

Planning Board
Village of Tarrytown
Regular Meeting
June 26, 2017 at 7:00 p.m.

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

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

APPROVAL OF MINUTES – April 24, 2017

Mr. Aukland moved, seconded by Ms. Raiselis, with Mr. Tedesco abstaining, to approve the minutes of the April 24, 2017 meeting. All in favor. Motion carried.

APPROVAL OF MINUTES – May 22, 2017

Mr. Tedesco moved, seconded by Mr. Birgy, with Mr. Aukland and Ms. Raiselis abstaining, to approve the minutes of the May 22, 2017 meeting. All in favor. Motion carried.

Chairman Friedlander announced the following adjournment:

Continuation of Public Hearing - Peter Bartolacci – 67 Miller Avenue
Removal of railroad tie wall, construction of retaining walls with landscaping

CONTINUATION OF PUBLIC HEARING - Thomas Bottiglieri -16 White Street

Jennifer Gray, of Keane and Beane, PC appeared on behalf of the applicant. She informed the Board that since the May meeting they have been before the Zoning Board and have received approval of the variances for this application. They have also submitted a front elevation with a landscape plan and have received comments from Lucille Munz, the village landscape consultant. She mentioned that their landscape consultant suggested replacing the Arborvitae around the garbage enclosure with Wichita Blue Juniper, but they have no objections to Ms. Munz's recommendations.

She introduced Lou DeMasi, Architect, of DeMasi Architects, to go over the elevation plan details and answer any questions. Mr. DeMasi presented that plan and explained that he wanted to dress it up and give the property more curb appeal.

The landscaping plan will provide screening in the front with Junipers and more along the street side, and the garbage enclosure will also be constructed, which the neighbors are pleased with. He showed a rendering of the enclosure which is a wood structure and said it would have to be bigger to accommodate the pails. He needs to explore the specifications for the container sizes that the Village uses.

Ms. Raiselis asked if the plan they are presenting is what they are actually doing. Mr. DeMasi confirmed that it was. She asked if they considered putting the porch across the whole structure. Mr. DeMasi said that would require another variance. He referred to the existing porch which he may cover to help break the front façade. The existing metal deck will be made of composite material, which requires less maintenance.

Mr. Birgy asked about the stucco portion of the structure. Mr. DeMasi said part of the problem is the two different colors which they will make uniform and the flat roof which would be very expensive to change. They are trying to restore what was there.

Ms. Raiselis said this is a prominent site to all coming from the train station. She understands the cost factor but this is an opportunity to make it look nicer in terms of aesthetics. She referred to the station area study and she would like them to consider options to make it look nicer. She asked if they could make the trim around the windows larger since it looks very minimal. Mr. DeMasi said they looked into shutters but there is not enough room for them, if they tied the roofs together, they would run into a height issue. Ms. Raiselis asked about the possibility of windows with grills. Mr. DeMasi said he could do that to make it look more Colonial.

Mr. Birgy was concerned about the stucco portion which he feels destroys the entire look of the building. He asked if any roof could be put on it. Ms. Raiselis suggested maybe adding a cornice. Mr. DeMasi agreed to explore this option. He said he has done work like this in Sleepy Hollow. He also suggested corbelling with brackets.

Mr. Galvin said it may be helpful to put a memo together to the Architectural Review Board to follow up on these suggestions. Mr. Birgy said we do have purview here. Mr. Galvin said these are great comments and it seems that the applicant is amenable to them.

Dr. Friedlander suggested making specific recommendations.

Ms. Raiselis was concerned that some suggestions may not work. Mr. Birgy agreed and said a lot of work and resources has been put into this area. It is a critical area. These changes are not a lot of work.

Dr. Friedlander said to send them to the Architectural Review Board first.

Mr. DeMasi asked that site-plan approval be granted with the conditions discussed.

Ms. Raiselis suggested that they make the changes, go the Architectural Review Board with this Board's suggestions, and then return for site-plan approval.

Ms. Gray asked the Board if they are suggesting that they get Architectural Review Board approval and come back for site-plan approval rather than have the Planning

Board approval be subject to Architectural Review Board approval. Counsel Zalantis said generally site-plan comes first, but you could go to Architectural Review Board first.

Dr. Friedlander said the Board is trying to facilitate this for the applicant. Make the changes with the Architectural Review Board and come back to us. This will speed up the process.

Ms. Raiselis said let the Architectural Review Board be the authoritative body and then return for site-plan approval.

Ms. Gray said she is not quite clear what would be left to review. Ms. Gray was concerned that this may delay approval if this Board does not agree with the Architectural Review Board changes and they have to go back. She wants to proceed in the most efficient way. Ms. Raiselis there is still some landscaping items and the garbage enclosure.

Mr. Birgy said we want the building to be something a little more than ordinary. There were no changes made to the stucco building. Ms. Gray said we did not hear anything specific recommendations or any suggestions at the last meeting.

Again, Mr. Galvin suggested putting recommendations in a memo to the Architectural Review Board. Ms. Raiselis suggested sending the minutes to them before their meeting and let them decide. This was agreed.

Mr. Galvin added that Mr. Pennella requested a condition in the site plan approval that prior to the issuance of a permit, the applicant shall provide a plan to fully sprinkle the building and provide that plan to the building inspector.

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

Chairman Friedlander announced the following adjournment:

New Public Hearing - Joseph Denardo - 1 Emerald Woods
Construction of a single family home

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, June 26, 2017, 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

To obtain a re-approval for an amended subdivision plat, previously approved on April 25, 2016, for an even land exchange for property to be conveyed to the Village of Tarrytown for parkland at Wilson Park. This approval has expired and re-approval is required to permit the re-signing of the subdivision plat to be filed with the Westchester County Clerk. 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: June 16, 2017

Robert DeRocker, of 3 Warner Lane, appeared before the Board to ask for a re-approval of an amended subdivision which received approval by this Board on 4-25-16. This approval allowed for the purchase and transfer of land which would eventually become parkland. Mr. DeRocker ran into some administrative problems and was unable to file the subdivision plat with the Westchester County Clerk within the 62 day required period. He was advised that the Tarrytown Planning Board Chair would have to re-sign the plat, and this would require a re-approval from this Board.

Mr. Aukland asked Mr. Pennella if there have been any changes in the ordinances since this was approved by the Board. Mr. Pennella said there are no changes.

Dr. Friedlander asked if anyone in the public would like to speak. No one came forward.

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

Mr. Aukland read through portions of the resolution and said that the entire resolution will be included in the minutes as follows:

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

Resolution to Re-Approve Amended Subdivision Plat

Background

1. The Applicant requests the Planning Board to re-approve an amended subdivision plat adopted by resolution on April 25, 2016. The Planning Board resolution for the amended

subdivision plat is attached and describes the transfer of land and lot line adjustment to the previously approved subdivision plat.

2. The Applicant, in accordance with Section 7-728(7) (c) of the New York State Village Law, and pursuant to *Condition B. a.* of the attached resolution was required by the Planning Board to file the endorsed subdivision plat in the Westchester County Clerk’s Office (Division of Land Records) within sixty-two days of the endorsement of said plat by the Planning Board Chairman.

3. The Applicant failed to file the aforementioned subdivision plat in a timely manner and, therefore, needs a re-approval of the amended subdivision plat by the Planning Board to authorize the signing of the subdivision plat by the Chair of the Planning Board and proceed with the filing of the plat.

4. The Planning Board has conducted a duly noticed public hearing on June 26, 2017 at which time all those wishing to be heard were given the opportunity to be heard. The Planning Board closed the public hearing on June 26, 2017. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

The Planning Board has evaluated the previously approved amended subdivision plat and has been satisfied that there have been no changes to the subdivision plat and the amended plat remains consistent with the standards set forth in the Village of Tarrytown subdivision code.

Therefore, based upon the findings and Board’s review, the Application for re-approval of the amended subdivision plat is granted subject to the conditions set forth below.

1. All conditions of the April 25, 2016 Planning Board Resolution of the amended subdivision plat shall remain in full force and effect.
2. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

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

PRELIMINARY PRESENTATION – 202 Lexington Group LLC – 29 South Depot Plaza

Mark Constantine, ESQ, representing the applicant, 202 Lexington Group LLC, is here to present a project for site plan approval to convert an existing structure located at 29 South Depot Street, (lots 37 and 37), into a state of the art self-storage facility. The plan is in compliance with the village code. Lot 38 is 26,000 S.F. consisting of a one story and a mezzanine with offices. The lot size is 33,000 S.F. The current one story structure on Lot 37 will be torn down and used for parking in accordance with the parking code requirements. This lot is 9,000 S.F. There will also be parking on Lot 38 for the two story proposed storage facility. Mr. Constantine showed the plans, prepared by Bruno Pietrosanti, R.A. and the zoning schedule. He introduced Mr. George Matthews, representing the Architect.

Mr. Birgy said Mr. Constantine referred to this as a “state of the art facility”. He asked Mr. Matthews what this building will contribute to Tarrytown. Mr. Matthews said they are going to dress it up a bit and make it a better visual impact. Mr. Constantine said the current facility is two structures, one will be demolished, which is an improvement since there is an old shed there now. They would also be restoring lines of sight to an area that has not existed for 50 years, which is a benefit. It will also provide economic and financial contributions with regard to Lot 37; putting that property to a productive use is a positive impact. Beyond that, the nature of my client’s business is to provide a service to the residents since it makes sense and is symbiotic to the transit oriented development that has been approved over the years.

Ms. Raiselis asked Mr. Peter Ferraro, of 202 Lexington Group LLC, to come up and answer this question. She said to Mr. Ferraro that she knows he is aware of the station area project since they have been speaking with him and other developers in the area. She said this project is a duplicate of what we already approved. She asked him if he would consider a plan to conform in some way to the work they have been doing over the last 3 years. She said they have been talking about something that is vibrant with pedestrian activity and mixed use. She asked if they would consider if they could combine storage with something else to make it a more active development since self- storage is a quiet use.

Mr. Ferraro, came up and thanked the Board for this opportunity to present this project. He explained that self-storage is like any other business and is similar to a cleaning service. People need this service and they are travelling 5, 8 or 10 miles away from here to get it. They are bringing a convenient service to the village. If he did not think it was needed they would not go forward. The location they chose is next door to a recycling plant with a multi-year lease. Across from that is a sewer pump station and the metro north train tracks are on the other side. He can’t conceive of anything else that would make any business sense at this location. He feels this site fits well for his business. His business is self-storage, he does not know retail. This site is not zoned for any other use, other than industrial use in the code. Should the village change the zone, other variances would be involved, such as parking and traffic. This project fits hand in hand. They are bringing a needed service to the people who live in the village. He hopes this answers the question. Ms. Raiselis said it actually doesn’t.

Dr. Friedlander asked if they looked at other sites. Mr. Ferraro said this is the one that fits in accordance with the code. It is convenient to have this storage facility close to the other location.

Mr. Aukland said it is clearly to your advantage to do what you are proposing. He asked Mr. Ferraro if the village changes the code for more use, would he reconsider his plans? Mr. Ferraro said yes, they are business people, if they got a proposal 10 years from now for a hotel, shopping mall or condos, of course they would but, at the present time, this fits the code and the use.

Mr. Aukland said it clearly does not fit with the direction the village is going in and you know that because we have had this discussion with you before for this area. With regard to the value to the village for tax revenue, the proposed facility would generate far less revenue than we could get if zoning changed.

Mr. Ferraro said if they put up this building and then the zoning is changed, we would come back and change the project. Ms. Raiselis said we are changing the zoning within the year.

Mr. Constantine said to answer Ms. Raiselis' question as to why they wouldn't develop retail and mixed use. He said it can't be done from a zoning perspective and it is not a good business decision.

Mr. Aukland said we have had other opinions that there is a lot of potential in this property.

Mr. Constantine said, with all due respect, the very firm and concrete aspirations are codified in the code.

No, Mr. Aukland said the village endorses a project that is going to revitalize this area but not yet codified.

Mr. Constantine said if they were to bring you a proposal that had nothing to do with any of the current zoning, they would be basically trying to cut something out, and if they missed the mark, they would have no gauge to go by. They are complying with code, have a track record of a good developer and neighbor. To the extent that there are future changes to land use, they were subject to that when they presented last time. The moratorium that was imposed then was directly related to their application. It is two or three years later, my client is a business person, they have a plan that is code compliant with no significant impact. While it doesn't necessarily conform to a theoretical or conceptual plan for this area, it does comply with zoning.

Ms. Raiselis asked Mr. Constantine if he is calling the study a theoretical plan. She advised him to go the village website to see that the plan is not theoretical. There are two documents that outline what the village is doing. Changing a comprehensive plan and zoning is not a quick process. Mr. Aukland said it is clearly a matter of record that we intend to do this.

Mr. Aukland asked Mr. Constantine if his client does anything but self-storage. He said he only does self-storage. Mr. Aukland said for the record then the point that you made that successful development elsewhere has helped the neighborhood; this project doesn't help in the context of what we are planning in this area.

Mr. Galvin said he has researched the code and there is flexibility in the code to allow for other uses. He asked if the applicant could address how it adheres to the Comprehensive Plan. Maybe the applicant can bring ideas to invigorate this area.

Mr. Constantine said they don't mean to make light of the fact and this is important, but this use does lend itself to this type of development area where you have concentrated development on a smaller scale where there is no space to store items. To the extent that this service is provided in close proximity is also beneficial to the village. This facility cuts down on traffic and will provide vibrancy to the area.

Mr. Aukland said they may be putting a storage structure where the village may want to put these units so that doesn't equate. He referenced Village Planner Galvin's memo laying out a number of items that deserve attention. He asked Mr. Galvin if this is appropriate to give to the applicant to respond.

Mr. Galvin went over items in the memo, mentioned the Self-Storage Association (SSA) and referred to the demographic niche, aesthetic trends, green infrastructure and standard items. He also mentioned conditions on the site that are poor. Improvements can be made and it can be improved. He mentioned a bicycle rental mixed use. He is asking applicant to address these issues in a narrative in an innovative way.

Mr. Constantine advised that Mr. Ferraro, Sr. is the President of the NYS Self Storage Association. Mr. Galvin said to show your expertise in this area and share it with the Board.

Mr. Tedesco asked that these issues be addressed and a long form EAF be completed. It is an ambitious project and a change in use.

Mr. Constantine said he is concerned about the long EAF.

Mr. Tedesco said it is within our purview to request a long EAF. Mr. Galvin said the Board can make this determination. This will allow the Board to have sufficient information so that they can close out the SEQRA determination.

Mr. Constantine said his client is prepared to address these issues to the extent that there are any architectural questions.

Mr. Aukland said we will address those questions at public hearing. Right now we are asking for further information.

Dr. Friedlander asked the required height of the Building. Mr. Constantine said we only need 24 feet. We need 24 feet to preserve the pitch. 40 feet is the maximum height.

Mr. Constantine said they are going to renovate building. Dr. Friedlander asked why they are not putting up an entirely new building. Mr. Ferraro came up and said we plan on changing the structure on the inside and roof design. We will re-skin the building and give it a nice look. Dr. Friedlander asked when the structure was built. Mr. Ferraro said in the 60's.

Dr. Friedlander asked if the structure is able to support a second floor. Mr. Ferraro said their engineer has determined that the building can handle the changes.

Dr. Friedlander asked about the ownership. Mr. Constantine said his client is a contract vendee. Dr. Friedlander asked the time limit. Mr. Ferraro said 90 days.

Mr. Ferraro said before this site was a soccer field it was a warehouse building. We are changing it back from a soccer field. The current tenant has a month to month lease; he has a copy of this lease. Mr. Friedlander said he has heard otherwise.

Dr. Friedlander asked if they ever discussed doing something together with them for a mixed use. Mr. Ferraro said you have to keep the building within the footprint of the property. This is not feasible unless we bought a piece from the recycling plant or Metro North. They tried to buy the recycling plant, but there is a ten year lease on the property.

Peter Ferraro III asked to have a meeting with his father, Mr. Ferraro, they left the meeting room.

Dr. Friedlander said we are very close to making zone changes and for your client not to recognize that seems unreasonable. This confuses me and my fellow Board Members, It seems like a natural marriage if residential were put there. For business people not to have the sense to wait a year seems short-sighted and foolish. As we get closer, we see someone come and fumble the ball. We don't dislike you we want something that is best for Tarrytown. He asked if anyone thought about combining storage with recreation. The lack of foresight and lack of consideration for what we have done with the study is almost embarrassing. When he asked about other sites, he asked because he knows of one which is by the old Friday's restaurant - a two acre lot, which was not considered, owned and operated by Mack-Cali. Paul Ferraro, in the audience, said we already looked at that.

Peter Ferraro, III came up and introduced himself as the principal owner. Mr. Ferraro asked Chairman Friedlander how he knew so much about this lease and what his connection was to this property.

Dr. Friedlander said he is very knowledgeable on all issues. Mr. Ferraro asked if Dr. Friedlander had a connection with the current tenant or if he has any inside information.

For the record, Dr. Friedlander said he knows the developer-owner; the original soccer project was sponsored by his son who has no financial interest in it. Kevin Kaye has the lease on the property. He knows that the soccer field is not great, but it has been a useful use for recreation. My interest has always been to work hard for the children of this community.

Mr. Constantine said he is aware of this. On behalf of his client, whether or not this stays, as far as it goes, it is not in our hands.

Dr. Friedlander said he brought all this up because he thought there might be a window of opportunity to see something else that may work better. He is concerned that no one recognizes how much work has been put into the station plan. This project may not be in the best interest of the village or even the applicant. We are not against him; there may be better opportunities that may be beneficial to the applicant.

Mr. Constantine said we take these matters seriously and we are trying to score for the community. We understand the direction the village wants to go in; we have attended meetings and he has read the study, however; the code remains the code and we are driven by the code. We are asking for our desire to develop this property and it has some merit as well.

Mr. Aukland asked Mr. Constantine to elaborate on the merits.

Mr. Constantine said it is not our burden to provide optimal use for any property. It complies with zoning and removes an eyesore building.

Mr. Aukland said it provides an obstacle to the long term plans of the village. He proposed to ask formally for responses to Mr. Galvin's memo, the preparation of a long EAF and to continue the preliminary presentation.

Mr. Constantine said, toward that end, if we were to adhere to Board's suggestion, we would have to come in with a long form EAF for an industrial property, in an industrial zone, and put it to an industrial use. If we were to come in with a four story residential plan with storage then we would be in for a long planning process to the extent that this complies with a plan that does not eliminate the additional time work effort and discretion that it would give your Board and other Boards, we would be doing this based on a conception plan that is not codified and my client would have to bear the costs and risks of doing that. He does not disrespect what the Board is doing because it has to be done.

Mr. Tedesco said if you are confident in this project, completing a long form EAF should not be a threatening device. It is a device to get needed information and answers to our questions.

Mr. Tedesco moved, to designate this as an Unlisted Action, and that the Board declares its intent to be lead agency with proper notification to all involved and interested agencies and the application be referred to the Westchester County Planning department for review under GML, seconded by Mr. Aukland. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow of \$5,000. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the preliminary presentation at the next meeting (July 24, 2017), after we have been given detailed responses to Mr. Galvin's memo and the long form EAF has been submitted. All in favor. Motion carried.

Mr. Galvin explained that this is neither a Type 1 or a Type 2 action under SEQRA and that is why it is an Unlisted Action. The Board is proceeding as it generally would. The Board is asking for reasonable comments. They are asking the applicant to think outside of the box. This is a bad site that needs to be improved. There are items in the existing code that can be looked into about mixed use and bike rentals. The Board wants to make the best use of this property for the village as well as the applicant.

Mr. Ferraro returned and said he feels the Board is misguided on what his business is about. For the record, the building was a warehouse building and was changed to a soccer field with no parking or traffic study. It is a dangerous situation for people dropping off children. His proposal will create less traffic. For the record, he thinks the Board is being misguided about what we do and there was favoritism when this site was converted from a warehouse to a soccer field in two meetings.

Mr. Constantine asked to be put on the Board for a Public Hearing at the next meeting. Mr. Tedesco said we already voted to continue the Preliminary Presentation. Mr. Constantine asked when the next meeting was. Mr. Tedesco said the 4th Monday in July. He asked the cutoff date for additional information to be submitted. The secretary said 18 days before that meeting. A copy of Mr. Galvin's memo was given to the applicant.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 8:20 pm. All in favor. Motion carried.

Liz Meszaros
Secretary