

Village of Tarrytown, NY

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Planning Board Special Meeting Minutes 7/23/2014

Planning Board
Village of Tarrytown
Special Meeting
July 23, 2014; 1:00 p.m.

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

Chairman Friedlander read the notice and the board voted to open the public meeting. He stated that this meeting is regarding the extension of the Honda site plan approval which is due to expire today.

John Hughes, attorney for Dwight Dachnowicz, explained that since they received Planning Board approval, they started the Zoning Board process but ran into some issues. Mr. Dachnowicz has been seeking an alternate property near the present site which would relieve the need for the variances. Mr. Hughes said in May he sent a letter to the board regarding the extension of the approval. Counsel Shumejda called him stating that the board has some concerns. Mr. Dachnowicz is in the same position with Honda that he always was; they have certain requirements that he must meet.

Mr. Aukland said we are here today for procedural measures because of the timeframe of the approval; we are here for a Planning Board approval extension so that we do not get in the way of the process; we are out of the picture in the development process. He sees no problem extending the approval but he has concerns. The approval was granted for two years and what you have is a request to extend that timeframe with no changes. Mr. Aukland said the Planning Board is beyond the approval process, we are here to extend the approval, not reassess the application.

Chairman Friedlander said we don't normally extend an approval for 90 days; the norm is a two-year extension. We should give them a two year extension like we have given to others. Mr. Aukland said we need to give them an extension to allow them to go through the other processes. Chairman Friedlander said there are three issues: the Thruway issue needs to be done, it could be for one day or ten years; we need to know. The second issue is the same thing; the ownership of land, how that is going to be resolved, where the setback will go; and if in the worst case scenario if you do not own the land, what would be the impact on the size of the building and how much could the owner of the building live with reducing the size of the building. The third point is the sale of a portion of Sheldon Avenue to enlarge the property; that was never really an issue. Mr. Aukland said he agrees with Chairman Friedlander and the three open points. We should deal with the issues at another time. Chairman Friedlander said it has to be dealt with before the building goes up. Mr. Aukland said we could approve acknowledging that there are open items that are being reviewed in other places.

Michael Blau told the board that it is now an official project that there will be two left turn lanes from south-bound South Broadway to get onto the Thruway and that could change things. He said he doesn't know if they will be taking back the property. Mr. Dachnowicz said subsequent to the approval he had conversations with the Thruway and they said it will not impact Sheldon Avenue or Walter Street. He said they would like to purchase the properties back from the Thruway Authority. Mr. Aukland said it doesn't appear that they need the property. Mr. Dachnowicz said in any conversations that he has had they have said they are holding those properties in review. Mr. Blau said the on-ramp project only came into existence within the last three months. Mr. Aukland said the Zoning Board approval will recognize the Thruway Authority. Mr. Blau said part of the project will be a taking on the Double Tree side of South Broadway. Mr. Aukland said Mr. Dachnowicz has two choices; either to wait until that is resolved or go forward assuming they do not have the property. Mr. Blau said he only brought it up to make you aware that since approval something definitive has happened.

Mr. Birgy said the one thing we have to address right now is the extension; we can address the rest of the things later on. Mr. Hughes said we want to get the precise information that you are comfortable with so that when we go to the zoning board we won't get shot down. Failure to get Sheldon Avenue approved by the Board of Trustees and failure to resolve the zoning change for the property belonging to Michael Kreiger will stop us in our tracks.

Mr. Aukland said today all we need to do is extend and allow the process to play out. Mr. Hughes said he is fine with it and said within 90 days they will know what they want to do. If you want to give us two years, this plan might change. Mr. Aukland said then it goes through due process.

Ms. Raiselis said if we give them a 90 day approval and the building gets built and then the Thruway Authority wants the property back, it's not a risk to us but it is a risk to Mr. Dachnowicz, correct?

Mr. Dachnowicz asked why they are considering a 60 or 90 day extension when every other application gets a two-year extension. Counsel Shumejda said that is what was discussed at the last staff meeting; and it was noticed as a 60-90 day extension, which is what the board should consider.

Ms. Raiselis asked if we give a 90 day extended approval with the option of two years, does that mean we are giving them a two year and three month extension. Counsel Shumejda said that the resolution can state a 90 day extension and up to two years. Chairman Friedlander said before we grant this extension, alternatives should be put before this board in case they do not get the additional property and if the variances are not granted. Mr. Hughes said they are working toward a resolution. They are trying to get another piece of property which would solve a lot of problems, but it has been very difficult to find one. Mr. Hughes said they were concerned if they received Zoning Board approval would we be in litigation again.

Mr. Tedesco said there are 19 conditions in the approval before our recommendation to the Zoning Board which was followed by 14 significant mitigations. Mr. Tedesco said it would be wise if they could lower the issues before the Zoning Board. Mr. Hughes said the problem is Honda; this is not just Mr. Dachnowicz project. Mr. Dachnowicz said Honda has already made significant concessions on this design. He said for the last two years he has been looking at other properties; he wants to stay in the community.

Mr. Aukland said he agrees but right now it is in the hands of the ZBA and he feels the Planning Board should extend the approval as suggested by Counsel Shumejda.

Mr. Aukland asked if the Zoning Board has the three points in Mr. Hughes letter; Counsel Shumejda said yes.

Chairman Friedlander said lets extend for 90 days and if more time is needed we will extend it further. Mr. Hughes said the first thing he wants to do is get this correct. He said the Zoning Board will take at least 9 months to a year. Mr. Aukland said in the fall you can come back to a Planning Board meeting to extend the approval from three months to two years. Mr. Hughes said in the meantime he would like to get the board the information.

Chairman Friedlander asked if they have a timeframe for the Zoning Board; has the application been withdrawn or adjourned. Mr. Hughes said at this time it is adjourned but feels they are going to make him re-apply and re-notice because it has been well over a year. Counsel Shumejda agreed that it will have to be re-noticed. Chairman Friedlander asked if they have a plan; will they move forward or are they looking for other property. Mr. Hughes said they are looking for other property but it has been very difficult to find any. Mr. Dachnowicz said he wants to move forward with the best possible property. Mr. Hughes said if we get the extension we will get back to you in six months with what we are going to do.

Mr. Birgy asked if they could go up one more story which will make the footprint smaller and eliminate a lot of the problems. Ms. Raiselis said going up doesn't eliminate much because they still need the width for the two bays and the ramp going up.

There were no members of the public present.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland that the Planning Board approve an initial extension of the site plan approval for Tarrytown Honda issued by the Planning Board on July 23, 2012. The extension will be for 90 days from the date of this meeting. At the end of the 90 day period, the Planning Board may grant a further extension for a total two year extension from the date of the site plan approval on July 23, 2012. All in favor; motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 1:55 p.m.

Dale Bellantoni
Secretary