
- (l) 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.
- (m) All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

X. Specific Conditions:

- (a) New Plantings must be non-invasive, native plant material.
- (b) Increase the size of all of the 3 gallon plants to 5 gallon plants.
- (c) Increase the size of the Dogwood Tree to 8’ – 10’ height.
- (d) Add an additional tree at the front and add shrubs as indicated on page 1 of the Village Landscape architect’s Staff Report.
- (e) Additionally, the Applicant must submit a revised landscape plan that conforms to the requirements noted by the Village landscape architect Lucille Munz, in her Staff Report dated April 20, 2016.
- (f) Approval of a revised landscape plan by the Village’s landscape architect is a condition of a site plan approval and no permits may be issued unless and until the Village’s landscape architect approves such revised landscape plan.

Motion by: Mr. Tedesco
 Seconded by: Mr. Aukland

In Favor: 5
Opposed: None
Abstaining: None

Mr. Tedesco moved, seconded by Mr. Aukland to approve this application. All in Favor. Motion carried.

PRELIMINARY PRESENTATION – Fredric Ellman & Joan Raiselis – 26 Fairview Ave.

Ms. Raiselis, Planning Board Member, recused herself from this application.

Mr. Tilman Globig, RA, of di Domenico & Partners, LLP, representing Fredric Ellman and Joan Raiselis, presented the site plan. He described the proposed home as being a net zero modest single family home that will be 21 feet deep by 42 feet long. The house will be pulled back to be in line with neighboring properties.

He explained that because of location of trees, the applicant went to the Zoning Board of Appeals and was granted a parking variance for front yard. The home will be centered on the property. The front of the lot has mature trees which the applicant wanted to keep.

Mr. Globig said that the house is 27 feet tall and neighboring houses are a little higher.

Mr. Aukland asked if ZBA approved variances and Mr. Globig confirmed that they were granted.

Mr. Globig continued and described a two bedroom house with no basement. A deck will be in the back. The second floor has a study area and a second bedroom and bathroom with some additional storage.

There will be 16 solar panels on the roof. This house will be built as a passive house and use very little energy, about 10% of what a normal home would use.

There will be heavy insulation in house; 19” thick walls, blown in insulation to accommodate “r” value, which performs better for the life of the house. The roof could be 2 to 3 feet of blown insulation.

Mr. Galvin asked is there such a thing as having a building too air tight? Mr. Globig said there is an exchange unit.

With regard to landscaping they are keeping all vegetation with exception of 3 shrubs in the front where the driveway will be. In addition, they will be planting some native species of tree and shrub in the corner.

There will be a stormwater retention system. A rendering was presented showing street elevation.

Mr. McGarvey asked if the building will conform to all NYS building codes with regard to ventilation. Mr. Globig said every bedroom will have a window and it will comply.

Mr. Tedesco moved, seconded by Mr. Aukland to declare this a Type II Action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set escrow at \$2500. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to move this application to public hearing. All in favor. Motion carried.

Ms. Raiselis returned to meeting.

PRELIMINARY PRESENTATION – C. M. Pateman - 48 Sheldon Avenue

Chuck Pateman, representing himself, stated that he is proposing to build a single family home at 48 Sheldon Avenue, on two single and separate parcels: The old Consolidated Firehouse and a parcel owned by Consolidated Engine 7.

He is proposing to merge these lots and construct one single family home. The FAR exceeds the zoning ordinance and he is going before the Zoning Board on May 9, 2016. He has received a very good reception from the neighbors and is looking forward to living in Tarrytown again. He is also looking at solar possibilities on rear roof and will install energy star appliances.

Mr. Pateman stated that he would like the Board to determine that this is a Type II action and set a public hearing.

Mr. Tedesco moved, seconded by Mr. Aukland to declare this a Type II Action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set escrow at \$2500. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to move this application to public hearing. All in favor. Motion carried.

Chairman Friedlander moved, seconded by Mr. Tedesco, to adjourn to executive session to discuss procedural matters.

ADJOURNMENT

Mr. Friedlander moved, seconded by Mr. Aukland, to close the executive session, and that the meeting be adjourned – 9:30 p.m. All in favor. Motion carried.

Lizabeth Meszaros - Secretary to Planning Board