

Planning Board  
Village of Tarrytown  
Regular Meeting  
December 27, 2017 7:00 pm

PRESENT: Members Tedesco, Raiselis and Birgy; Counsel Silverberg; Building Inspector Valvano; Village Planner Galvin; Secretary Meszaros

ABSENT: Chairman Friedlander, Member Aukland, Village Engineer Pennella

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence and called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES– November 27, 2017

Ms. Raiselis moved, seconded by Mr. Birgy, that the minutes of the November 27, 2017 meeting be approved as submitted. All in favor. Motion carried.

Mr. Tedesco announced the following adjournments:

202 Lexington Group LLC – 29 South Depot Plaza  
Conversion of indoor sports facility into a self-storage facility.

Sisters of the Sacred Heart of Mary - 32 Warren Avenue  
Driveway widening and construction of retaining wall and landscaping of rear yard.

Peter Bartolacci – 67 Miller Avenue  
Removal of railroad tie wall, construction of retaining walls and landscaping of rear yard.

CONTINUATION OF PUBLIC HEARING – Mark Morganelli – 1 Dixon Lane

Mr. Morganelli, the applicant, introduced himself. He is returning from the Zoning Board where he received an amended approval to extend the hours and periods of operation at the Jazz Forum on December 11, 2017. He went over his request for approval to allow the club to be opened during the months of January and February and to open one hour earlier on Friday and Saturday at 6 pm, and on Sunday from 3 pm to 12 pm to allow emerging artists to perform between 8 pm and 10 pm, after the two Brazilian shows at 4 pm and 6 pm. He is asking the Board to amend his July 25, 2016 site plan approval to accommodate his requests.

Mr. Tedesco asked if anyone in the public had any comments. No one appeared.

Mr. Tedesco asked if the Board or staff had any comments. No one appeared.

Ms. Raiselis moved, seconded by Mr. Birgy, to close the public hearing. All in favor. Motion carried.

Ms. Raiselis said that only a portion of the resolution will be read but a copy of the general and specific site plan conditions will be provided to the applicant and the entire resolution will be recorded in the minutes as follows:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD**

**(Adopted December 27, 2017)**

**Application of Mark Morganelli**

**Property: One Dixon Lane (Sheet 1.40, Block 14, Lot 22 and Zone R-R)**

**Resolution of Amended Site Plan Approval**

**Background**

1.The Applicant requests an amended site plan approval to change the months and hours of operation for the existing Jazz Forum to include January and February and to be open from 6:00 pm until 1:00 am on Fridays and Saturdays and from 3:00 pm until 12:00 am on Sundays.

2.The Planning Board determined that the Project was a Type II action under NYSDEC 617.5 (c) (7) "*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls*". The proposed action is only changing the hours of operation for the existing Jazz Forum. There is no new construction or expansion proposed. No further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on October 23, 2017 and December 27, 2017 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 the Applicant's Narrative dated October 10, 2017 explaining the basis for his requested change to the hours of operation and received comments and recommendations from the Consulting Village Planner in memoranda dated October 11, 2017, November 16, 2017 and December 12, 2017, a statement from the Village of Tarrytown Police Chief, John Barbelet, dated October 23, 2017 indicating that there have been no incidents or police complaints to date at the Jazz Club premises and comments from the Building Department which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request to extend the hours and periods of operation at the Jazz Forum to include January and February and extend the hours of operation from 6:00 pm until 1:00 am on Fridays and Saturdays and from 3:00 pm until 12:00 am on Sundays. The ZBA held a duly noticed public hearing on the application on November 13, 2017 and December 11, 2017. The ZBA closed the public hearing on December 11, 2017 and approved the requested change in hours and periods of operation on that date with conditions.

6. The Planning Board closed the public hearing on December 27, 2017. 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 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 *Narrative* explaining the reasons for the requested changes in the months and hours of the operation of the Jazz Forum. The Applicant has indicated that the clientele who attend shows at the Jazz Forum do not want to attend shows starting as late as 10 p.m. on a Friday or Saturday night and so the Applicant needs the option to start shows earlier. He is thus requesting the ability to open an hour earlier on Fridays and Saturdays. The Applicant also wants to add an additional 6 p.m. show on Sundays and have the option of allowing emerging artists to perform beginning at 8 p.m. The Zoning Board of Appeals in their resolution noted that even though the Jazz Forum will be operating more often than previously contemplated, it will still be closed Mondays through Thursdays. The Jazz Forum has been operating at its current location since June 9, 2016 without incident or noise complaints.

The Applicant has existing parking arrangements to utilize 38 parking spaces in the Key Bank and Chase Bank parking lots during its hours of operation. The Applicant has now entered into an arrangement with the New York State Parks, Recreation and Historic Preservation ("SHPO") and the Reformed Church of Tarrytown to utilize their parking spaces as well. The maximum occupancy of the Jazz Forum will not change and will remain 99 people. Therefore, this will further improve the parking conditions of the Jazz Forum.

II. Approved Plan:

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

Plans by Stephen R. Tilly, Architect, PC dated May 24, 2016 and last revised July 12, 2016 unless otherwise noted entitled:

- Survey Data for the Property was obtained from Link Land Surveyors dated May 1, 2015
- T-001 *Key Plan and Parking Map*
- A-100 *Proposed Plot Plan w/Zoning Analysis & Photos*
- A-101 *Proposed Floor Plan w/Building Code Analysis*
- A-201 *Proposed Exterior Elevations*

(the "Approved Plans").

III. General Conditions

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

IV. Specific Conditions:

a) The Applicant shall comply with the conditions imposed by the Zoning Board of Appeals in their resolution dated December 11, 2017 granting the request to extend the hours and periods of operation at the Jazz Forum to include January and February and extend the hours of operation from 6:00 pm until 1:00 am on Fridays and Saturdays and from 3:00 pm until 12:00 am on Sundays with the maximum capacity remaining at 99 persons.

b) The Applicant shall continue to comply with the conditions included in the Original Resolution of the Planning Board dated July 25, 2016.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Planning Board approve this amended resolution. All in favor. Motion Carried.

**CONTINUATION OF PUBLIC HEARING –  
American Independent Paper Mill Supply Co. LLC – 29 South Depot Plaza - Subdivision**

Linda Whitehead, Attorney, from McCullough, Goldberger & Staudt, LLP, appeared on behalf of the owner, American Independent Paper Mill Supply Co., Inc., requesting subdivision approval to separate two lots (38 and 39 or 1 and 2 respectively on the plan submitted), located at 15 and 29 S. South Depot Plaza. She explained that they are not proposing to do any construction and that this application is filed in conjunction with the site plan application currently before the Board for the proposed self-storage facility in order to sell the 29 South Depot site to build a self-storage facility. These lots were conveyed together but never formally subdivided so her client agreed to subdivide them. She advised that they have been to the Zoning Board for a setback variance; however, the ZBA cannot act until they get a negative declaration under SEQRA from the Planning Board. They are here tonight to receive that negative declaration so that the ZBA can render a decision at the January 8, 2018 Zoning Board meeting.

Mr. Tedesco asked if anyone in the public had any questions. No one appeared.

Mr. Tedesco asked if any Board or Staff members had any questions. Ms. Raiselis made reference to Village Engineer Pennella's memo to the Board. Mr. Tedesco advised that these comments have been incorporated into the negative declaration.

Mr. Tedesco said he will read a portion of the negative declaration, a copy will be provided to the applicant, and the entire negative declaration will be recorded in the minutes of this meeting which is attached as "Exhibit A".

Mr. Tedesco moved, that the proposed action will not result in any significant adverse environmental impacts and therefore a negative declaration should be declared, seconded by Ms. Raiselis. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Public Hearing be continued at the January 22, 2018 meeting. All in favor. Motion carried.

**NEW PUBLIC HEARING**

**Broadway on Hudson Estates, LLC (contract vendee) - 11 Carriage Trail**

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Wednesday, December 27, 2017, at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Broadway on Hudson Estates LLC  
229 Main Street  
Huntington, NY 11743

For subdivision approval to subdivide of 9.96 acre parcel of land into 4 lots. (2 new lots and to separate the existing Coppola residence and the carriage house)

The property is located at 11 Carriage Trail, Tarrytown, NY and is shown on the tax maps as Sheet 1.271, Block 138, Lot 1.23 and is in the R 60 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.

Additional approval will be required from the Zoning Board of Appeals.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary

DATED: December 15, 2017

The mailing receipts were received and the signs were posted.

Mr. Tedesco read a memo from Mr. Pennella to the Planning Board, dated December 27, 2017 into the record as follows:

*"At the December 14, 2017 Planning Board staff meeting, the Board requested that I contact the applicant and ask them to provide an alternate for the proposed "flag" lot configuration on Lot 4. I have advised the applicant that, in the past, the Planning Board did not look favorably to approving "flag" lot configurations for new subdivisions. A brief search of our records revealed the following applications that had proposed flag lot configurations; Hillside Avenue '00, 48 McKeel Ave '93, and 158 Grove Street '87. While this lot conforms dimensionally, it still has the configuration of a flag lot where one structure is behind the other. Since the code does not allow two uses on one site, it was necessary for this application to subdivide the lot into two parcels even though the secondary structure is to be utilized by the caretaker. Should the Planning Board want to consider approving the application as presented, the deed can be restricted to have both properties remain under common ownership in perpetuity."*

Dan Collins, of Hudson Engineering, representing the applicant who could not attend, explained that they had originally submitted an application for a 3 lot subdivision with the main house and cottage to remain on one lot and to create 2 new lots. The zoning code does not allow for 2 uses on one lot, so they have been advised by the Village Engineer that it would be necessary to subdivide proposed lot 1 into 2 lots to make it zoning compliant. Mr. Collins referred to the 4 lots on the plan. He advised that lot 4, where the carriage house exists, will meet the 150 frontage requirement, the lot area, and the reduction from steep slopes within that area. They also have an application

before the Zoning Board for a 12.6 ft. rear yard setback which is required for the proposed lot 4 to make it zoning compliant. Mr. Collins confirmed that the lot meets the impervious coverage requirements and there are no steep slope issues.

Ms. Raiselis is concerned about the flag lot access to the carriage house and referred to the deed restriction mentioned in Mr. Pennella's memo. She has concerns if the property is subdivided and the joint access is discontinued. Mr. Collins said they are agreeable to linking the lots together as Mr. Pennella suggested. Counsel Silverberg said this is a design issue and a precedent that the Board may not want to create. Counsel Silverberg said if there is a deed restriction, the village should be allowed to control it.

Mr. Tedesco asked if anyone had any comments.

Mr. Galvin said they had mentioned about keeping the cottage house, and wanted to know if this would be done through the site plan or subdivision. Mr. Silverberg said it has to be done as part of the subdivision.

Mr. Birgy is concerned if the end of the driveway is designed to handle a fire truck. Mr. Birgy wants a letter from the Fire Department making sure that a fire truck can turn around.

Mr. Tedesco moved, to designate this 4 lot subdivision as an Unlisted Action, and that the Board declare its intent to be lead agency with proper notification to all involved and interested agencies, seconded by Ms. Raiselis. All in favor. Motion carried.

It was noted that the applicant will need to go to the Zoning for a variance. Mr. Galvin noted that the applicant said he may eliminate this variance.

Mr. Tedesco moved, to set an escrow at \$10,000, which has already been paid, and that they continue the Public Hearing in January, seconded by Ms. Raiselis. All in favor. Motion carried.

**NEW PUBLIC HEARING - Benedict Avenue Owners Corp. 22 Glenwolde Park**

Mr. Tedesco read the Public Hearing Notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Wednesday, December 27, 2017, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Benedict Avenue Owners Corp.  
361 North Broadway  
Sleepy Hollow, NY 10591

For site plan approval for additions and alterations to an existing single family residence.

The property is located at 22 Glenwolde Park in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.180, Block 104, Lot 1 and is located in the R 7.5 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.

Additional approval will be required from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: December 15, 2017

The mailing receipts were received and the sign was posted.

Mr. Tedesco referred to the denial/referral letter that was given to the applicant and advised that the site plan proposes a 120% increase over the existing footprint and an increase of 248% over the existing square footage. The addition is also proposed within the 150 wetland buffer and the maximum gross floor area proposed is very large.

Mr. Tedesco will ask the applicant to make a brief presentation. He advised that the Planning Board will need to retain a wetlands consultant to review the applicant's report.

Emilio Escalades, PE, representing the applicant, appeared and said he does not agree with the numbers in the Building Inspector's letter and he will meet with him to review the calculations. He presented the proposed plan which will transform an existing cape into a full 2 story with a garage on the side. They will increase the footprint and remove the existing garage; the brook and drainage channel will remain in place and they will not touch the drainage ditch.

Mr. Escalades pointed to the brook, and said no matter what they do they fall within the 150 foot wetlands buffer. They would propose a trench and footing and there would be minimal disturbance.

A discussion took place about the FAR discrepancy

Mr. Tedesco requested that they submit a report on the impact of the wetlands disturbance which will be reviewed by the village consultant to determine its accuracy.



Mr. Birgy said what is the point of going through this. Counsel Silverberg said you need the analysis of impact on wetlands. Mr. Galvin said a consultant may also provide mitigation suggestions.

Ms. Raiselis said if there is minimal impact, it is important for her, since the proposal is so dramatically increasing the size of the house that a streetscape of the house be provided with the existing homes next to the proposed home, which Mr. Escalades said he will provide.

Mr. Tedesco asked if anyone in the public had any comments.

Vinny Delmastro, resident of Glenwolde Park for 30 years, came up to speak. He said that Glenwolde Park is an Historic District. He is concerned about actual design of the house. He wants to know if ARB approval is necessary to ensure that the home can fit in with the neighborhood.

Ms. Raiselis said the applicant is required to get Architectural Review Board approval for this project.

Mr. Delmastro is also concerned about the drainage issues.

Mr. Birgy advised Mr. Delmastro that if the association feels strongly they should come and express their opinion. With regard to the wetlands issue, Ms. Raiselis is more concerned about the impact on the environment, rather than just keeping the water out of the basement.

Mr. Galvin suggested holding off on designating an action for this application until further research is done with regard to the wetlands issue.

Mr. Escalades asked the Board if they prefer that they not do anything with the house and leave the garage on the brook. Mr. Birgy said he would hate to see the applicant go through the expense and trouble. He wants a solution for everyone. Mr. Escalades thinks this project will benefit the neighborhood.

Mr. Tedesco advised that the applicant will need to go to Zoning for a FAR variance. Counsel Silverberg suggested that the actual variance needed be determined with the Building Inspector before going to Zoning.

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

NEW PUBLIC HEARING -M.M. Homes Land Development of PA LLC – 6 Hillside Street

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Wednesday, December 27, 2017, at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

M.M. Homes Land Development of PA, LLC  
PO Box 574  
Chester, NY 10918

For site plan approval for the construction of a single family residence.

The property is located at 6 Hillside Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.150, Block 98, Lot 5.3 and is in the R 10 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.

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary

DATED: December 15, 2017

The mailing receipts were received and the sign was posted.

Mr. Tedesco read the memo from Village Engineer Pennella to the Planning Board into the record.

*"The proposed construction of a single family residence as presented requires 1,823 cubic feet of rock removal. The rock outcropping that lies under the south corner of the proposed structure is 70 feet from the farthest point of the northern property line and an additional 25 feet for the adjacent single family residence. Based on the quantity of rock to removed and the proximity to structures the applicant must provide a detailed rock*

*removal plan along with a monitoring plan that is consistent with code section 89-3, Blasting. The rock removal plan must be reviewed by an independent consultant specializing in blasting and rock removal as selected the Village*

*The design of the proposed stormwater facilities is to utilize attenuation chambers to hold the 25 year storm 24 hour intensity and release the stormwater in the Village storm water collection system that conveys the water to the Sheldon Brook and ultimately discharges to the Hudson River. Since the stormwater system does not provide for any infiltration as specified under section 305-50, it is advisable to require the applicant to size the stormwater system to handle the extreme precipitation of 9.05 inches for the 100 year – 24 Hour storm event in lieu of 6.4 inches, 25 year reoccurrence interval. In addition, a capacity analysis of the existing stormwater system to a point where no impacts are observed due to the additional flows must be performed by the applicant.”*

Dan Collins, of Hudson Engineering, representing the applicant who could not attend, presented the proposed plan for a 2 ½ story building with driveway access from Hillside Street. This is an undeveloped property along NYS Route 287. The catch basin is located across the street from the property. A 4 foot wall will be installed in the rear and side of the property. The stormwater system has been designed for a 25 year storm but can be redesigned for a 100 year storm with attenuation as required by the Village Engineer. He described the system.

Mr. Tedesco would like to know the location and the extent of the steep slopes. Mr. Collins presented the steep slope analysis and said there is 9,534 s.f. of steep slope and they will be disturbing 8,600 s.f. of steep slope. There is no way to avoid this.

Mr. Tedesco and the Board members expressed concern about this significant disturbance. Mr. Birgy asked how to mitigate such a large disturbance. Ms. Raiselis would like to know the history of the lot and subdivision. Ms. Raiselis asked when the subdivision occurred. Mr. Galvin said Mr. Pennella is familiar with the history.

Mr. Tedesco said that the Board will need more information from the Village Engineer prior to the next work session for discussion.

Mr. Tedesco asked if there are any other variances or waivers needed for this application.

Counsel Silverberg said that the Village Engineer is concerned about the blasting that will take place and would require a full report on the procedure to be reviewed by a consultant for the village. One of the requirements is that a survey of nearby properties be done before and after the blasting. Ms. Raiselis said that this will be done and monitoring equipment will be needed in the homes.

Mr. Galvin suggested that an alternative plan could be to design a structure that could sit on top of the rock instead of disturbing the slope. Mr. Birgy agreed and said it could minimize the cost as well as the slope disturbance.

Mr. Tedesco said that having the applicant hire a rock consultant is important to see how it can be done with the least disturbance in accordance with the code. The village will have its own consultant review the report.

Mr. Galvin and Counsel Silverberg suggested that they hold off on designating an action on this application pending a further review of the rock removal and steep slopes. The Board agreed.

Mr. Birgy said the obliteration of the steep slope needs to be discussed further at the work session. Counsel Silverberg agreed and said this is an unusual application and a further review of the approval of the lot and subdivision is needed.

Mr. Tedesco asked if anyone in the public had any questions.

Vincent Paone, of 2 Hillside Street, came to voice his concerns. He said he is not opposed to the project. It is a very small lot and the thruway is behind it. With regard to the steep slope disturbance, he is very concerned about the impact to his home from the blasting which will be necessary. He said the lot was subdivided in 2008. His property is 5,000 s.f. They used a jackhammer to do the blasting on his property which was not sufficient. In some places he cannot even put Christmas decorations stakes into the ground; it is all rock and the drainage is terrible. His grass is always soggy and water runs down into the street. He feels it is very important that the builder address the poor drainage in the area. Mr. Paone also thinks the house is too big for the property. His house is the largest in the area but most of the homes are 1500 to 1800 s.f. He is concerned about his wife and two young children and that proper safety measures are taken when blasting. Mr. Paone would also like to know if what the builder intends to put between the properties. Will they just leave grass or plant trees? Mr. Collins said they would landscape the area. Ms. Raiselis said that landscaping will be required with a full complete landscaping plan.

Mr. Tedesco said that the applicant should start the process of engaging a rock removal consultant to see if this project as proposed is feasible. The size of the house may affect this tremendously. We will review this application at the work session, but he feels it is critical that the applicant have this done.

Ms. Raiselis asked Mr. Collins if the size of the house is zoning compliant. Mr. Collins said it was compliant.

Mr. Tedesco also would like a streetscape to see how this home fits in with the neighborhood.

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

ADJOURNMENT

Ms. Raiselis moved, seconded by Mr. Birgy, to adjourn at 8:15 pm. All in favor. Motion carried.

Liz Meszaros- Secretary

Agency Use Only (If applicable)	
Project:	South Depot Plaza Subd
Date:	12/27/17

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is a subdivision for a 2.72 acre property located at 29 South Depot Plaza. The subdivision proposes to subdivide the subject property into two separate lots (Lot 38 and Lot 39). Both lots have existing buildings and are within the Industrial District ("ID"). The lots are located on South Depot Plaza just south of the Tarrytown Station and municipal parking lot and east of the Metro North tracks. Lot 38 consists of 51,452 sf with an existing 25,758 sf indoor sports facility. Lot 39 includes 67,254 sf with an existing building occupied by a paper recycling facility. The property owner is the American Independent Paper Mill Supply Co. which has submitted the subdivision application. A subdivision is required for the sale of Lot 38 to 202 Lexington Group, a contract vendee currently before the Planning Board for site plan approval to allow the conversion of the existing indoor sports facility into a self-storage facility. The property owner has submitted a subdivision application relocating the lot line between the existing Lots 38 & 39. The proposed new Lot 38 includes the old Lot 38 plus the driveway area of Lot 39. A utility and turnaround easement has been provided for the benefit of Lot 38 and is shown on applicant's subdivision plat. The new Lot 38 requires no variances. For the new Lot 39, the lot line change results in a conforming front and side yard setback to the new lot line for the northerly side of the existing building, which is set back 1.5' from the new lot line where 10' is required. A variance for this setback is needed from the ZBA before Planning Board approval of the subdivision application. There is no new construction proposed as part of the subdivision. The property is not within a wetland or adjacent regulated area. The property is not within or in the immediate vicinity of any recognized or historical resource. The property is not located in a flood plain. The resulting properties will continue to use public water and a public wastewater treatment facility. The current uses on both lots are compliant with the permitted uses in the "ID" District. The proposal by 202 Lexington Group for conversion of the existing sports operation into a self-storage facility is also a permitted use in this District. The proposed subdivision will not result in an increased level of traffic. No agency comments have been received. Based on the Board's review of the EAF Part 2, the applicant's Narrative, zoning compliance forms, the attached Village Engineer Memo (12/27/17) which findings & recommendations are incorporated as if fully-stated herein and additional information from the applicant, the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Tarrytown Planning Board	12/27/17
Name of Lead Agency	Date
Ron Tedesco	Acting Chair
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Robert James Galvin, AICP - Village Consulting Planner
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

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## VILLAGE OF TARRYTOWN INTEROFFICE MEMORANDUM

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**TO:** Chairman Friedlander and Planning Board Members

**FROM:** Donato R. Pennella, PE, Village Engineer

**RE:** Subdivision Application  
29 South Depot Plaza- 2 Lot Subdivision

**DATE:** December 27, 2017

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The referenced subdivision proposes road access for three parcels: New York Central Railroad, Lot 2, and the County of Westchester by means of an easement from South Depot Plaza. Upon receiving approval and filing of the subdivision map, the lots will be standalone and therefore can be sold independently without any improvements taking place on either lot, while providing access to a substandard road.

The Planning Board has also been presented with a site plan application by the contract-vendee for Lot 1 to convert the existing structure to a self-storage facility. The Planning Board adopted a Negative Declaration on November 27, 2017 for the self-storage facility and in doing so noted that "[t]he Applicant will be required to provide proper drainage including catch basins and/or inlet structure, resulting in no net runoff" and "[t]he Applicant has committed to improve the pavement conditions of the access driveway leading from Depot Plaza to improve the safety and visual appearance of this entrance to the site."

I am concerned about these improvements not occurring should the self-storage facility not go forward with this project. It may be prudent to include in any Negative Declaration the Board decides to adopt for the subdivision application that in the event the self-storage facility does not go forward, these improvements will be undertaken by the applicant, as required under section 263-7 of the subdivision regulations, and be a condition of subdivision approval.

I recommend that this requirement be included in any Negative Declaration adopted by the Planning Board.

cc: Silverberg-Zalantis, Village Counsel  
Robert Galvin, Planner  
Liz Meszaros, Secretary to Planning