

Planning Board
Village of Tarrytown
Regular Meeting
September 26, 2016 at 7:00 p.m.

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis, Counsel Zalantis; Village Engineer Pennella; Village Administrator Blau; Village Planner Galvin, Secretary Meszaros

ABSENT: Member Birgy

Chairman Friedlander called the meeting to order at 7:01 p.m.

NOTICE OF CHANGE IN OCTOBER MEETING DATE:

Chairman Friedlander announced a change in schedule for the October meeting, which has been changed from Monday, October 24, 2016 to **Thursday, October 27, 2016.**

APPROVAL OF THE MINUTES – July 25, 2016

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of July 25, 2016, be approved as submitted.

APPROVAL OF THE MINUTES –

August 31, 2016 Special Work Session – Realty @ 460 SB LLC (a/k/a Honda Facility)

Chairman Friedlander advised that there is no quorum to approve these minutes; they will be considered at the October meeting.

Dr. Friedlander 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 PUBLIC HEARING - Tarrytown Associates 1-7 Main Street

Leo Napior, Attorney, of Harfenist, Kraut and Perlstein, on behalf of the applicant, presented a plan and explained that the required variance from the Zoning Board on September 12, 2016 and issues with the building have also been addressed with the Building Inspector. He has returned to this Board to hopefully receive final approval to proceed with this project.

Dr. Friedlander asked if anyone in the public had a comment. No one appeared.

Mr. Aukland, moved, seconded by Mr. Tedesco, to close the Public Hearing. All in favor. Motion carried.

Mr. Aukland stated that he will only read a portion of the resolution; a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval resolution will be recorded in the minutes of this meeting.

Mr. Aukland read through specific items which have been highlighted in the Resolution:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 26, 2016)**

**Application of Tarrytown Associates LLC
Property: 1-7 Main Street (Sheet 1.40, Block 18, Lot 1 and Zone R-R)
Resolution of Site Plan Approval**

Background

1. The Applicant requests site plan approval to restore previously damaged areas of an existing building to include two new residential units.

2. The Planning Board determined that the Project was an unlisted action under SEQRA on August 24, 2015 and issued a Notice of Intent to be Lead Agency on August 25, 2015, assumed Lead Agency status at its meeting on January 25, 2016 and issued a Negative Declaration for the proposed unlisted action on the same date.

3. The Applicant has made a preliminary presentation to the Planning Board on October 26, 2015 and, thereafter, the Planning Board has conducted a duly noticed public hearing on September 28, 2015, October 26, 2015, November 23, 2015 and closed the public hearing on January 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 April 14, 2016, July 12, 2016 and September 13, 2016 and comments from the Tarrytown Fire Department and the Building Inspector/Village Engineer which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for a variance on minimum lot size of 15,861 sf where 23,000 sf is required with addition of two residential apartments. The ZBA opened a public hearing on this application on March 14, 2016. The ZBA closed the public hearing on April 11, 2016 and approved the requested variance on September 12, 2016.

6. The Planning Board has also considered the *Tenant Parking Survey* and *Municipal Parking Lot Utilization Study* provided by Applicant's Attorneys, HKP in correspondence dated

October 25, 2015 which concluded that there was an excess of 40 or more parking spaces available within the nearby municipal lots during peak hours. HKP provided updated information after the former Citibank parking lot was no longer available to the public in a letter dated January 14, 2016. The Board considered the supplemental information and still found that there were sufficient vacant spaces available in the two municipal lots within walking distance of the Property.

7. The Planning Board deliberated in public on the Applicant’s request for approval at its meeting on September 26, 2016.

Determination

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

I. Findings

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

The Planning Board has reviewed the Applicant’s site plan. The Project is the restoration of a previously damaged section on the third floor at the rear of an existing mixed use building located at 1 - 7 Main Street. The proposed restoration would include two new residential units. This is a 3 story building with retail/restaurant space on the ground floor and 16 existing residential apartments. With the proposed restoration, the number of units would increase from 16 to 18 units. The 15,861 square foot property is located at a very visible corner (Main Street/South Broadway) in the Tarrytown downtown within the Main Street Historic District and in the RR zone (Restricted Retail). It is located adjacent to the Tarrytown Music Hall and shares a driveway with the Music Hall. The Music Hall has an easement across the subject property's driveway. The driveway leads to the rear parking area for the building's tenants (4 spaces). The Application will not increase the building footprint. It will also restore and repaint the brick facade of the rear portion of the building proximate to the Music Hall. The new units will be fully sprinkled in conformity with the fire code.

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:

Plans by Crozier-Gedney Architects, P.C. dated July 20, 2015 and last revised October 26, 2015 entitled:

- T-100 *Site Plan and Scope*
- T-101 *Municipal Parking Lot Survey*
- A-100 *Proposed Floor Plan*
- A-200 *Proposed Elevation*

(the “Approved Plans”).

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 as required 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.

IV. Specific Conditions:

- a) **The Applicant shall comply with the conditions imposed by the Zoning Board of Appeals in their resolution dated September 12, 2016 granting the Applicant’s variance.**
- b) **Prior to the issuance of a building permit, the Applicant shall contribute a total of \$12,500 to the Village Parking Fund for the 5 parking spaces required that cannot be provided, as is permitted by Zoning Code § 305-63(C)(7)(d).**

Mr. Aukland noted that there was an error in the Resolution on page 1, line 2: August 25, 2016 should be changed to August 25, 2015. The secretary was advised to make this correction.

Mr. Tedesco moved, seconded by Mr. Aukland, that this application be approved. All in favor. Motion carried.

PRELIMINARY PRESENTATION – David A. Barbuti, Architect PC – 45 Putnam Avenue

David A. Barbuti, Registered Architect, representing the owners, Stephen and Donald Demeter, explained that he is here to request site-plan approval for a proposed 2 story addition to a single family dwelling. In accordance with section 305-132 (a) 1 of the Zoning Code, this approval is required for any footprint which is increased more than 25% of the existing square footage. This addition will increase the existing footprint by 39.1%.

Mr. Barbuti said that the plan complies with NYS DEC design manuals, soil stockpiling is proposed. In addition, a stormwater management plan and landscaping plan has been provided to the Board.

Mr. Tedesco asked Mr. Barbuti if any major trees were being removed. Mr. Barbuti said that there are no major trees being removed but there are 5 Hemlocks in the parking area which are dying and may need to be removed. He advised that they are also trying to save a Magnolia tree. Mr. Tedesco asked Mr. Barbuti to submit a tree removal plan indicating the nature, size and location of each tree that they intend to remove.

Mr. Tedesco asked Mr. Pennella to comment on the existing asphalt in the front yard. Mr. Pennella said he would like this parking area on left side of property removed since there is an existing driveway on this property. Mr. Barbuti said that he will bring this to the attention of his client.

Mr. Galvin advised Mr. Barbuti that the Village Landscape Architect’s comments have been received and will be forwarded to him tomorrow.

Mr. Tedesco moved, seconded by Mr. Aukland, to designate this as 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 an escrow of \$2,500. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to move this application to a Public Hearing. All in favor. Motion carried.

NEW PUBLIC HEARING - Wildey Group LLC – 124 Wildey Street

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, September 26, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Willey Group LLC
PO BOX 383
Croton on Hudson, NY 10520

for change of use to convert storefront retail space into a restaurant.

The property is located at 124 Willey Street Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 9, Lot 11 and is in the RR 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: September 16, 2016

The certified mailing receipts were received and the signs were posted.

Joanne Landau, Managing Partner of the Willey Group, LLC – owners of the Tarrytown Station Plaza, is here to seek approval for a change of use as outlined in her September 7, 2016 letter to this Board. She explained that the property is in the RR zone and allows for a restaurant use. The former tenant was a retail space (Dollar Dream). She explained that in 2014, Willey Group was granted a change of use but a building permit was never issued and as a result this approval has elapsed. Willey Group now has a tenant who will open a more casual restaurant entity with takeout. Parking is an issue and the parking numbers have changed.

Mr. Blau explained to the applicant that a change of use was approved by this Board and the parking variance will need to go to the Zoning Board. Ms. Landau advised the Board that she has filed an application with the Zoning Board for a parking variance and her application will be heard at the October 13, 2016 meeting.

Chairman Friedlander asked if anyone in the public had any comments.

Lee Alefantis, 8 Glenwolde Park, Tarrytown, New York came forward and asked the Board where this new restaurant will be. Mr. Tedesco said it is the vacant space that was formerly the Dollar Dream store in the Walgreens Shopping Center at the bottom of Willey Street.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried.

Ms. Raiselis arrived at 7:30 pm.

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

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

John J. Hughes, Jr., Attorney, introduced Dwight Dachnowicz, Owner of Honda, Jack Ryan, VP of Operations of Honda, John Manilio, PE and Craig Zimmerman, PE, of Redcom LLC, the Engineers for this project, and David Weisz, Attorney, representing the owner of 460 South Broadway.

Mr. Hughes said that he would go over his responses to the 9-20-16 memo from this Board and asked Mr. Manilio, Project Engineer, to discuss the revised site plan with the 50 foot setback.

Mr. Manilio presented the plan and explained that they were able to accomplish a 50 foot front yard setback. He pointed out the changes made from the last submission.

- Eliminated 8 foot jog in front of building
- Pushed building back 3 feet
- Pushed entire site back 1 foot.
- Reduced square footage from 20,907 to 20,280, (a 600 sf. reduction) by relocating sales office, and making waiting area, kid’s area, janitor closet, technician parts center smaller.
- Front yard setback 37.9 to 50 feet.
- Rear yard was decreased from 53.9 to 49.8
- Deduction in parking setback from 10.7 to 9.7 feet
- Total Coverage decreased from 29.99 to 29.09%

Mr. Manilio noted there was an error in the parking on the plan which should be 107 spaces.

Dr. Friedlander asked to go over the double stacked parking. A brief discussion took place regarding the double stacked parking in the back. Mr. Manilio said there are 20 in the front row and 13 in the back. Dr. Friedlander asked how it operates; Mr. Manilio said the top stacks are for employees; Mr. Ryan came forward and said they will be used more for cars to be stored that are tied up for a couple of days waiting for parts, etc.

Chairman Friedlander asked if anyone had any questions with regard to the new plan.

Mr. Pennella pointed out that the required parking spaces on the plan should be 191.

Mr. Manilio confirmed this error and said it should be 191.

Mr. Manilio made reference to the Honda Green Program. Chairman Friedlander asked if there is a complete list of all the elements from Honda Plan available. Mr. Manilio said that a copy was submitted before. They are at Level 1, (Silver Level) and there are 3 levels. Mr. Galvin said he will again provide a copy.

Mr. Pennella mentioned a possible green type roof in the lobby area with 2 story ceiling which could be lowered to make use of a green roof. Mr. Manilio said that a green roof was not explored, but solar panels were discussed and the structure was designed to support the panels. Village Planner Galvin mentioned that there is another element in this program, rain water capture, that could transfer into a green roof.

Dr. Friedlander asked if Honda corporate provides benefits or incentives to encourage dealerships to participate in this program. Mr. Manilio said no but a plaque is given to the dealership.

Mr. Tedesco read through the applicant's responses to the conditions # 1-4 that they were asked to consider in the 9-20-16 memo. He stated that the applicant agreed on all of the conditions except for #5 regarding the use car carriers for new and used car deliveries. He explained to the applicant that the Pennybridge residents have been supportive of this application because it is more desirable to them than the 480 application, but it is important that the Board get a response from this neighborhood with regard to the possibility of not having this condition. Further, if deliveries are going to happen he asked the applicant to factor that into the traffic study and if not, we would need to incorporate a revision to the traffic study, which our consultant would need to review.

Mr. Hughes explained to the Board that existing approvals are in place for the 480 South Broadway property which are operational now and he stated that his client had agreed to surrender the 2012 approval upon completion of the process at 460 South Broadway. He said, with respect, that the Board has no jurisdiction over this property at this time; so we must object to any consideration of this property because there is no application pending and no proper notice given. With respect to the car carriers, the 480 South Broadway condition allowed car carriers but was limited to certain situations. His client has operated since 2012 without any car carriers, he has no present intention to use car carriers, but he must have a right to be used at a dealership; should another dealer come in, car carriers will be required as a part of the business.

Mr. Tedesco agreed that the Board has no jurisdiction but they do have the right to be concerned with the health and safety of the residents in this area. He asked Mr. Hughes if his client was willing to abide to this condition as long as Honda owns and uses 480 South Broadway under the ownership.

Mr. Hughes said he would like to discuss it more with client.

Chairman Friedlander finds it disturbing that in the past the applicant gave a clear indication that they would not have car-carriers come to the site and it would continue as-is. The Pennybridge residents and the Planning Board all believed it and now the applicant is not agreeing to this. He said it doesn't feel right.

Mr. Hughes said the 2012 approval was given 4 years ago and since then they have had a very satisfactory good relationship between the dealership and neighborhood and, in his opinion, it doesn't warrant government intervention. Again, this is a dealership business and a future owner may need to use the car-carriers.

Chairman Friedlander said that the Planning Board, as the government, did play a role and intervene with regard to this condition to make it a safe area for children and the entire neighborhood with regard to traffic, noise and pollution caused by the carriers. The economic issue is a valid argument, but the issue of good will has been ruptured because you are now not agreeing to this condition.

Chairman Friedlander said that the public thinks that Honda will continue to operate #480 under this same condition. If this is not the case, they will need to be made aware of this. The large carriers and the different level of activity will have traffic impacts which will need to be factored into a traffic analysis.

Mr. Ryan, VP of operations, stated that the dealership has no intention of having car carriers deliver cars today, tomorrow, or in the future, but he has to be able to, in an emergency, be able to deliver cars. There has not been a car-carrier in the neighborhood for 2 years. The lease cars are also picked up at a separate location.

Mr. Blau said that previous approvals for the 480 site did not prohibit carriers; it allowed them under certain conditions. He asked if the applicant was willing to abide with the same conditions. If so, then they are all in the same place.

Mr. Aukland said you have rightly said you have the active support only with the basis of no car carriers. We will need to clarify this with the Pennybridge neighborhood.

Mr. Tedesco said that this condition was the single most important factor in getting the Pennybridge residents to support the prior site-plan approval. So, as long as Honda is there, this is what we want Honda to agree to. The Planning Board wants to ensure that the health and safety of the Pennybridge residents will be assured; and there has to be some teeth to this condition.

Chairman Friedlander said that for 4 years these conditions have been satisfactory for both the applicant and the neighborhood and the business has flourished. There is an interaction pattern of one owner, one operating procedure and one practice. As it stands now, the value of the dealership is still successful so he doesn't understand why the same conditions cannot work.

Mr. Hughes asked to discuss with client. A short recess took place. Mr. Hughes returned and asked for an adjournment to the next meeting.

Mr. Blau again clarified that we want the same conditions already agreed to before at the 480 site.

Mr. Galvin said you were agreeable to accepting these conditions before.

Mr. Aukland said before we adjourn, the plan submitted this evening looks pretty firm. As Lead Agency for this project, we would like to go ahead and get comments from the Zoning Board of Appeals and the Architecture Review Board. They may invite you to come and speak with them. This is to make sure we have full comment from all Boards in reaching a determination.

Mr. Tedesco also informed the applicant that the landscaping plan should include a tree removal plan showing the nature, size, and location of any trees that are going to be removed.

Chairman Friedlander and the Board were satisfied with the 50 foot front yard setback.

Mr. Galvin asked the applicant to provide a complete set of plans.

Chairman Friedlander asked if anyone in the public wanted to speak.

Lee Alefantis – 8 Glenwolde Park – Tarrytown, asked the Board exactly who is “Pennybridge”, so that he may contact them and discuss the matter. He is disappointed about the car- carriers and would like this condition to continue and be put in the record. We do not need trucks and asked what constitutes an emergency– a flood over Nyack is only what he would consider an emergency.

Mr. Aukland advised Mr. Alefantis that Marrisa Feind is the head of the Pennybridge Neighborhood Association.

Mr. Alefantis said he knows Ms. Feind and will contact her. He thanked the applicant and Board.

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

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 7:55 p.m.

Liz Meszaros
Secretary