

Planning Board  
Village of Tarrytown  
Regular Meeting  
May 30, 2018 7:00 pm

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Birgy, Alternate Lawrence; Counsel Zalantis; Building Inspector/Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros

ABSENT: Member Raiselis

APPROVAL OF MINUTES – April 30, 2018

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of the April 30, 2018, Be approved as submitted. All in favor. Motion carried.

Mr. Tedesco announced the following adjournments:

- Benedict Avenue Owners Corp. –22 Glenwolde Park  
Additions and Alterations to a single family home.
- Michael Degen- 86 Crest Drive  
Additions and Alterations to a single family home
- Joseph Fiore – 230 Crest Drive  
Additions and Alterations to a single family home
- El Farb, LLC – 56 Wildey Street  
Conversion of single family dwelling into a four family  
Multi-family dwelling
- E.F. Schools, Inc.- 100 Marymount Avenue  
Exterior site improvements to the Esplanade between  
Rita and Marian Hall to improve pedestrian access and  
provide for emergency vehicle access
- Samson Management Inc. – 177 White Plains Road -Construction of final phase  
of parking expansion at apartment complex.

CONTINUATION OF PUBLIC HEARING–Peter F. Gaito & Assoc. – 104 Central Avenue

Mr. Anthony Canu, owner of 104 Central Avenue, advised the Board that he and his wife own the two-story building across the street from Lennox Bus Company at 104 Central Avenue. The property is zoned for General Business use; it was formerly used as an artifact restoration shop. He is here this evening to ask the Board to approve his application to change this use into a small training studio-gym that he and his wife will operate.

Dr. Friedlander asked if anyone in the audience or if the staff had any questions. No one appeared nor did staff have any comment.

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

Mr. Aukland read through portions of the resolution and said that a copy of the resolution will be provided to the applicant and will become part of these minutes:

## **RESOLUTION**

### **VILLAGE OF TARRYTOWN PLANNING BOARD**

**(Adopted May 30, 2018)**

**Application of Peter F. Gaito & Associates**

**Property: 104 Central Avenue (Sheet 1.40, Block 16, Lot 24 and Zone GB)**

**Resolution of Site Plan Approval**

### **Background**

1.The Applicant requests site plan approval for a change of use converting a former antique artifacts restoration use to a gym – personal training service on the first floor of an existing two story building with a residential apartment above.

2.The Planning Board on April 30, 2018 determined that the Project was a Type II action under SEQRA NYS DEC 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 first floor space consists of 1,758 square feet.

3.The Planning Board has conducted a duly noticed public hearing on April 30, 2018, and continued on May 30, 2018 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 17, 2018 and May 16, 2018 and a denial letter from the Village Engineer dated March 22, 2018 and letter to Applicant regarding the lease agreement to use sidewalk within the Village r-o-w dated April 27, 2018 and reviewed the zoning compliance and environmental clearance forms as well as photographs of the site provided by the Applicant.

5.The Zoning Board of Appeals reviewed the Applicant's request for a parking variance for eight spaces with no spaces now being provided at its April 9, 2018 meeting. The Zoning Board of Appeals closed the public hearing on April 9, 2018 and approved the requested parking variance on that date.



6. The Applicant required permission from the Board of Trustees to allow for the installation of a concrete ramp for ADA accessibility for the front entrance of the gym within the Village r-o-w. The Board of Trustees granted permission for the Applicant to use an approximately 200 s.f. area within the Village r-o-w on Central Avenue and Linden Place subject to the installation of a permanent concrete ramp for ADA compliance. The lease area which is shown on Applicant's site plans (A-001 and A-101 revised May 9, 2018) is for an area 2' wide by 46.5' on Linden Place and a 2.5' by 40' long area on Central Avenue that can be used for the placement of Applicant's planters. An agreement has been prepared by the Village for signing by the Applicant.

7. The Planning Board closed the public hearing on May 30, 2018. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

### Determination

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

#### 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 subject property is a 1,217 s.f. parcel at the corner of Central Avenue and Linden Place/Ann Street in the General Business District. Property is occupied by two story building with mezzanine which essentially covers the entire site. Applicant is the "Fit Inn" which desires to convert the first floor of the building from an antique artifacts restoration use to a personal fitness training studio. The studio is 1,758 s.f. The owners of the "Fit Inn" are also the owners of the building and residents of the second floor apartment. The training studio will be available on an appointment only basis. The proposed hours of operation will be primarily between 5 am to 9 am in the morning and 6 pm to 9 pm in the evening. The proposed use requires eight off-street parking spaces where none now exists. The ZBA approved the parking variance on April 9, 2018. A new concrete ADA accessible ramp is proposed for the front entrance to the studio within the Village r-o-w. The exterior of the building's first floor will consist of a natural wood cladding with downward directed lights, restored windows and signage. The Board of Trustees granted permission for the Applicant to use an approximately 200 s.f. area within the Village r-o-w on Central Avenue and Linden Place subject to the installation of a permanent concrete ramp for ADA compliance. The lease area is shown on Applicant's revised site plans and can also be used for Applicant's planters (A-001 and A-101 last revised May 9, 2018).

## 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 Peter F. Gaito & Associates dated November 22, 2017 and revised April 3, 2018 unless otherwise noted:

- T-001 *"Title Sheet – Proposed Renovation of Existing First Floor, 104 Central Avenue, Tarrytown, NY"*
- A-001 *"Existing Survey & Site Plans, 104 Central Avenue, Tarrytown, NY"* last revised May 9, 2018
- A-100 *"Existing Floor Plans, 104 Central Avenue, Tarrytown, NY"*
- A-101 *"Proposed First Floor Plan, 104 Central Avenue, Tarrytown, NY"* last revised May 9, 2018
- A-200 *"Streetscape, 104 Central Avenue, Tarrytown, NY"*
- A-201 *"Proposed Elevations, 104 Central Avenue, Tarrytown, NY"*
- A-300 *"Details & Schedules, 104 Central Avenue, Tarrytown, NY"*
- *"Survey of Property prepared for Anthony V. & Molly Canu in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. dated September 28, 2016. The premises being Tax Lot 24, Block 16, Section 001.040 as shown on the official Tax Assessment Maps for the Village of Tarrytown, Town of Greenburgh."* prepared by Ward Carpenter Engineers, Inc.

(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 including the execution of an agreement between the Applicant and the Village of Tarrytown granting the Applicant permission to use an approximately 200 s.f. area within the Village r-o-w on Central Avenue and Linden Place subject to the installation of a permanent concrete ramp for ADA compliance. The lease area is for an area 2' wide by 46.5' on Linden Place and a 2.5' by 40' long area on Central Avenue that can be used for the placement of Applicant's planters. The lease area is shown on Applicant's site plan (A-001 and A101 as last revised May 9, 2018).



- 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.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the site plan application. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Leonard Brandes, RA – 22 Main Street

Leonard Brandes, R.A., appeared on behalf on his applicant, Robert Gonzalez, also present. He presented the site plan to convert the existing Laundromat into a restaurant with 39 seats. He advised the Board that he has received parking variances from the Zoning Board and has also signed an agreement with the Board of Trustees to create a curb cut to allow for garbage access to the street which requires changing the parking space configuration and moving meters on John Street. Mr. Brandes requested that this application for a change of use from a laundromat to a restaurant be approved at the property located at 22 Main Street.

Dr. Friedlander asked if anyone in the Public had any questions. No one appeared.

Mr. Pennella confirmed that the agreement has been signed with the Board of Trustees.

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

Mr. Birgy read through portions of the resolution and said that a copy of the resolution will be provided to the applicant and will become part of these minutes:

**RESOLUTION****VILLAGE OF TARRYTOWN PLANNING BOARD****(Adopted May 30, 2018)****Application of Leonard Brandes, R.A****Property: 22 Main Street (Sheet 1.70, Block 34, Lot 9 and Zone RR)****Resolution of Site Plan Approval****Background**

1. The Applicant requests site plan approval for a change of use converting a laundromat (self-operated and drop off) to a restaurant.

2. The Planning Board on February 26, 2018<sup>9</sup> determined that the Project was a Type II action under SEQRA NYS DEC 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 restaurant space consists of approximately 1,220 square feet.



3.The Planning Board has conducted a duly noticed public hearing on February 26, 2018 and May 30, 2018 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 February 14, 2018 and May 16, 2018 and a denial letter from the Village Engineer dated February 5, 2018. The existing building is non-conforming and does not have any parking spaces available. The application includes only interior alterations and exterior fenestration. The Village Engineer's denial letter indicated that the applicant needed a variance for fourteen (14) parking spaces and one (1) loading space. A later determination by the Village Engineer in a memo dated May 24, 2018 and issued subsequent to the ZBA parking variance approval indicates that the Applicant will only require nine (9) spaces due to its prior use as a laundromat (5 spaces allowed).

5.The Planning Board has reviewed the Applicant's plans and description of the garbage plan for the proposed restaurant. The Applicant will include a garbage compactor and enclosed dumpster at the rear of the building. This rear area will be accessed from a new 4 ½' curb cut on John Street. The Applicant's pick up schedule will be at a minimum of three times per week in accordance with §183-12- Operation of private refuse, waste and rubbish vehicles of the Village Code. During non-scheduled collection days, garbage will be kept in an enclosed dumpster in the rear yard. The Applicant will establish an account with a commercial carter, prior to the issuance of Building Permit.

6.This curb cut and revised on-street parking on John Street was approved by the Board of Trustees and will be required to be installed in accordance with Village standards and pursuant to an executed agreement with the Village.

7.The Zoning Board of Appeals reviewed the Applicant's request for a parking variance for fourteen (14) parking spaces and one (1) loading space at a public hearing held on March 12, 2018 and continued on April 9, 2018 and May 14, 2018. The Zoning Board closed the public hearing on May 14, 2018 and approved the requested variances on that date.

8.The Planning Board closed the public hearing on May 30, 2018. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

#### Determination

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

#### IV. 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 subject property at 22 Main Street is located at the southwest corner of Main Street and John Street. It consists of a three story building with commercial space on the first floor and residential apartments on the upper two floors. The adjacent John Street is a one-way street heading south away from Main Street. John Street is a residential street with parking allowed only on one side of the street. There are no double parking signs along John Street. All deliveries should be made from Main Street similar to other businesses located on Main Street.

The proposed restaurant (Cube Inn) is located on the first floor of three story building. The proposed restaurant consists of approximately 1,220 square feet. The parents of Robert Gonzalez, the new tenant of the restaurant, operated an American/Cuban restaurant at this space from 1979 to 1988 before it was converted to a laundromat. The new tenant will operate a similar type of restaurant which will include 39 seats with a bar area and two handicapped bathrooms and kitchen at the rear of the building. There will be a garbage compactor and dumpsters at the rear exterior of the property. The application only includes interior work and new fenestration on the first floor. The site plan shows the sidewalks and tree locations along Main Street and John Street. The property does not contain nor does it have potential for any off-street parking spaces. The Applicant has received a parking variance from the ZBA. The subsequent determination of the Village Engineer/Building Inspector is that the Applicant will be required to provide nine (9) spaces due to the prior use (5 spaces allowed). The Applicant has received permission from the Board of Trustees for a 4 ½’ square foot curb cut on John Street. This approval also allows the Applicant to move a metered spaces to allow the access for private carters to access the garage enclosures and provide for a compact parking space in the non-metered area. There is no loss of on-street parking spaces along John Street. The curb cut will be installed by the Applicant in accordance with Village standards and pursuant to the executed agreement with the Village.

V. 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 Leonard Brandes, R.A. dated January 3, 2018 unless otherwise noted:

- SY-001 “Site Plan – Zoning & General Notes & Plans, The Cube Inn, Proposed Alterations, 22 Main Street, Tarrytown” last revised May 29, 2018
- A-001 “Demolition Plans, The Cube Inn, Proposed Alterations, 22 Main Street, Tarrytown” last revised May 24, 2018
- A-101 “Proposed Floor Plans, The Cube Inn, Proposed Alterations, 22 Main Street, Tarrytown” last revised May 24, 2018



- A-200 “Proposed Front & Rear Elevations, The Cube Inn, Proposed Alterations, 22 Main Street, Tarrytown” last revised May 24, 2018
- A-300 “Proposed Sections, The Cube Inn, Proposed Alterations, 22 Main Street, Tarrytown”
- A-400 “Equipment Schedule, The Cube Inn, Proposed Alterations, 22 Main Street, Tarrytown”
- Title Survey of Number 22 Main Street as shown on The Official Tax Map as Tax lot 9, Block 34, Section 1.070 situated in the Village of Tarrytown, Town of Greenburgh, West. Co., N.Y. Vincent M. Teutonic, Big Apple Land Surveyor LLC dated June 6, 2016.

(the “Approved Plans”).

VI. General Conditions

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

- iii. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- iv. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(g) 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

(h) 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.

VII. Specific Conditions:

1. Based on §305.63, the Applicant is required to provide a payment fee in lieu of the nine (9) required parking spaces in the amount of \$13,000 prior to the issuance of a building permit.
2. All deliveries for the restaurant shall be made from Main Street. Deliveries from John Street shall be prohibited since it is a narrow, one-way street leading through a residential neighborhood.
3. The Applicant's trash will be collected by a commercial carter at the curb in front of the storefront in compliance with §183 of the Village Code ("Garbage, Rubbish and Refuse"). Prior to the issuance of a Building Permit, the Applicant will establish an account with a commercial carter.
4. The Applicant will be required to install a fire sprinkler system for the proposed restaurant and/or throughout the building in compliance with NYS Building Code.

Mr. Brandes referred to the language in the resolution that a trash compactor be provided. He explained to the Board that this was not considered nor was it on the site plan. He did refer to compact cars on the site plan which may have caused the confusion. Mr. Birgy thought it was a good idea to have a compactor considering the small space and the residential neighborhood on John Street. Mr. Pennella advised the Board that he will review the plan and discuss this prior to issuing a building permit. If he determines that the space is too tight he will advise the applicant to provide a compactor. The Board was satisfied.

Mr. Tedesco, moved, seconded by Mr. Aukland, that the Board approve this site plan. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Peter Bartolacci – 67 Miller Avenue Avenue

Paul Berté, P.E., of Fusion Engineering, the project engineer, representing the applicants, also present, appeared before the Board to address Mr. Pennella's memo to him dated May 16, 2018.



Item #1 – The type and design of the wall with slope analysis will be submitted for Mr. Pennella's review. The soil testing done in December has been completed. Additional soil sampling will be done during construction. Mr. Pennella advised that he did not receive the soil sampling from Fairway Testing. Mr. Berté said it will be submitted.

Item #2 - An earthwork analysis was done and there are 462 c.y. of fill to construct the 2 tiers, taking the existing and finished elevation of the structure, including the mass of the concrete, the stone behind it, and the backfill material. Of the 462 yards, they calculate 323 yards for the footings and the retaining walls will be used. The net import will be approximately 140 yards of material.

Item #3 - With regard to the roots of the Black Cherry tree on the adjacent property, the elevation of grade at the neighbor is 172, so the bottom of footing is 2 feet above the elevation of the grade at the adjacent property. The canopy extending onto 67 Miller will be trimmed during construction. Construction of this wall will not impact roots that are a grade 4 feet higher than where the tree is. Any canopy that does extend onto the property they are proposing to trim at the property line or close to it during the construction. He does not feel that the roots will be damaged, but special care will be taken of those roots during excavation. The excavation will be 3 feet back from the property line. The contractor will be made aware of any roots that might be impacted which will be shown on the plan.

Item #4 - With regard to the elevation of south wall stairs and protection, they are proposing a chain link fence to protect falling debris. They revised the ramp and have extended it to allow for access. With regard to shoring, the existing retaining wall will be left in place and not interfere with footing of first wall which will be used as shoring. The material in front of the wall will need to be removed and not reused for backfill material. To address fall protection, a chain link silt fence will be installed for sediment control during construction. With regard to the modular stairs on the south side, the width is 3 feet, it is self-supporting so there will be no interference with the construction of the stone wall and the adjacent property. The Contractor said there is ability to get down and install the base footing. The existing railroad tie wall kept in place, he does not feel that there will be any issues to construct the wall, there are simple solutions.

Item #5 - On the north side, there are walls perpendicular to the railroad tie wall; they are proposing to extend the walls to meet the face of the new wall with the owner's permission.

Item #6 - Mr. Pennella has asked for sequence steps which will be provided with revised plans.

Item #7 - With regard to stockpiles, there will be one behind the house within the lawn area and another on the north lawn, which will be accessed from the rear yard. Any additional material that cannot be stored on site will be hauled off site; access will be on the south side next to the garage. If the retaining wall does not hold up during



construction, a note will be put on the plan for Mr. Pennella to review for additional shoring.

With regard to landscaping, fourteen 9 to 10 foot Green Giant Arborvitae will be planted on the lower tier to screen the entire face of the wall and twenty-one 6 to 7 foot Green Giant Arborvitae will be planted on the upper tier for a total of 35 new trees to screen the walls.

Mr. Tedesco asked Mr. Pennella if the proposal needs to go back to the Zoning Board for height due to the change in material. Mr. Pennella said it is the same height and the same location from the base of the wall to the property line at 7.5 feet, therefore there is no reason to send this application back to the Zoning Board.

Mr. Birgy is concerned about the material change from a mesa block wall to a concrete wall, which is vastly different. He feels it is unacceptable to the village. The concept of putting shrubbery in front of a commercial concrete the wall is ridiculous. Normally, stone walls are built. By this reasoning, anyone can do anything in the village as long as it is covered up. If something should happen to the landscaping, then the wall will remain for the neighbor to look at. Mr. Birgy said he would not be supporting just a concrete wall. Mr. Galvin said it is not just the wall, it is the façade and the landscaping. Ms. Lawrence asked why the change was made. Mr. Berté said the grid line for the modular block extended far into the backyard so from a constructability standpoint it was more suitable to have a spread footing narrower in disturbance than the modular block. Mr. Berté said there are many concrete retaining walls in the village. Mr. Birgy would like an aesthetically pleasing façade on the wall like stone. He feels it is a reasonable solution to get a win-win situation for all. He would like a compromise.

Ms. Lawrence asked where the chain link fence is going and if they are replacing it. Mr. Berté said this fence is for fall protection during the construction. Mr. Bartolacci said there is a chain link fence on the southern part of the property, but part has fallen down since a tree fell on it.

Dr. Friedlander said he was not at the last meeting. This change just took place at he wants to know why it changed. Mr. Bartolacci reminded the Chair, that on many occasions, the Board advised them to prepare a concept plan, and if the plan was acceptable, they would prepare final designs. They found a plan that was acceptable, but now they have found that there are engineering issues and they will not be able to build it. Dr. Friedlander said the concept did not discuss the type of material. Mr. Bartolacci said when we presented the plan we were doing modular block the entire time.

Suzanne Bartolacci came up and noted at a prior meeting that Ms. Baldwin said that a concrete wall, a railroad tie wall, or a stone wall would all be acceptable. She did not like the modular block. In terms of what is keeping with neighborhood most of the walls



are poured concrete and most do not have stone facing. The landscaping plan they have proposed is going over and above to screen the wall.

She referred to a list of 56 concrete walls in the Village which she gave to the Board and the secretary with photos, attached as "Exhibit A". She pointed out that very few have screening and a majority of them have no facing. Mr. Birgy asked how many walls are 18 feet and face a neighbor. She said 116 South Broadway is about 12 feet high and you can see it from Broadway. There is a property on the right hand side and also a commercial property to the left see this wall. She also referred to 21 Wildey Street, where there are 2 walls, one is a 10 foot wall and all of the neighbors see the wall. Mr. Birgy said affordable housing is different from their project. You are not building affordable housing, so it is a different situation. Mrs. Bartolacci said yes, but the residents are still looking at the wall, and if you were one of the neighbors, you might think different. Mr. Bartolacci said there are 4 houses that look at that wall, including the Mayor's, and there is no screening in front of it. This went to planning and zoning and no issues were raised. He does not think Mr. Birgy's point is valid. He feels they are being treated arbitrarily and capriciously. Mr. Birgy asked Mr. Bartolacci if he thinks the affordable housing project is the same as his.

Mr. Tedesco said there is significant screening required and there will be a significant maintenance bond so that the landscaping will be maintained. These landscape bonds are strictly enforced. Mr. Pennella agreed.

Mr. Tedesco asked the applicant if they have explored putting some sort of façade on the wall that would not be cost prohibitive. Mrs. Bartolacci said they have explored the cost of the stone facing, which is about \$40,000, and given all the other costs, it is cost prohibitive. They have asked for colors and stucco. She feels that the significant landscaping will hide the walls; the trees will form a hedge so you cannot see the wall.

Mr. Tedesco asked if the engineer could come explore other options just in case the trees did not last.

Mr. Pennella said textured walls could be another option. He is expecting to see a flush concrete wall. Mrs. Bartolacci said they talked about that with engineer and it was also expensive. Mr. Berté said he will revisit it again. Mrs. Bartolacci said she wants to do something reasonable and cost effective. Mr. Galvin suggested Mr. Berté and Mr. Pennella meet to go over the plan and to supply samples. He asked for options to be presented before the next staff meeting so that they can move this forward.

Mrs. Bartolacci would like a list of exactly what is needed from the Board to get approval.

Dr. Friedlander said you put a lot of work into the list of walls and if I showed these walls to anyone, they would say they are horrible, gray and cracked. They exist, when and

how and why they are there is not the point. He would like something better. Mr. Birgy is not arguing; he also just wants to make it better.

Mrs. Bartolacci said the walls do exist and they have been approved. She thinks they are creating a new standard for them. Dr. Friedlander said he would again like a compromise so neighbors have some assurance that it will not look like that. He would like to see something better than the pictures submitted.

Mrs. Bartolacci said that many walls did not go to planning and she feels like they are being held at a different standard. She will try to come up with a reasonable compromise and accommodate the neighbors. She feels that they have made many compromises already.

Mr. Pennella said his memo outlined what is needed. He will meet with Mr. Berté.

Dr. Friedlander asked if anyone in the public had any questions.

Bob Fedigan, 7 Woodrow Drive, Yonkers, NY, appeared on behalf of Geraldine Baldwin of 66 Baldwin Avenue who is unable to attend. He read her statement into the record, which is attached as "Exhibit B".

Mary Fedigan, of 7 Woodrow Drive, Yonkers, NY, came up and read another statement from Geraldine Baldwin, into the record, which is attached as "Exhibit C", a plan was presented of what she feels the landscaping will look like with the walls.

Mr. Aukland requested that Mr. Pennella contact the Tree Commission, since a member is a certified arborist, to comment on the need for protection of the Black Cherry tree referred to in Mrs. Baldwin's statement. Mr. Pennella agreed to coordinate a visit.

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

**CONTINUATION OF PUBLIC HEARING -**  
**M.M. Homes Land Development of PA LLC – 6 Hillside Street**

Mr. Tedesco read a letter from Victor and Anne Marie Passantino into the record, which is attached as "Exhibit D", requesting the planting of trees to hide the light coming from the cars in the driveway and to install a guard rail to protect vehicles from entering their property.

Dan Collins, of Hudson Engineering, the project engineer, said he received a copy of this letter and they have proposed a steel reinforcement guard rail to protect the Passantino property. He advised the Board that front and side yard variances were granted at Zoning on May 14, 2018. At this meeting, there were two neighbors from 2



and 9 Hillside Street, who raised concerns about the rock removal process. He has submitted a general report of the rock removal protocol, but will be submitting a detailed report. The report generally states that hammering and blasting does not affect neighboring properties and it outlines methods to monitor vibrations on adjacent properties to minimize disturbance.

He revised the plans for landscaping comments and stormwater. He has proposed two rain gardens of either side of the building for treatment and flow reduction.

They have also revised the landscape plan to include native plantings and hardwood canopy trees. He is hoping to close the public hearing and asking if anyone has any questions or comments.

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

Victor Passantino, 26 Eunice Court, Tarrytown, came up and said that a steel railing is safe but not aesthetically pleasing. Mr. Collins explained that they have proposed a wooden rail with steel behind it. Mr. Passantino is not convinced that railing will stop the car at 20 mph. He would also like some trees planted if possible to keep the light away. He noted that the last builder agreed to plant trees.

Mr. Tedesco would also like trees planted across the street from the site. He asked the applicant to come up with trees to be planted and submit it to the village landscape architect. The trees will help to reduce the lighting.

Mr. Pennella said the guard rail is wooden with steel backing and there is also a curb. In order for a vehicle to jump the curb it would have to be going at a very fast speed. He advised that this work will be done on village property and permission will be needed from the Board of Trustees to place it in the village right of way. An agreement will be necessary as to who will maintain the trees and the guard rail.

Ms. Passantino said she would rather maintain the trees than have the light. She has been maintaining this area already.

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

Dr. Friedlander excused himself from the meeting at 8:30 p.m.

#### CONTINUATION OF PUBLIC HEARING

#### Sisters of the Sacred Heart of Mary- 32 Warren Avenue

John Folchetti, PE, the project engineer, appeared on behalf of the applicant and presented the revised plan in response to a site visit with Mr. Pennella to extend the grading to screen the generator with additional plantings. They have received

landscape comments from village landscape architect and will address them. They would like to know if the single tier plan is acceptable so they can move forward with the design.

Mr. Tedesco asked if Mr. Pennella had any comments to the revised plans.

Mr. Pennella said he appreciates the plan revisions. Mr. Folchetti said they are trying to create the mound to elevate the line of site to provide additional screening for the generator. Mr. Pennella appreciates the effort to screen it, but creating a mound and putting trees around it to screen it may not be the best way to go. He suggested to meet with the village landscape architect. Mr. Folchetti agreed and said he will call to schedule a meeting before the next work session.

Mr. Tedesco said that he can include this in the revised landscape plan.

Mr. Folchetti asked if the single wall with 4 foot exposed face was acceptable to the Board. If this is okay with the Board then we can develop the final landscape plan. Mr. Pennella advised that permission will be needed from the Board of Trustees to encroach on the village property to do the grading.

Mr. Galvin asked about the renderings that were requested. Mr. Folchetti said renderings will be coming at the next meeting.

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

Mr. Aukland welcomes the proposal submitted subject to the items raised by Mr. Pennella. He likes that the whole area is integrated into the trail.

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

#### CONTINUATION OF PUBLIC HEARING

##### Schopfer Architects, LLP – 20 Wood Court - Tarrytown Hall Care Center

Mr. Tedesco read portions of a letter from the Westchester County Department of Planning dated May 4, 2018, in response to the Planning Board's Notice of Intent to be Lead Agency under SEQRA. Mr. Tedesco would like this letter to be made part of the record for the application and the applicant should address these comments on the site plan.

Bob Seigart, AIA, LEED, A.P., the project architect appeared and briefly went over the project. He presented the plan, describing an 8,454 s.f. one story addition to an existing three story at the Tarrytown Hall Care Center. The addition will be used for a dining area, physical therapy and office space. There are currently 63 parking spaces on site;



they will be adding 21 spaces for a total of 84. The number of residents will not change; 10 additional employees will be added. There will be no change in function, they just need more space. Mr. Seigart has submitted his response to the Westchester County Planning letter and he briefly went over the items:

With regard to stormwater, he submitted 3 copies of the SWPPP to the Planning Board Secretary and Mr. Pennella to be reviewed. They will be changing out plumbing fixtures on the 1<sup>st</sup> and 2<sup>nd</sup> floors with water saving units which will be reducing the flow by 13%. The plan proposes two bioretention areas taking all water from the parking lot into underground storage. The alley for fire access will be permeable pavers.

Recycling provision: Recycling will not increase, but they are proposing a new dumpster.

Green construction technology: Sustainability insulating will be provided for energy efficiency. Lighting will be LED. Solar panels may not be able to work with the orientation of the roof but they are looking at it.

Mr. Tedesco asked if they could submit a narrative on the green technology proposed before the next work session so that they may include this language in the negative declaration.

Ms. Lawrence asked about parking and if there is enough parking on site. Mr. Seigart said they have provided the necessary and permitted parking and there are no variances needed for parking.

Mr. Tedesco referred to the village landscape architect memo. Mr. Seigart said he has received this memo and has some questions with regard to the natives and the size of the tree islands.

Mr. Pennella said the applicant has provided the necessary islands so there is no need for a zoning variance.

Mr. Tedesco asked Mr. Seigart to discuss this with Ms. Nolan.

Mr. Tedesco asked if anyone in the public or staff had questions.

In terms of mitigation and an increase in permeable surface, Mr. Galvin asked the applicant to provide a summary of pre vs. post construction so that it may be included in the negative declaration.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board Declare itself Lead Agency with respect to this application. All in favor. Motion carried.

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

NEW PUBLIC HEARING – Artis Senior Living, LLC – 153 White Plains Road

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, May 30, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Artis Senior Living  
1651 Old Meadow Road- Ste 100  
McClean, VA 22102

For a zoning text amendment in order to create a floating/overlay zone to allow for Alzheimer /Dementia care facilities in the OB, LB and MU zones in the Village of Tarrytown within a certain proximity to Route 119 and for site plan approval for a proposed Alzheimer/Dementia facility at the property set forth below.

The property is located at 153 White Plains Road in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.201, Block 121, Lot 5.12 and is located in the OB 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 approvals will be required by the Zoning Board of Appeals, the Architectural Review Board and the Board of Trustees.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: May 18, 2018

The mailing receipts were received and the signs were posted.

Mr. Tedesco read portions of a letter from the Westchester County Department of Planning dated May 11, 2018 in response to the Planning Board's Notice of Intent to be



Lead Agency under SEQRA. Mr. Tedesco would like this letter to be made part of the record for the application and the applicant should address these comments on the site plan.

Don Walsh, of Development Strategies, White Plains, NY, a planning and consulting firm for Leon Silverman of Crescent Associates, owner of 153 White Plains Road, introduced himself and Mr. Leon Silverman, principal of Crescent Associates, Max Ferentinos, of Artis Senior Living, who is responsible for the 6 Artis facilities in New York. Richard Williams, PE, of Insight Engineering, the project engineer, and John Kirkpatrick, Attorney for the application.

Mr. Walsh confirmed receipt of the letter from Westchester County and will address these items in the SEQRA process. They have the last piece of the property left to develop. The reason they are proposing a text amendment is because the text amendment was a process they went through when the village was looking at additional uses that might be permitted in the OB/MU zones. When Columbia wanted to come in, the Zoning Board of Appeals agreed that medical uses (not overnight) were permitted in this zone.

They would like to work with the Planning Board to establish what the Board will need in order to move forward with this process. He described the property and its boundaries, and gave a brief history of the site. The site has not been used since the last century. There was a Boy Scout camp in 1963 and a cleanup in 1980 when an oil tank was removed and reported. There is a contract for sale of this property to Artis Senior Living, conditional upon site plan approval. Artis Senior Living is the applicant for this project. They will be given full state licensing for this location. Artis is expanding; this is the 6<sup>th</sup> site in New York. They specialize in Alzheimer/ Dementia care. He introduced Richard Williams, the project engineer, to go over the plan.

Richard Williams presented the site plan and went over the approval history of the property. He referred to the site plan and environmental review for the 60,000 s.f. office building approved by Planning in 2006. In 2008, they came before the Board for a subdivision application to subdivide the property and in 2014 came back to do a lot line adjustment to allow for construction of the existing porous pavement parking lot for Columbia Doctors. There is a 4.6 acre piece of property left to develop.

Mr. Williams briefly presented and described the site and its boundaries. A 64 bed Alzheimer facility is proposed. As you enter, to the right is a parking lot, to the left is an area for parking and deliveries. The north of the building will be heavily planted. Green infrastructure with bioretention filters will be introduced allowing them to create aesthetically green space for the residents. To the west is the detention pond which was constructed for the porous pavement lot. They have provided a comparative analysis item by item through a previous findings statement, comparing it the current

development on site. The original statement included the porous pavement application as well. Mr. Williams briefly went through the items.

Land Use and Zoning: Improvement - more residential in feel rather than commercial, which fits in more with the Martling Avenue area.

Natural Features: Topography - previously 16,000 s.f. of steep slope was disturbed; 24,000 s.f. will now be disturbed, but can be mitigated through the new erosion control plan and landscaping.

Vegetation and Disturbance. Slightly more disturbance than before but can be mitigated by looking at additional landscaping. He noted there is 1 acre less of impervious surface.

Trees: More trees will be removed. They will look at a new survey to update it.

Stormwater: Will be updated to comply with today regulations to include green infrastructure, bioretention filters.

Erosion control: Will comply with new standard of erosion control.

Transportation: Traffic impact will be less than original plan for office building.

Utilities: Increase in wastewater demand but existing utilities are adequate. Reports will be provided.

Facilities: Police, Fire and EMS – low demand; no school children will impact the district.

John Kirkpatrick, the attorney for this application, feels the proposal makes good sense for the village. His client had an unfortunate experience in another village and after an expensive and time consuming review process, the citizens expressed alarm and the project did not move forward. He wants to avoid this situation, so they have proposed this text applicable to properties only along route 119. It is a transitional type, low impact use, especially for traffic. They have put together a proposal for a definition of Alzheimer/Dementia care housing and floating/overlay zone. The floating/overlay zone exists in addition to zoning already applicable to the property. There are qualifying conditions for properties to be re-zoned: The property would have to be in the OB/LB/MU and have frontage within 350 feet of route 119. It has to be an existing lot filed with the Westchester County Clerk. He gave a definition of Alzheimer/Dementia care housing and said it is a residential facility, operated by an entity that is licensed by the State of New York, licensed to operate a type of assisted living facility...and a 24 hour care for people suffering from Alzheimer, but not for people who need the services of a skilled nursing facility.



He went through the SEQRA process for the public to get a better understanding of the process and explained the steps necessary toward approval. Initially, the Planning Board needs to confirm Lead Agency. Then the Board decides if an impact statement should be prepared, followed by a public scoping session. After that, an EIS would be submitted and a Findings Statement could be adopted. At this point, the Planning Board could recommend the text amendment to the Board of Trustees to create the text amendment. If the Board of Trustees adopts the amendment, then they could come back to the Planning Board for a site plan application. This plan they have submitted is not detailed but it gives enough detail to go through the environmental analysis.

Mr. Kirkpatrick is requesting that the Board confirm lead agency, declare a positive declaration under SEQRA, authorize the preparation of a draft scope to be submitted for next work session and set a public scoping session at the next public meeting.

Mr. Aukland asked if the licensing from the state is explicitly for Alzheimer care or broader. Mr. Kirkpatrick said there is more than one license but the one the Board is interested in is for a special needs assisted living residence and is specific and limited to memory care; it is the enhanced license. Mr. Aukland is concerned if the license limits it to just that or if someone could claim the license allows more use than that.

Mr. Kirkpatrick said you start with an assisted living license, then there is special needs license, then the enhanced license for memory care.

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

Daniel Laub, Attorney for the firm of Cuddy & Feder, appeared on behalf of Montefiore. He said that they have no opposition to the proposal; however, they have a concern with how the changes in the Zoning will be made. About a year and a half ago, they raised their concerns about the zoning code and how the medical, institutional, senior housing, skilled nursing and dental uses are treated in the code. There are a lot of grey areas and conflicts with regard to permitted uses because of the way things have been amended over the years. While the scope of this project is narrowed and tailored, they think there are potential negative impacts for the way that the code can be amended to other uses, to other zones, and for making interpretations with regard to how they are related to other projects. They think it is a better idea to take a broader look at the code in general and to see ways it can be amended beyond the narrow scope that is proposed and would like the Board to keep this in mind going forward.

Mr. Birgy excused himself from the meeting at 9:30 p.m.

Mr. Tedesco noted for the record receipt of correspondence from the Westchester County Planning Department consenting to Planning Board acting as Lead Agency and their comments under GML, and the NYS DOT, also consenting to Planning Board acting as Lead Agency with comments.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare Lead Agency Status for this application. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type I action under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to issue a Positive Declaration on the basis that this site previously went through a SEQRA review. The Applicant is proposing material changes to the project and therefore, the submission of an SDEIS will be required as the action may include the potential for at least one or more significant adverse environmental impacts. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that a Draft Scope document be submitted by the applicant to the Planning Board by June 7, 2018; that the Planning Board secretary circulate the Draft Scope to all interested and involved agencies with a notice of a Public Scoping Session to be held on June 25, 2018 at 7 pm; and that this notice be posted on the Village website, at Village Hall and the Village Library. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a total escrow at \$20,000. All in favor. Motion carried.

#### PRELIMINARY PRESENTATION

##### C.M. Pateman Development & Consulting Corp. - 48 Sheldon Avenue

Charles Pateman, the applicant, is returning to amend his site plan to allow for a circular driveway which requires an additional curb cut, and for a parking area in the front of the property. He said, for the record, this was something that was always contemplated throughout the process. He read page 5 of the July 25, 2016 Planning Board resolution regarding the location of the utility pole and the possible future need to relocate the driveway. He referenced the letter of permit denial received from Mr. Pennella. There was a discussion about the actual location of the utility pole and a discrepancy of its location. Mr. Pennella said the applicant has changed the site plan to create a circular driveway and put in a second curb cut. A discussion took place regarding the need for a front yard variance for the parking area that is shown on the plan.

Mr. Pateman said they relocated the driveway to come around the pole. Originally there were 2 curb cuts on this property. It is a much safer condition rather than backing out onto Sheldon Avenue. He will come in with revised plan and he asked the Board to declare this a Type II action and set a date for the Public hearing for the next meeting.

Mr. Tedesco agrees that the revised plan is safer and eliminates the need to back out onto Sheldon Avenue. He suggested that landscaping be provided in the proposed parking area. Mr. Pateman said the Building inspector has determined the parking area



will need a variance. He disagrees with the interpretation since this parking is not required parking. He will discuss this again with the Building Inspector and remove the area if need be. Ms. Lawrence asked Mr. Pateman why he has to park on the street. Mr. Pateman said his guests would have to park on the street.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set a public hearing for June 25, 2018. All in favor. Motion carried.

PRELIMINARY PRESENTATION– David A. Barbuti, Architect PC – 69 North Broadway

Mr. Tedesco read letter into the record from Kaufman Realty Corporation, which states that there is no written agreement with SNAP Fitness designating parking spots for the gym use.

Mr. Tedesco asked about the signs posted saying the signs are for SNAP fitness only and cars will be towed. Mr. Pennella advised that the Planning Board and Zoning Board approvals were researched and they do not indicate any designation of Parking. Mr. Barbuti said he will research this and speak with the applicant and respond to the Board on this issue and remove the signs.

David A. Barbuti, the project architect for SNAP fitness, is seeking to amend July 25, 2016 site plan approval in order to use the lower level for personal training, which was a condition of this approval. The site is located in the RR zone and it has been determined that there will be an increase in the off-street parking requirement, which will require a variance. Based on the analysis, 12 additional parking spaces are needed for this use. Mr. Barbuti referred to the 2016 parking analysis by Stonefield Engineering stating that there is a 17% reserve capacity during peak and non-peak hours within a 3 block radius.

Mr. Tedesco asked about the use of the lower level. Mr. Barbuti said it will be for personal training (one on one); there are no machines and no classes. Approximately 8 people including a trainer. Mr. Barbuti said there will be one trainer for 7 people. Mr. Aukland noted that back in 2016, the applicant advised that they would not be using the lower level. Mr. Barbuti said that two years ago they were not sure about the use, but their customers have expressed an interest in personal training which is why they are pursuing this application.

Mr. Tedesco advised Mr. Barbuti to update the parking utilization study and go to Zoning for the necessary parking variances. Mr. Barbuti advised that he has contacted Stonefield Engineering to update the parking study.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2500.00. All in favor. Motion carried.

Mr. Tedesco advised the applicant that a Public Hearing will be set once they have received the appropriate variances from the Zoning Board of Appeals.

**PRELIMINARY PRESENTATION– Jonathan Villani – 41 Crest Drive**

Jonathan Villani, of Annunziata and Villani Design Consultants appeared, representing the Moriarty's. They are proposing a two-story 540 s.f. addition with a sunroom to the single family residence at 41 Crest Drive. These additions require site plan approval since they are increasing the footprint and gross floor area by more than 25%, as well as the FAR by 50% (s.f. is still within permitted FAR). He presented the site plan and showed the addition and sunroom in the rear of the property. He advised that there are no variances necessary for this project. They are proposing a cultec system for stormwater management. There will be no change in use or occupancy. It will remain a 4 bedroom. Two bedrooms, the kitchen and dining area will be increased and they are adding on the sunroom. He has received plan comments from Mr. Pennella which he will address and submit revised drawings before the Public Hearing.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2500.00. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a public hearing for June 25, 2018. All in favor. Motion carried.

**MS4 ANNUAL STORMWATER MANAGEMENT MEETING**

Village Engineer Pennella briefly described the Stormwater Management Report which was posted on the village website on May 21, 2018 and duly noticed. This meeting is open to comment from the public.

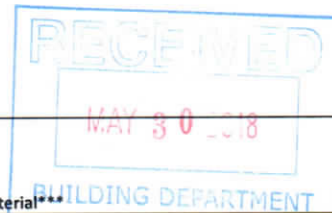
This year the village performed 50 inspections; issued 3 stop work orders and 3 court appearance tickets for violations. He will submit the final report by June 1, 2018 to the DEC which will be posted on the village website.

They are also considering joining a consortium with surrounding villages to be able to get grant funding. The Village has received a favorable report from the NYSDEC during a recent audit and advised that they would endorse the Village's application for a grant.

**ADJOURNMENT** - Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn at 9:55 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary





## Concrete Walls In Tarrytown

	Property Address	Property Type*	Distance from 67 Miller (Feet)**	Material***	Facing	Vegetative Screening ****
1	71 Miller Avenue	Residential - Single Family	0	Poured Concrete	No	No
2	63 Miller Avenue	Residential - Single Family	0	Poured Concrete and Mafia Block	No	No
3	47 Miller Avenue	Residential - Single Family	100	Poured Concrete	No	No
4	56 Riverview Avenue	Residential - Two Family	100	Poured Concrete	No	No
5	80 Riverview Avenue	Residential - Single Family	0	Poured Concrete and Cinder Block with Concrete Coating	Concrete	No
6	82 Riverview Avenue	Residential - Single Family	271	Cinder Block with Concrete Coating	Concrete	No
7	86 Riverview Avenue	Residential - Single Family	100	Poured Concrete	No	No
8	94 Riverview Avenue	Residential - Single Family	150	Cinder Block with Concrete Coating	Concrete	No
9	106 Riverview Avenue	Residential - Two Family	350	Cinder Block	No	No
10	114 Riverview Avenue	Residential - Single Family	420	Poured Concrete	No	Yes
11	22 Bridge Street	Residential - Single Family	500	Cinder Block with Concrete Coating	Concrete	Partial
12	60 Church Street	Residential - Apartments	700	Poured Concrete	No	No
13	42 Riverview Avenue	Residential - Single Family	273	Poured Concrete with Concrete Coating	Concrete	No
14	61 Riverview Avenue	Residential - Single Family	197	Poured Concrete; Massive Cinder Block Exposed Foundation	No	No
15	20 Riverview Avenue	Residential - Single Family	560	Poured Concrete with Concrete Coating	No	No
16	35 Park Avenue	Residential - Single Family	50	Poured Concrete	No	Yes
17	27 Park Avenue	Residential - Single Family	250	Poured Concrete	No	No
18	26 Park Avenue	Residential - Single Family	250	Cinder Block with Concrete Coating	Concrete	No
19	84-86 Miller Avenue	Residential - Two Family	160	Poured Concrete	No	No
20	116 South Broadway	Residential - Single Family	678	Poured Concrete	No	No
21	102-104 S. Broadway	Commercial	700	Poured Concrete	No	Partial
22	122 S. Broadway	Residential - Single Family	660	Poured Concrete with Concrete Coating	Concrete	No
23	80 S. Broadway	Commercial	900	Poured Concrete	No	No
24	70 S. Broadway	Residential - Single Family	900	Cinder Block	No	No
25	119 Grove Street	Residential - Three Family	800	Cinder Block	No	Partial
26	117 Grove Street	Residential - Two Family	800	Poured Concrete	No	No
27	104 Grove Street	Residential - Apartments	958	Concrete Block	No	Partial
28	100 Grove Street	Residential - Apartments	900	Poured Concrete	No	No
29	97 Grove Street	Residential - Single Family	850	Poured Concrete	No	Partial
30	85 Grove Street	Residential - Single Family	900	"Mafia" Block and Cinder Block with Concrete Facing	Concrete	No
31	11 Benedict Avenue	Residential - Two Family	760	Poured Concrete	No	No
32	4 Benedict Avenue	Residential - Three Family	660	Poured Concrete	No	Partial
33	84 Benedict Avenue	Residential - Single Family	1700	Poured Concrete with Concrete Coating	Concrete	Partial
34	88 Benedict Avenue	Residential - Single Family	1750	Poured Concrete with Concrete Coating, Cinder Block with Concrete Coating	Concrete	No
35	54 Highland Avenue	Residential - Single Family	3300	Poured Concrete	No	No
36	112 Union Avenue	Residential - Single Family	3400	Cinder Block with Concrete Coating	Concrete	No
37	124 Union Avenue	Residential - Single Family	3600	Cinder Block with Concrete Coating	Concrete	No
38	49 Windle Park	Residential - Three Family	840	Cinder Block with Concrete Coating	Concrete	No
39	45 Windle Park	Residential - Two Family	850	Cinder Block with Concrete Coating	Concrete	Partial
40	Whisper Hill	Residential - Condo	1078	Poured Concrete	No	Partial
41	145 Franklin Street	Commercial	1642	Poured Concrete	No	No
42	83-89 Main Street	Residential - Condos	1500	Poured Concrete	No	No
43	1 River Plaza	Residential - Apartments	1860	Concrete	No	No
44	50 Cottage Place	Residential - Three Family	2300	Poured Concrete and Brick	No	No
45	27 Cottage Place	Residential - Apartments	2000	Cinder Block with Concrete Coating	No	No
46	135-162 Wildey Street	Commercial	2300	Concrete	No	No
47	21 Wildey Street	Residential - Apartments	2920	Poured Concrete	No	No
48	120 N. Broadway	Commercial	2956	Poured Concrete	No	No
49	70 Central Avenue	Residential - Two Family	2000	Poured Concrete	No	No
50	25 McKeel Avenue	Residential - Two Family	2800	Cinder Block	No	Partial
51	30 Hillside Place	Residential - Single Family	2900	Cinder Block	No	No
52	69 N. Broadway/16 Dixon	Residential - Two Family	2436	Poured Concrete	No	Partial
53	75 N. Broadway/11 Dixon Street	Residential - Two Family	2557	Poured Concrete	No	Partial
54	57 Cobb Lane	Residential - Single Family	3665	Cinder Block with Concrete Coating	Concrete	No
55	25 Rose Hill Avenue	Residential - Single Family	2000	Cinder Block with Concrete Coating	Partial	No
56	Below 65 Bridge Street	Public Works	630	Poured Concrete	No	No

\* Property Type determined from Multiple Municipal Reassessment Consortium  
[http://mmrc.tylertech.com/\\_dnn](http://mmrc.tylertech.com/_dnn)

\*\* Approximate distances determined using Mapping Westchester County's "Measure" tool  
<https://giswww.westchestergov.com/gismap/>

\*\*\* Based on visual inspection. Actual construction materials may vary.

\*\*\* Vegetative screening key: Yes = Almost all of wall is screened by vegetation. Partial = Some screening but majority of wall still visible. No = No screening exists, wall fully visible.

Blue shaded rows represent large poured concrete retaining walls which we know received Planning Board approval. Note that others on this list may also have been approved by the Planning Board.

Yellow Shaded rows represent retaining walls in immediate neighborhood (Miller, Riverview, Park and other streets, all within 700 feet of 67 Miller Avenue)



# Map Indicating Location of Concrete Walls Identified\* in Tarrytown, NY (Miller, Park, Riverview, Church, Bridge, S Broadway, Grove & Benedict)



\* Examples identified by Peter & Suzanne Bartolacci based on driving / walking around neighborhood. Other concrete walls likely exist which may not be visible from a public street.



# Examples of Concrete Walls Identified In Tarrytown, NY

Submitted to Planning Board on 5/30/18 in relation to 67 Miller Avenue application



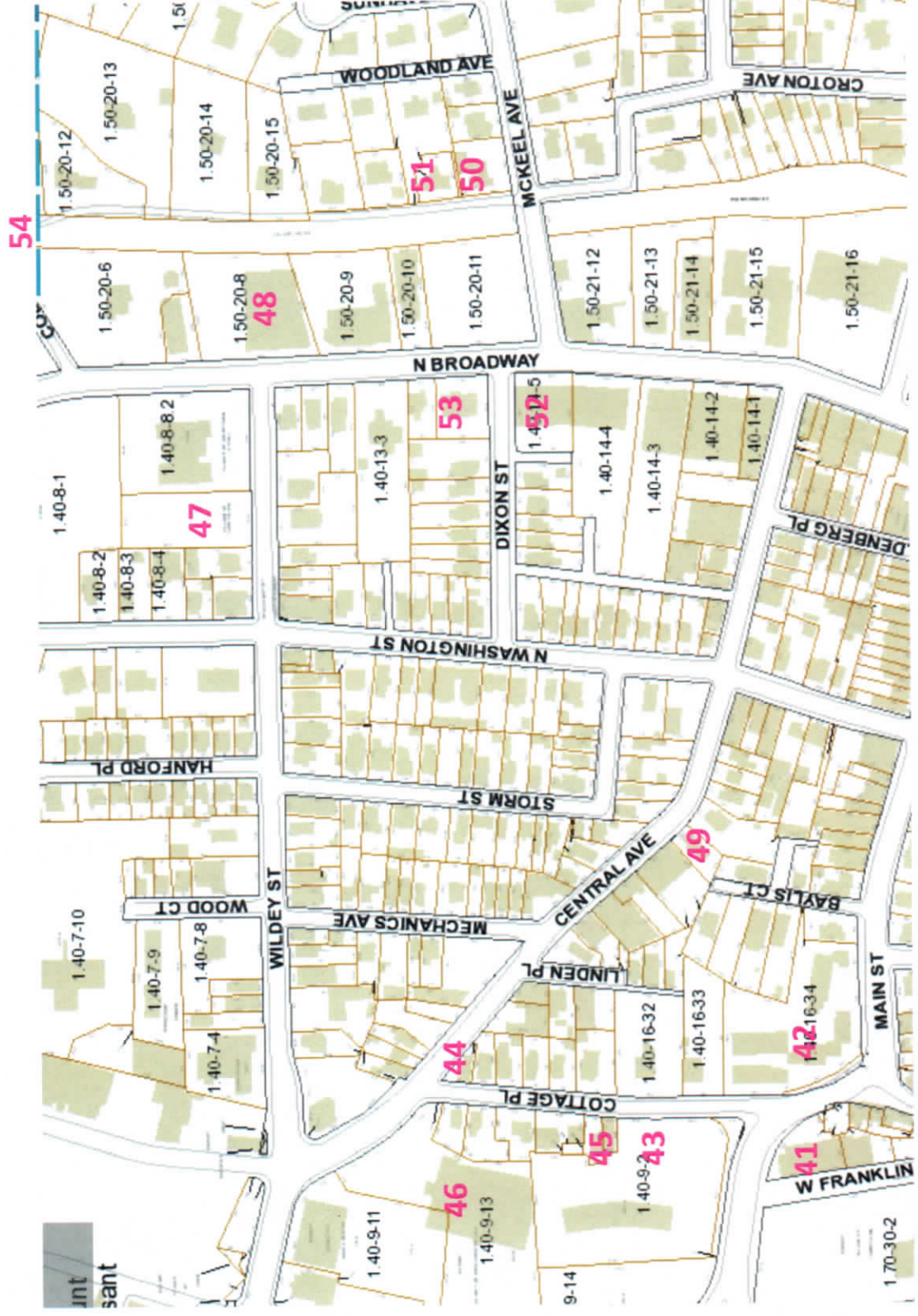
# Map Indicating Location of Concrete Walls Identified\* in Tarrytown, NY (Highland, Union, Franklin, Windle Park)



\* Examples identified by Peter & Suzanne Bartolacci based on driving / walking around neighborhood. Other concrete walls likely exist which may not be visible from a public street.



# Map Indicating Location of Concrete Walls Identified\* in Tarrytown, NY (Cottage, Main, Wildey, N Broadway & Others)



\* Examples identified by Peter & Suzanne Bartolacci based on driving / walking around neighborhood. Other concrete walls likely exist which may not be visible from a public street.



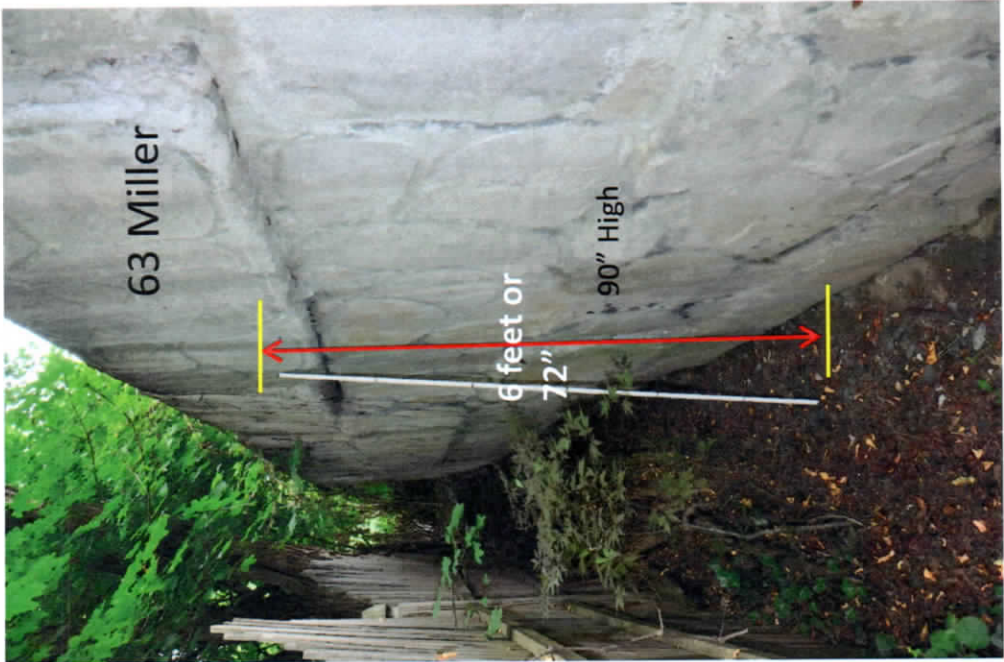
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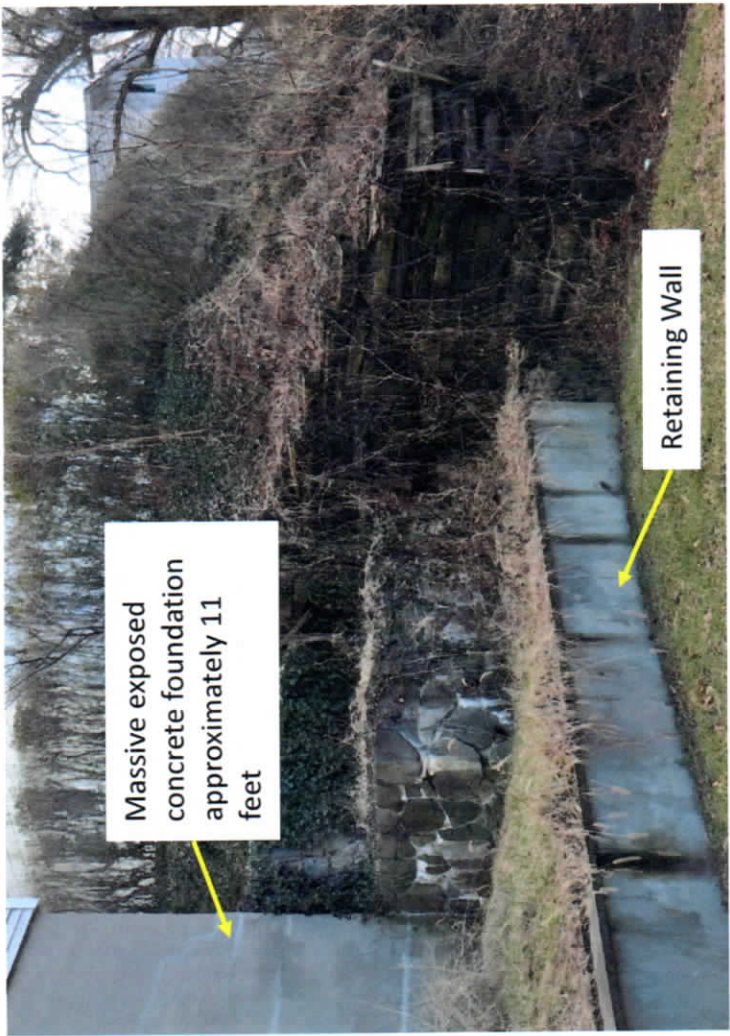
71 Miller Avenue – Next Door to 67 Miller Avenue (to South)



63 Miller Avenue – Next Door to 67 Miller Avenue (to North)

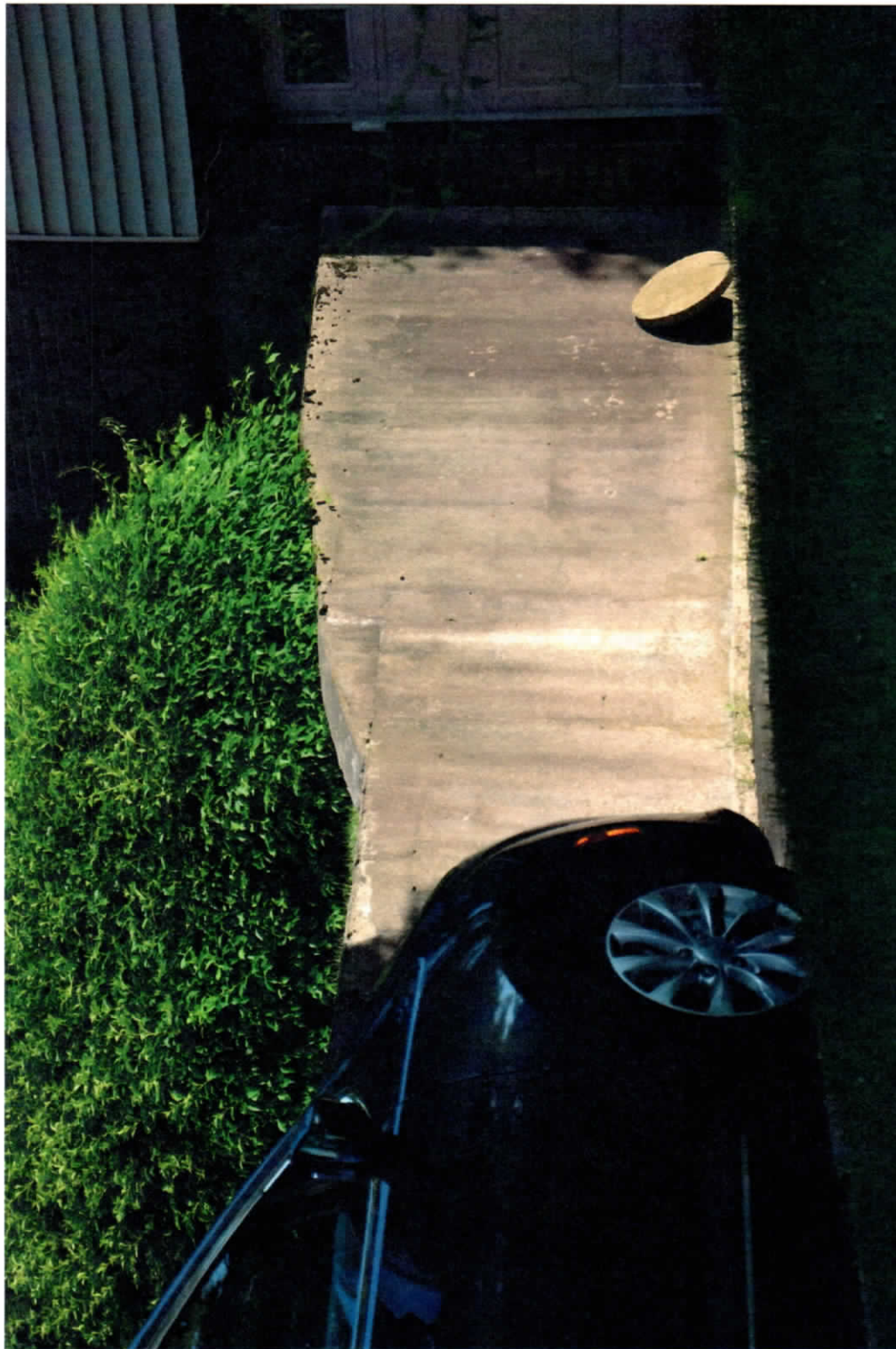


“Mafia block” wall located 2-3ft from edge of western property line



Other smaller retaining wall appearing to be poured concrete on property

47 Miller Avenue – Approximately 100 feet from 67 Miller Avenue







56 Riverview – 100 Feet from 67 Miller Avenue









80 Riverview – rear of property abuts 67 Miller Avenue





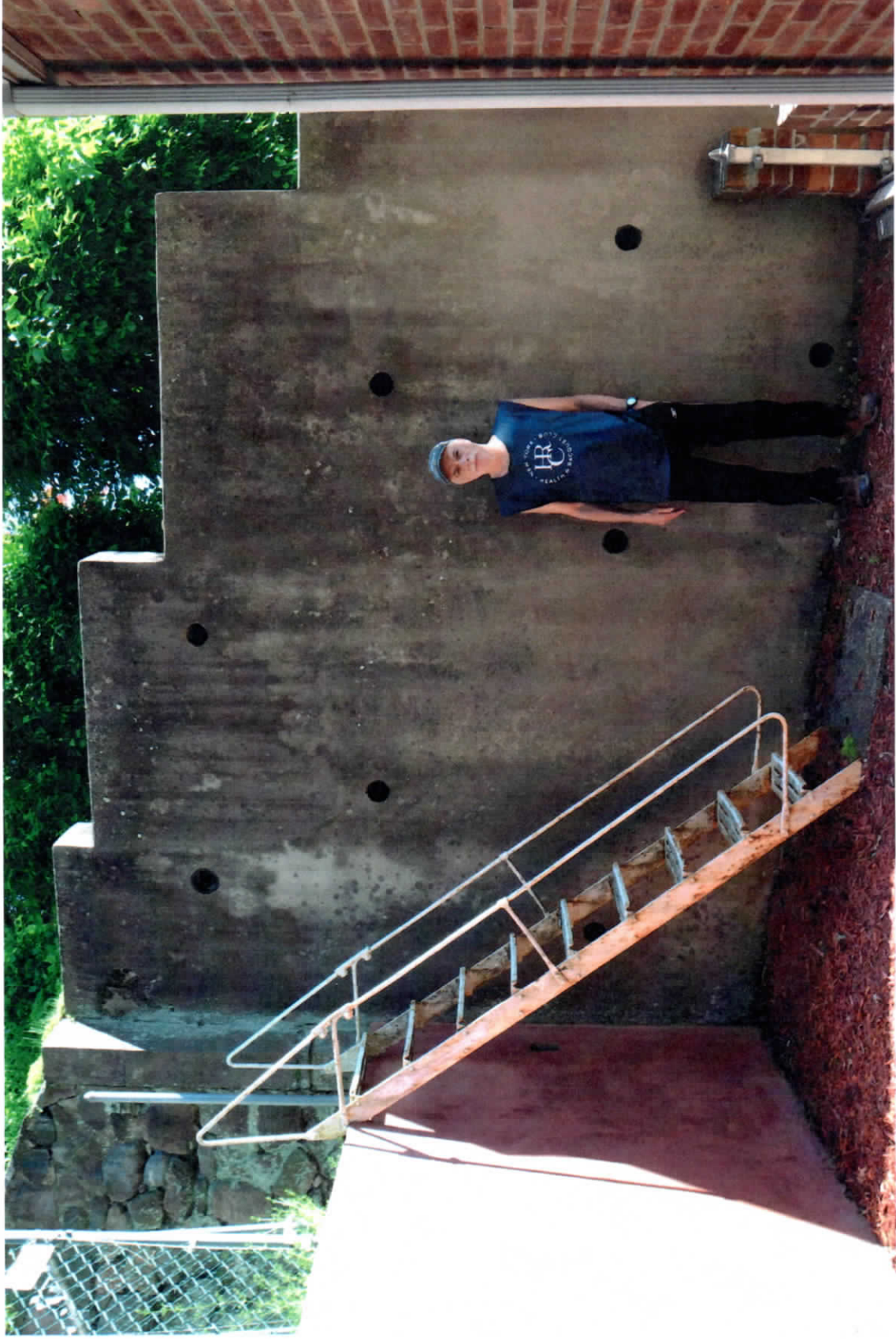
80 Riverview – Back Yard





82 Riverview Avenue > 80" – Approximately 270 Feet from 67 Miller Avenue

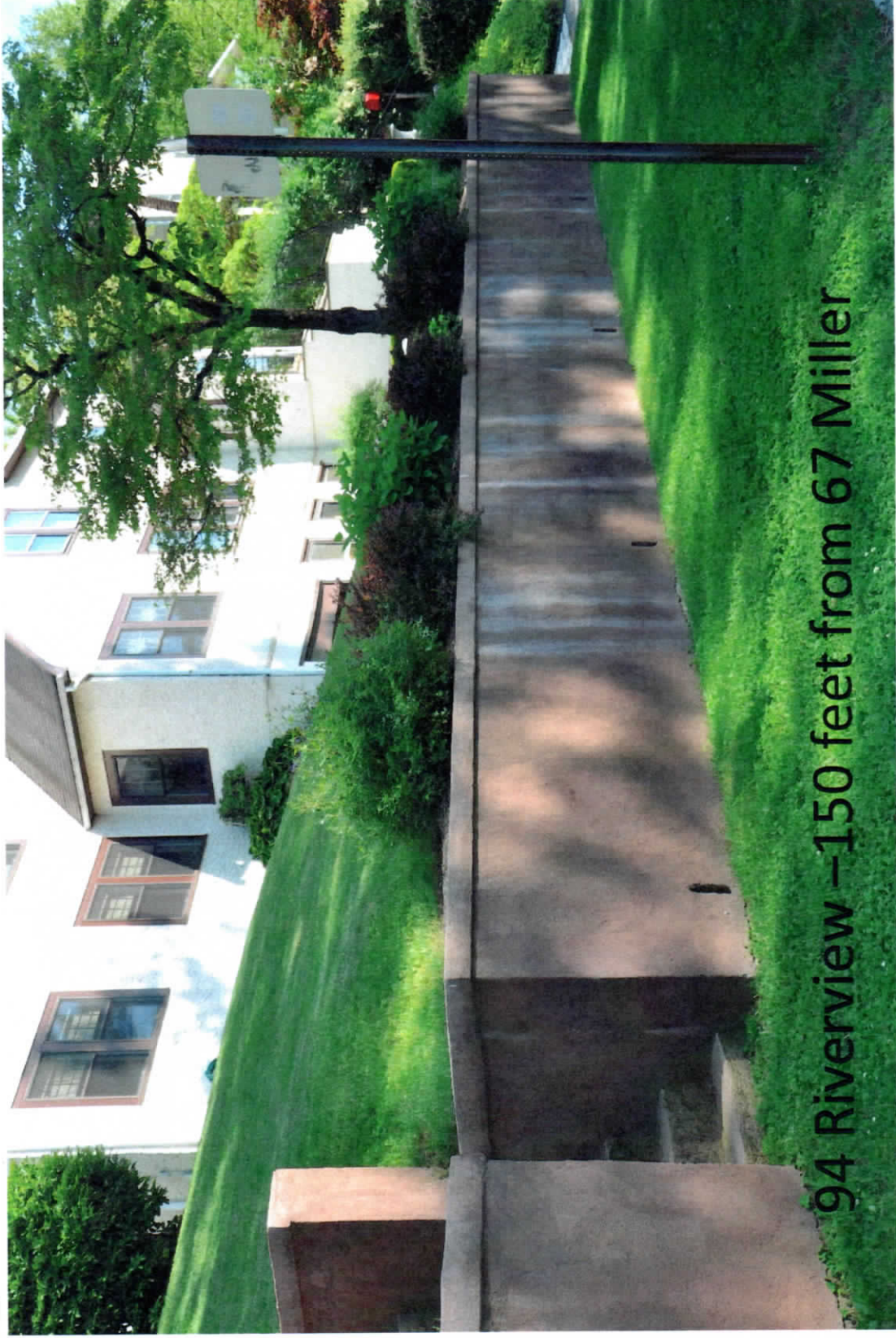
7 86 Riverview –100 Feet from 67 Miller



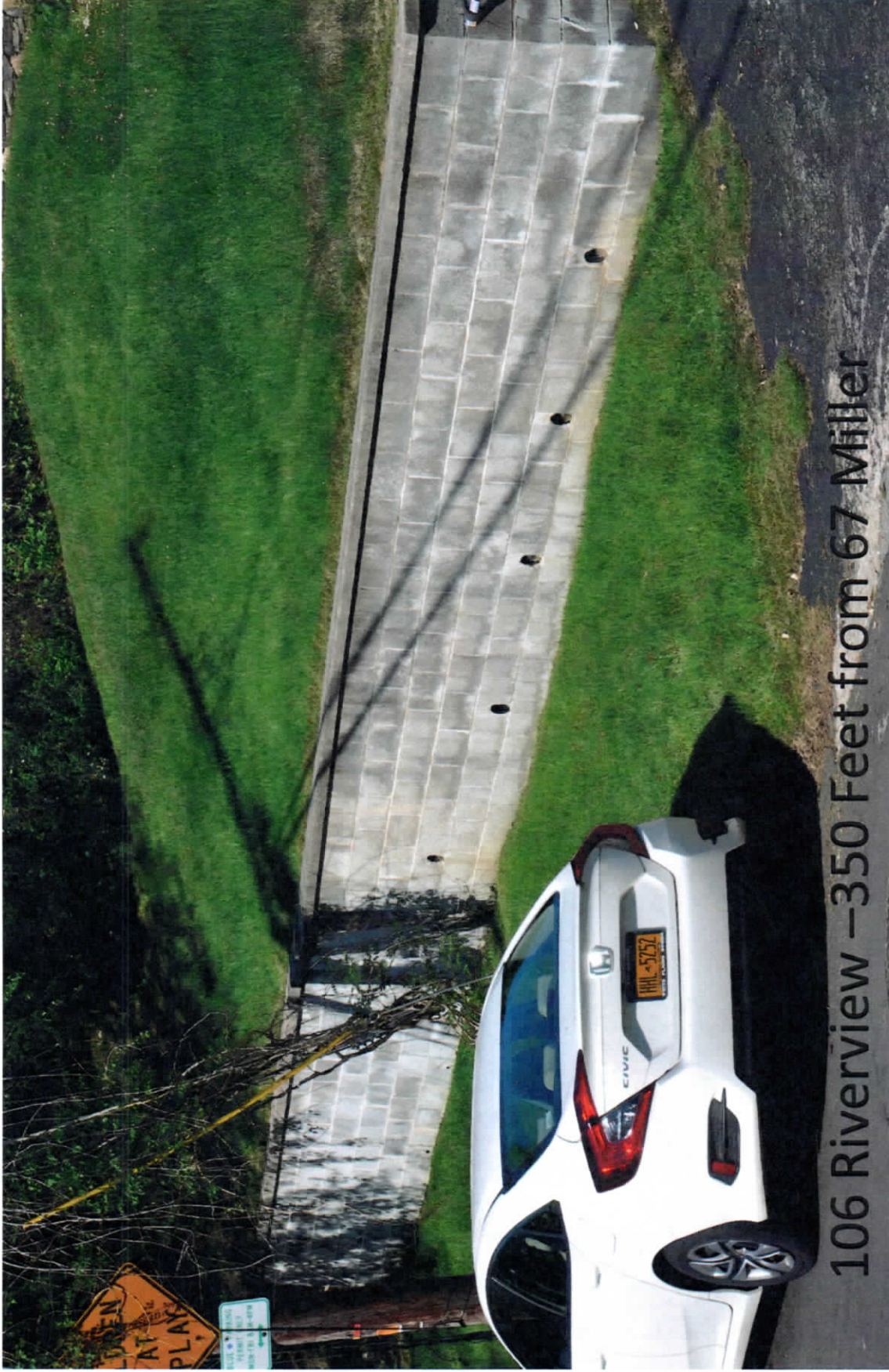




86 Riverview - 100 Feet from 67 Miller







106 Riverview -350 Feet from 67 Miller



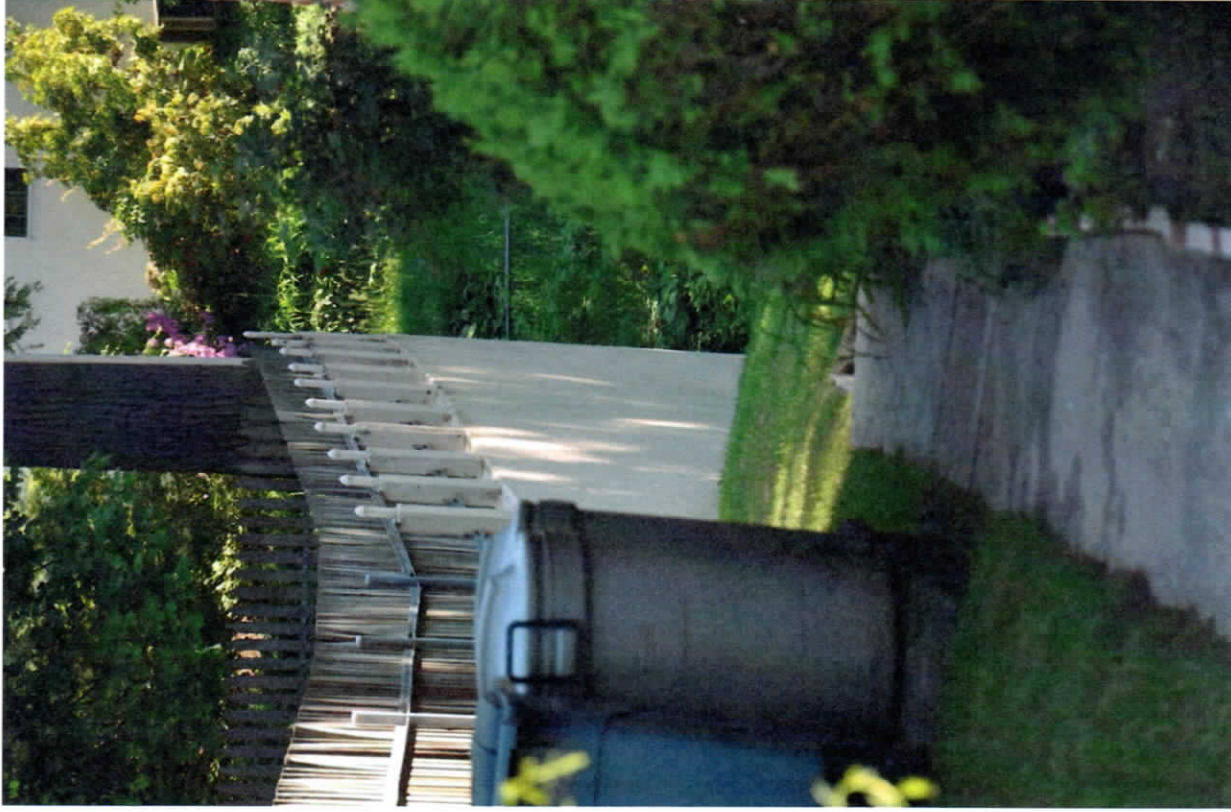






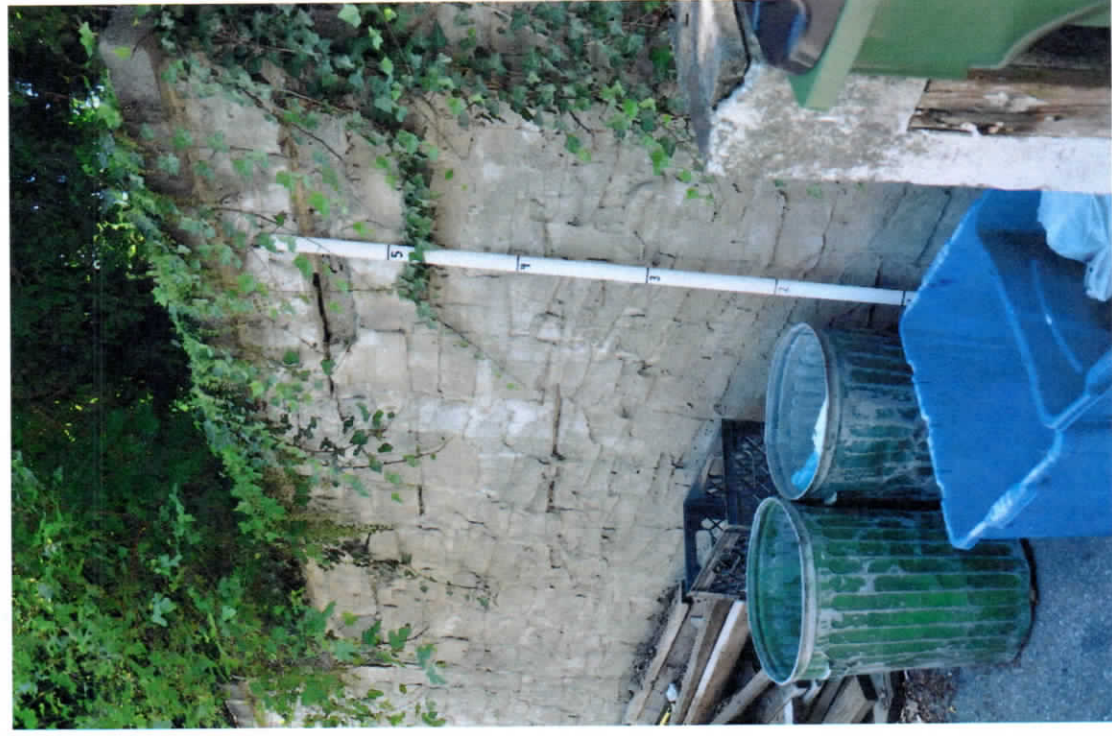
22 Bridge Street – Approximately 500 feet 67 Miller

60 Church Street –  
Approximately 700 feet  
from 67 Miller





42 Riverview Avenue – 80" High – 242 Feet from 67 Miller



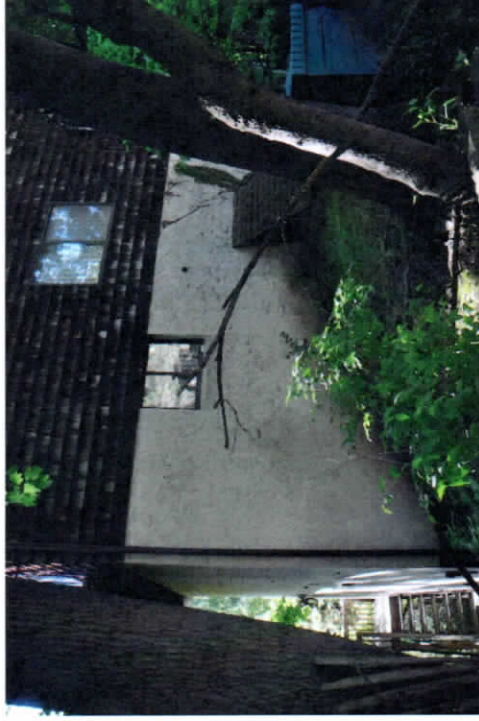


## 42 Riverview Avenue





# 61 Riverview – 197 Feet from 67 Miller





20 Riverview Avenue – 560 Feet from 67 Miller

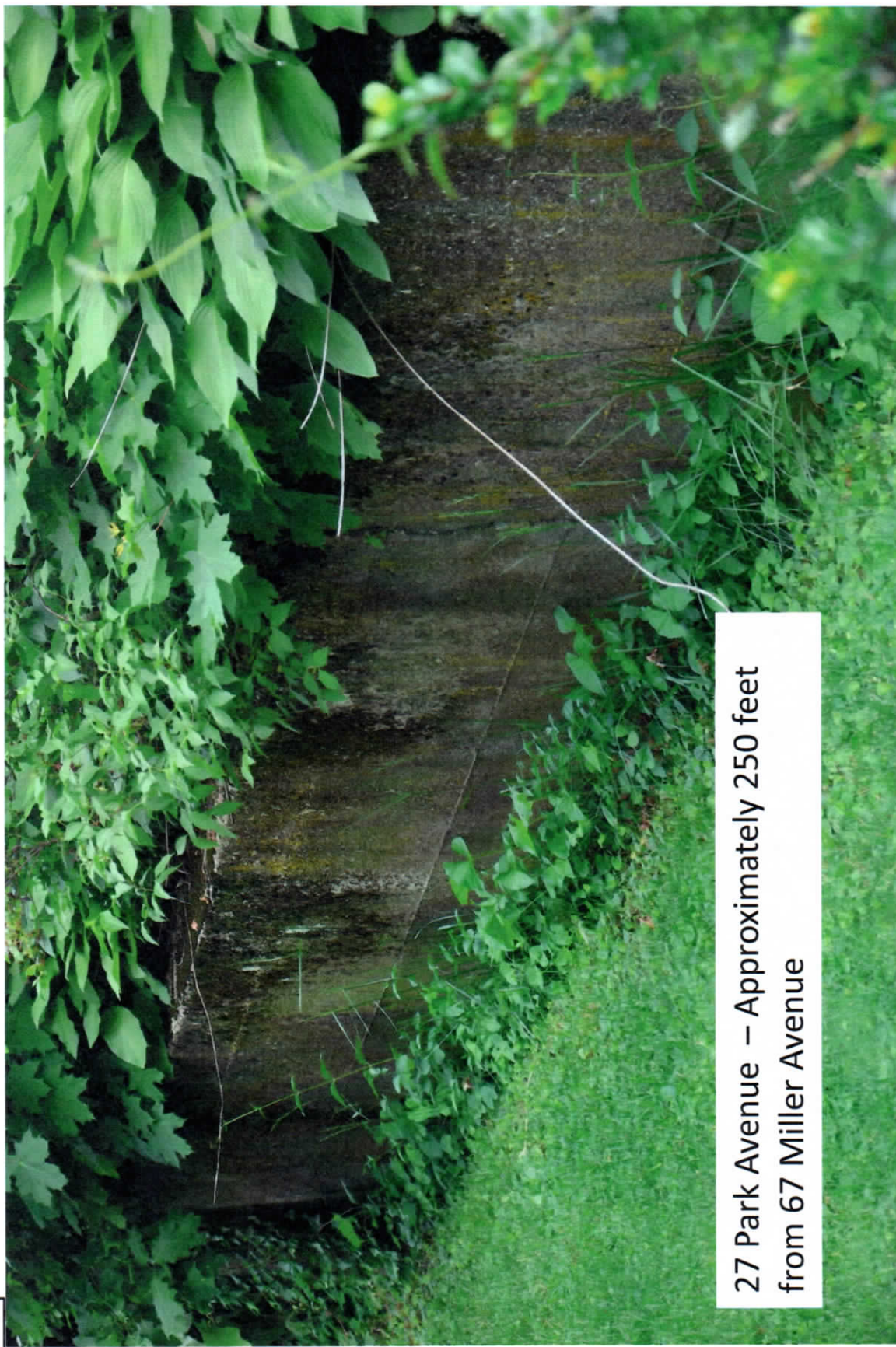






35 Park Avenue – Approximately 50 feet  
from 67 Miller





27 Park Avenue – Approximately 250 feet  
from 67 Miller Avenue



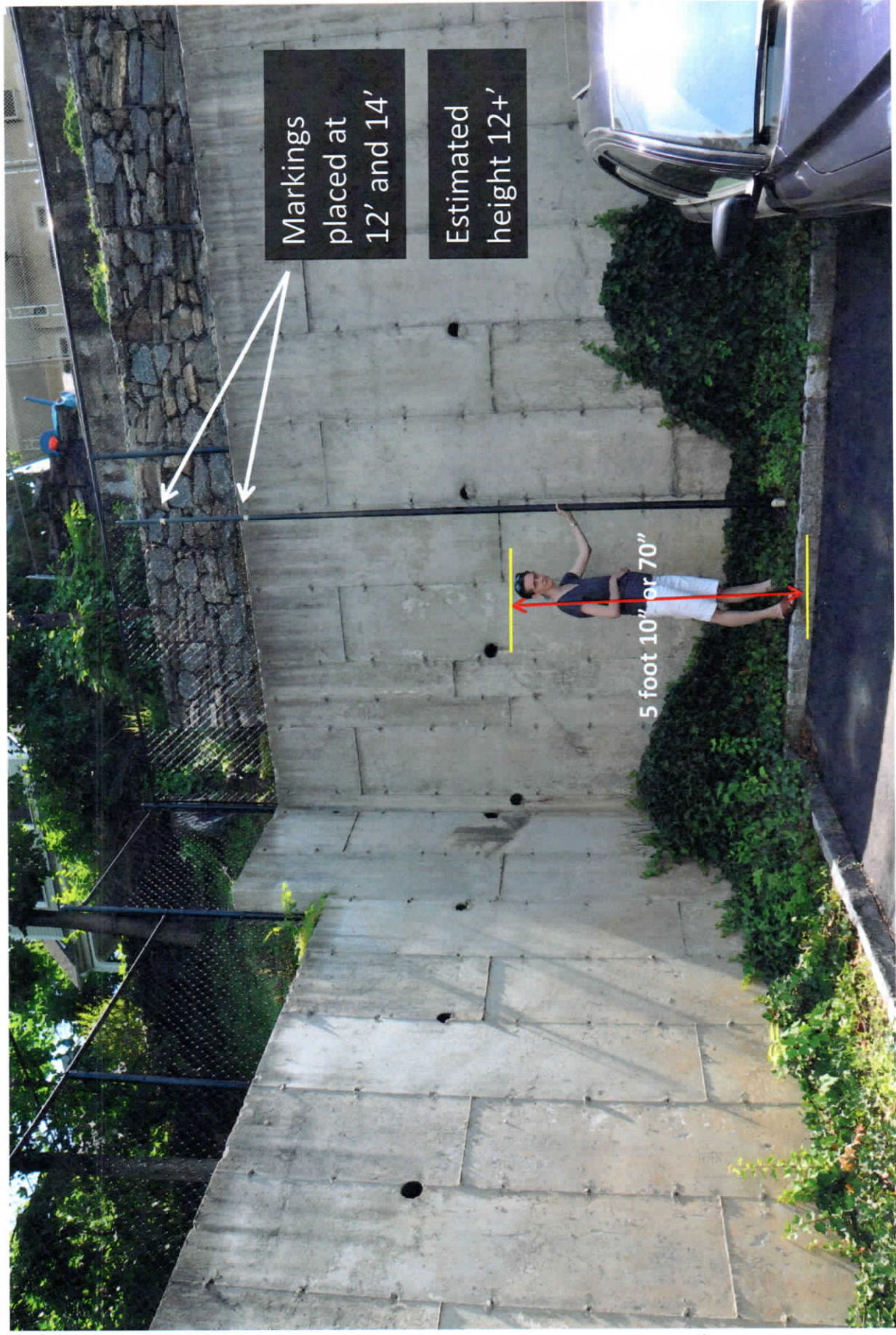






84-86 Miller Avenue – Approximately 160  
feet from 67 Miller Avenue









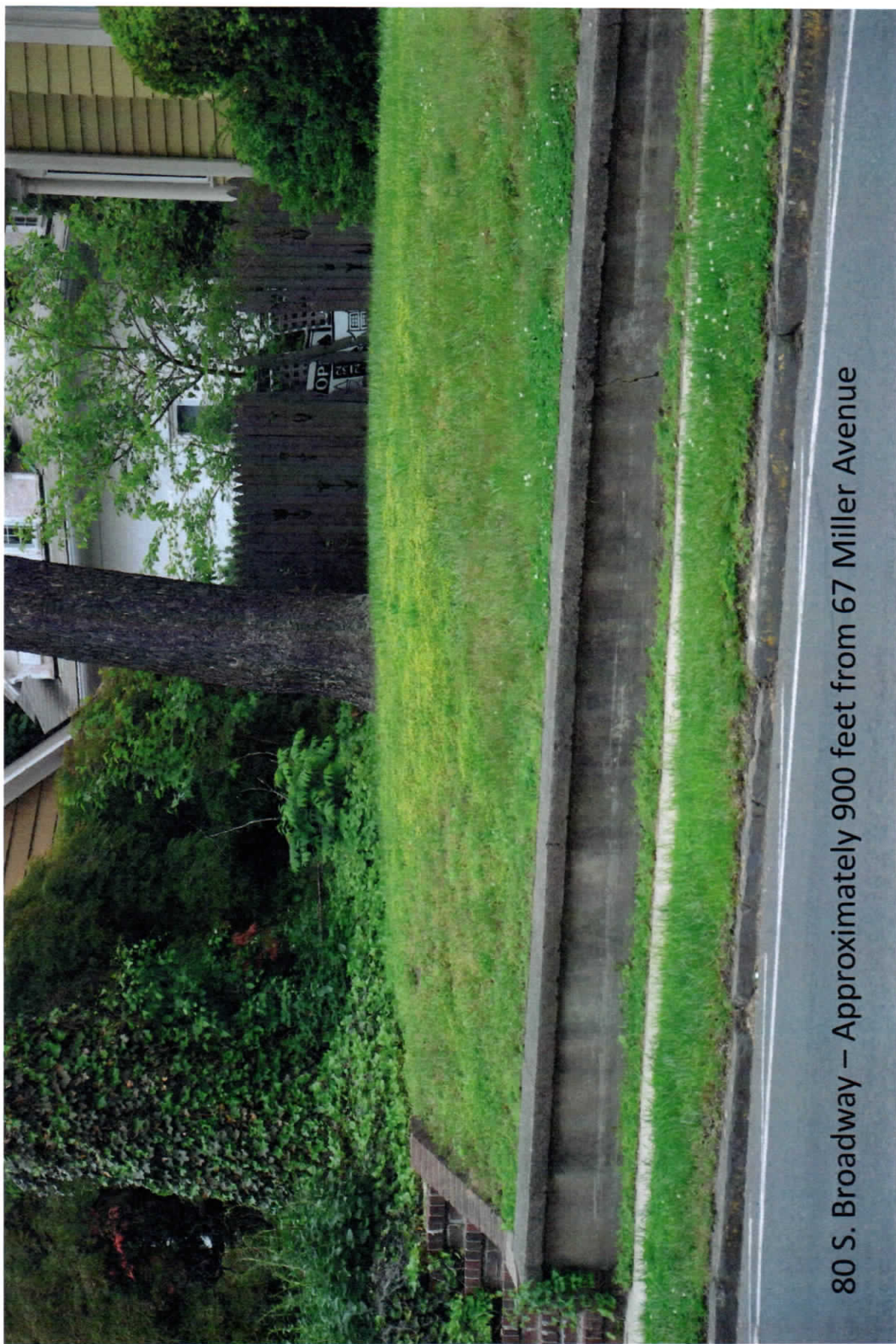
102-104 S. Broadway – Approximately 700 feet from 67 Miller Avenue



122 S. Broadway – Approximately 660 feet from 67 Miller Avenue

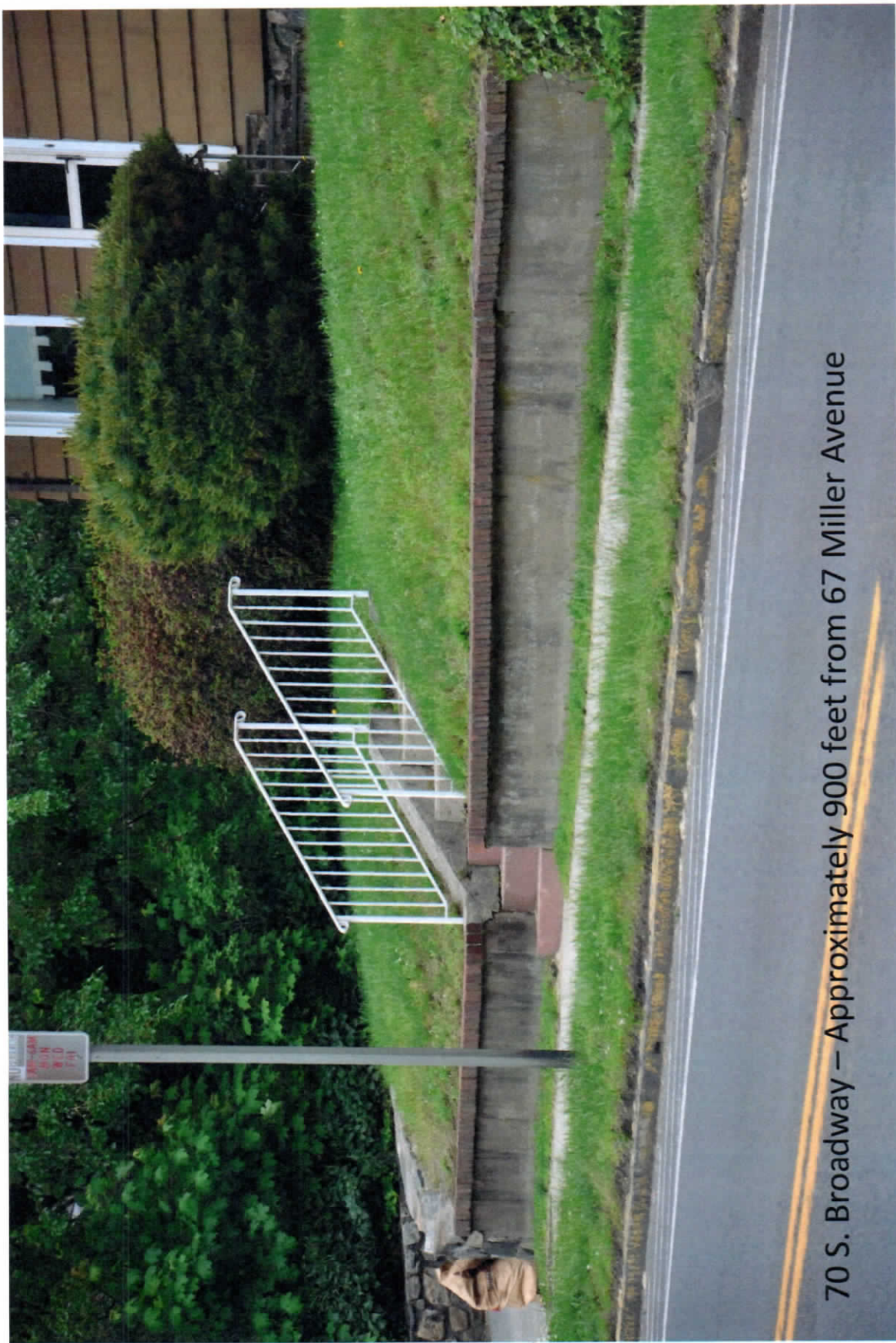






80 S. Broadway – Approximately 900 feet from 67 Miller Avenue

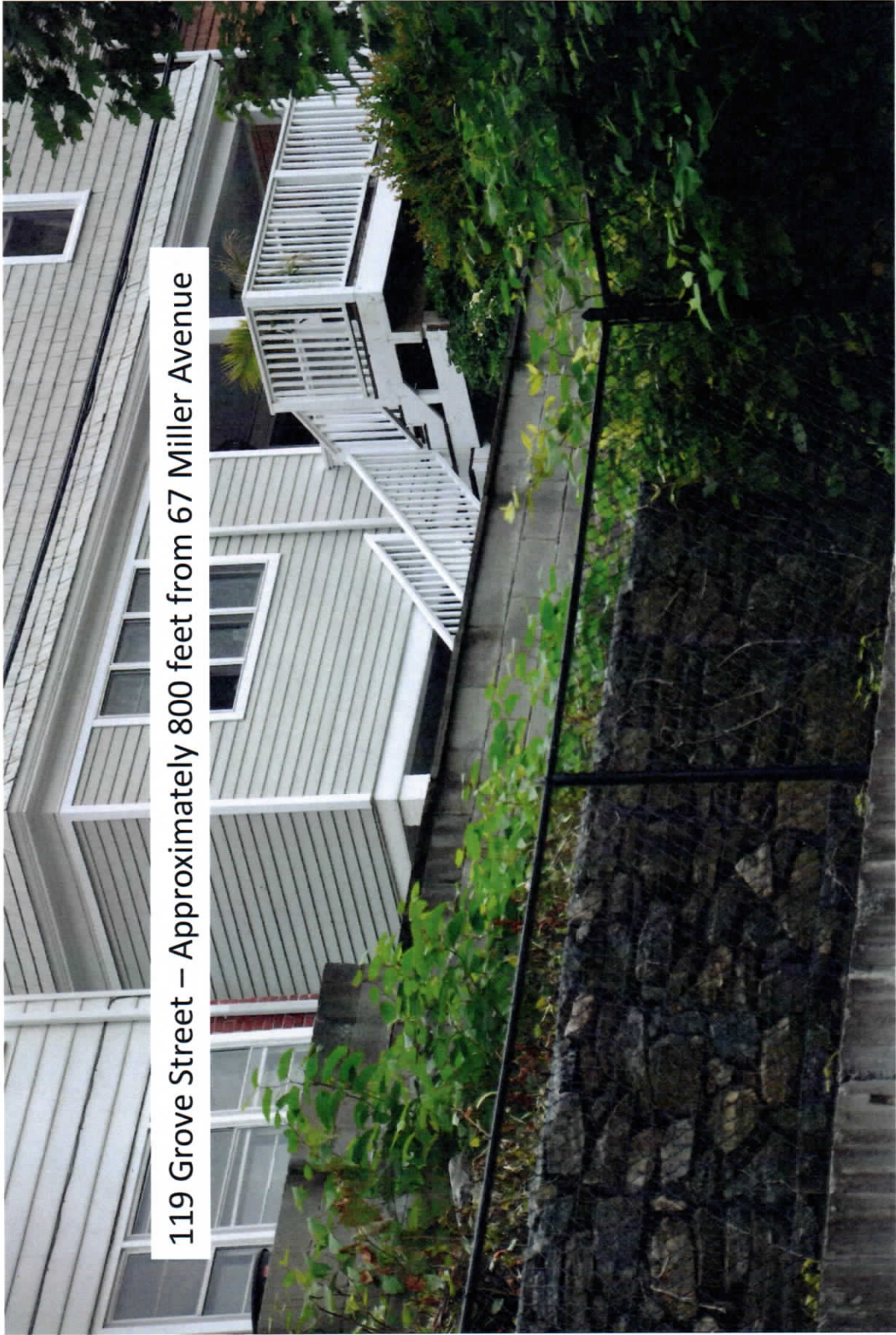




70 S. Broadway – Approximately 900 feet from 67 Miller Avenue



119 Grove Street – Approximately 800 feet from 67 Miller Avenue



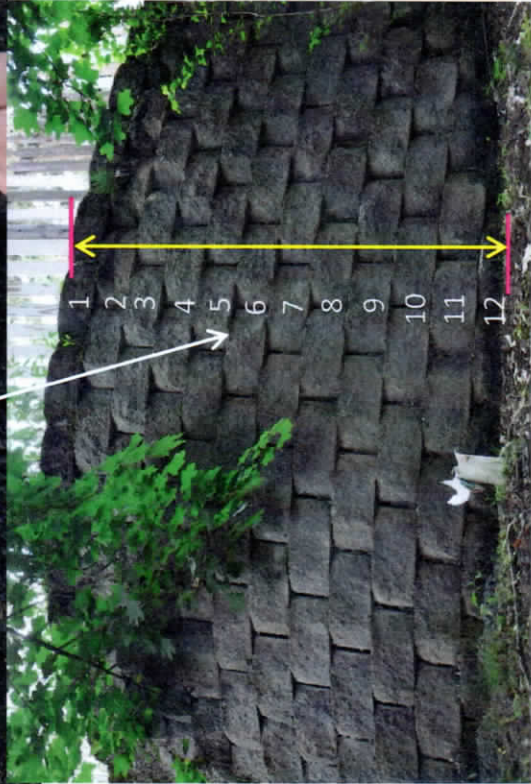
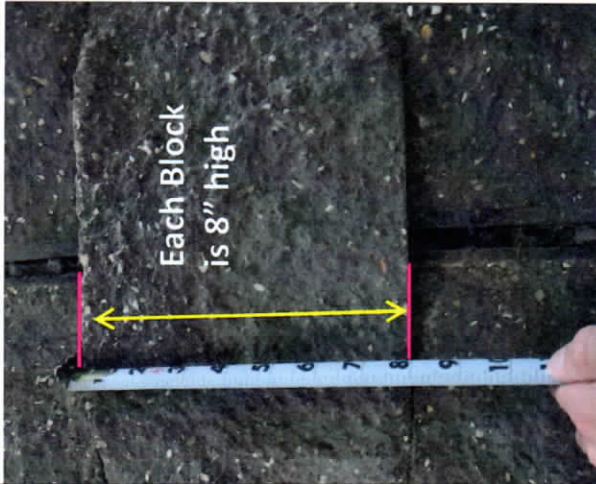
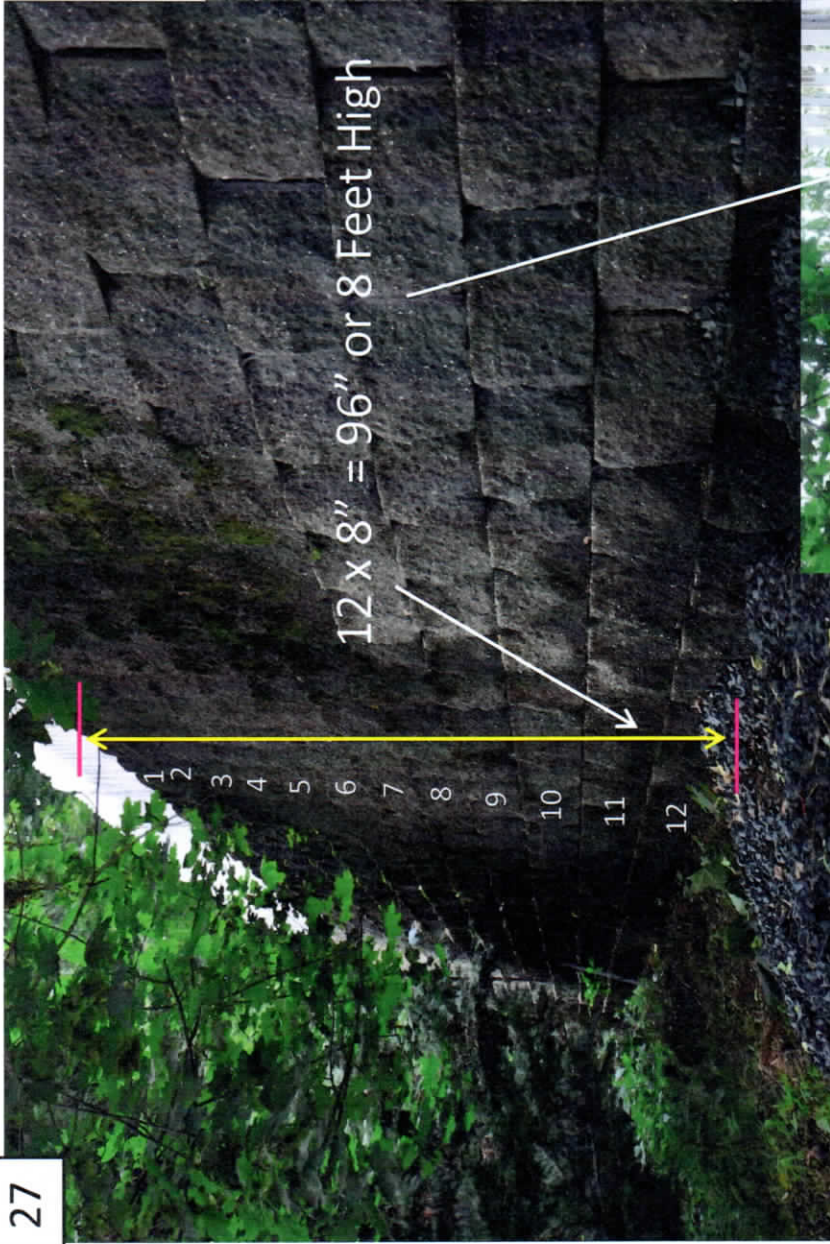


117 Grove Street – Approximately 800 feet from 67 Miller Avenue





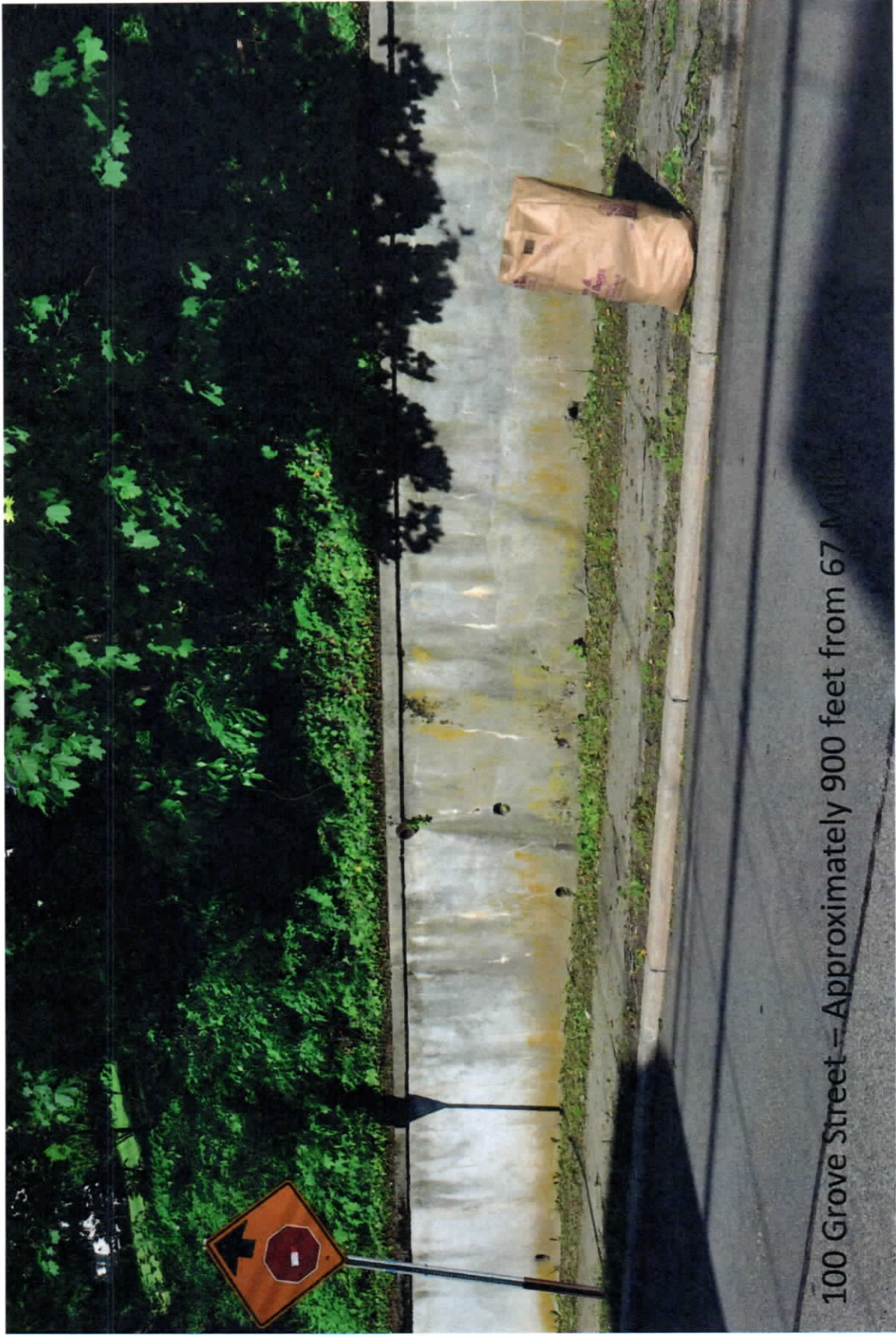
# 104 Grove Street



Approximately  
1000 feet from  
67 Miller  
Avenue

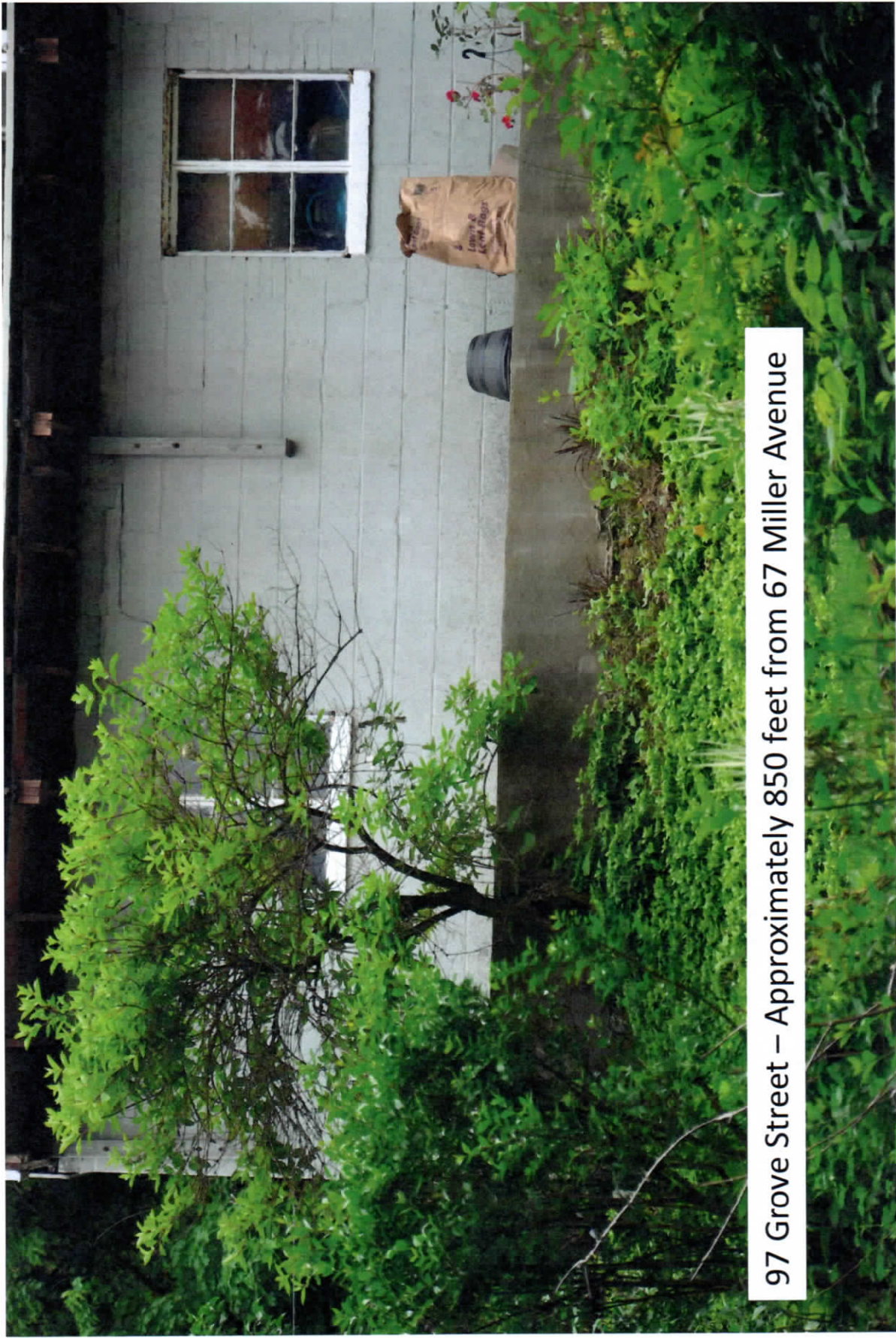






100 Grove Street - Approximately 900 feet from 67 Mill





97 Grove Street – Approximately 850 feet from 67 Miller Avenue





85 Grove Street – Approximately 900 feet from 67 Miller Avenue





85 Grove Street – Approximately 900 feet from 67 Miller Avenue



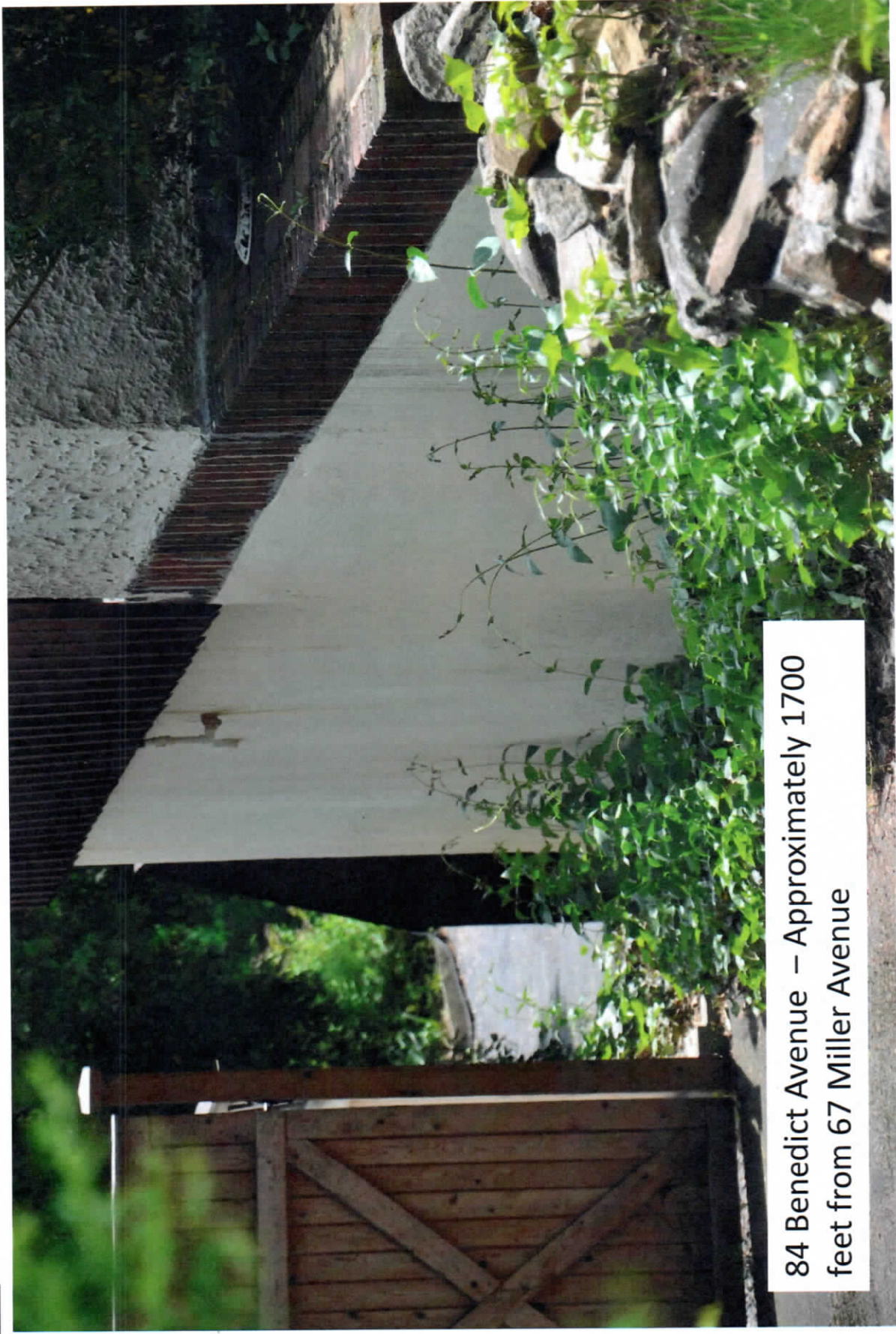


11 Benedict Avenue – Approximately 760 feet from 67 Miller Avenue



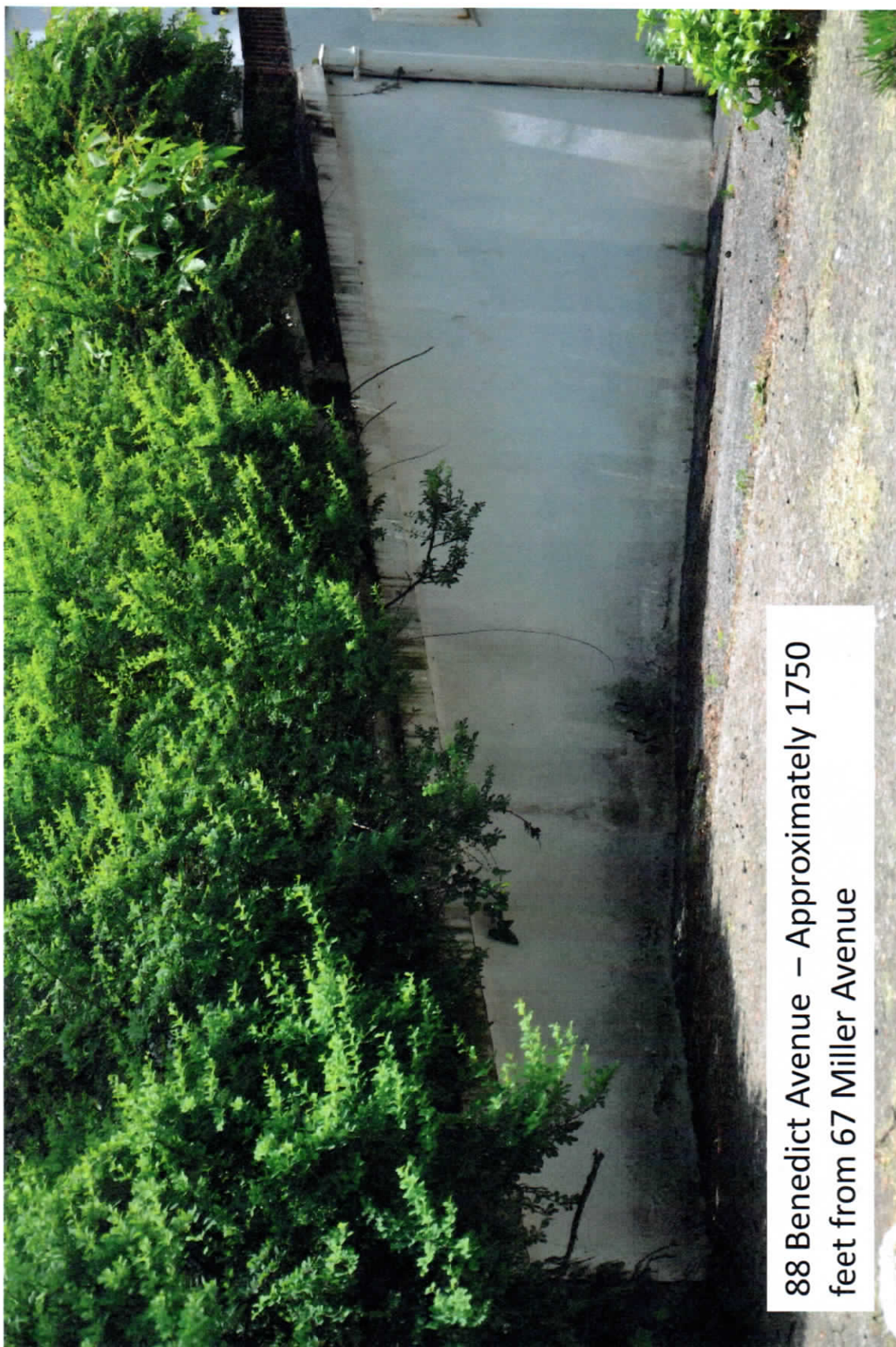
4 Benedict Avenue – Approximately 660  
feet from 67 Miller Avenue





84 Benedict Avenue – Approximately 1700  
feet from 67 Miller Avenue

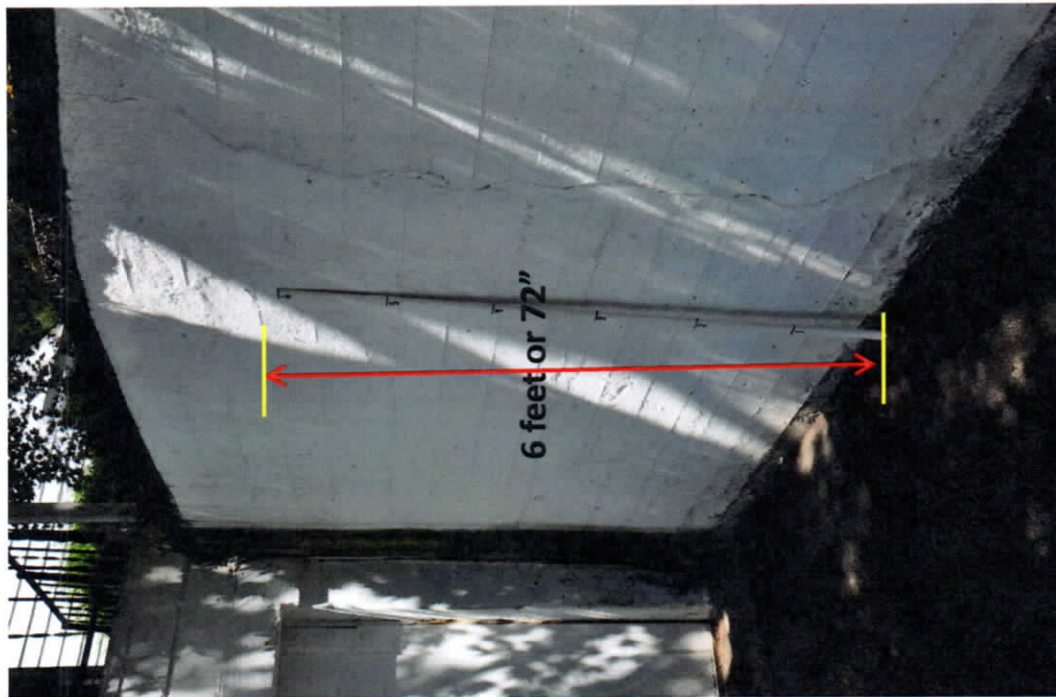




88 Benedict Avenue – Approximately 1750  
feet from 67 Miller Avenue



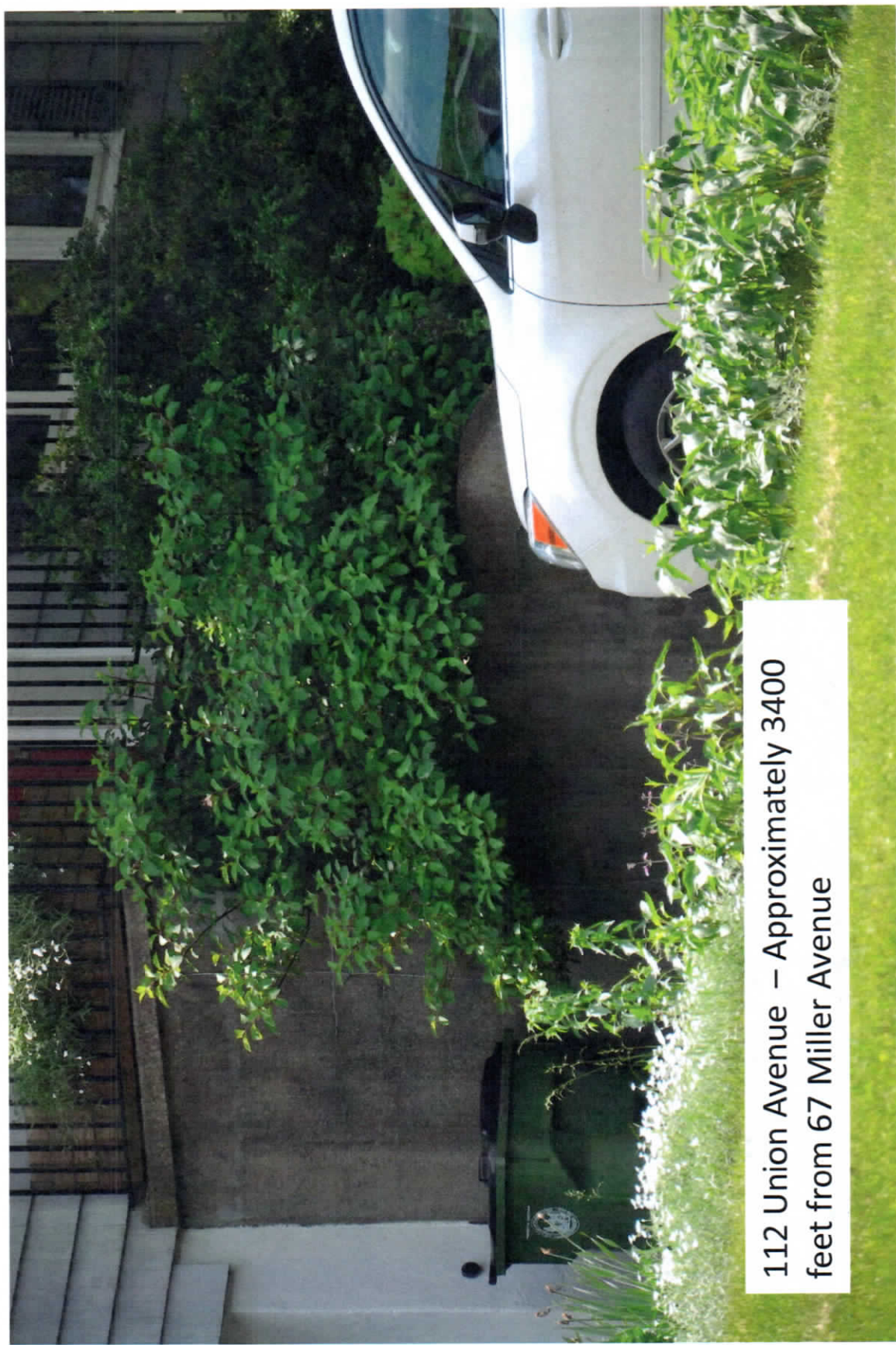
88 Benedict (Loh Avenue Side) – 96" High – Approximately 1750 feet from 67 Miller Avenue





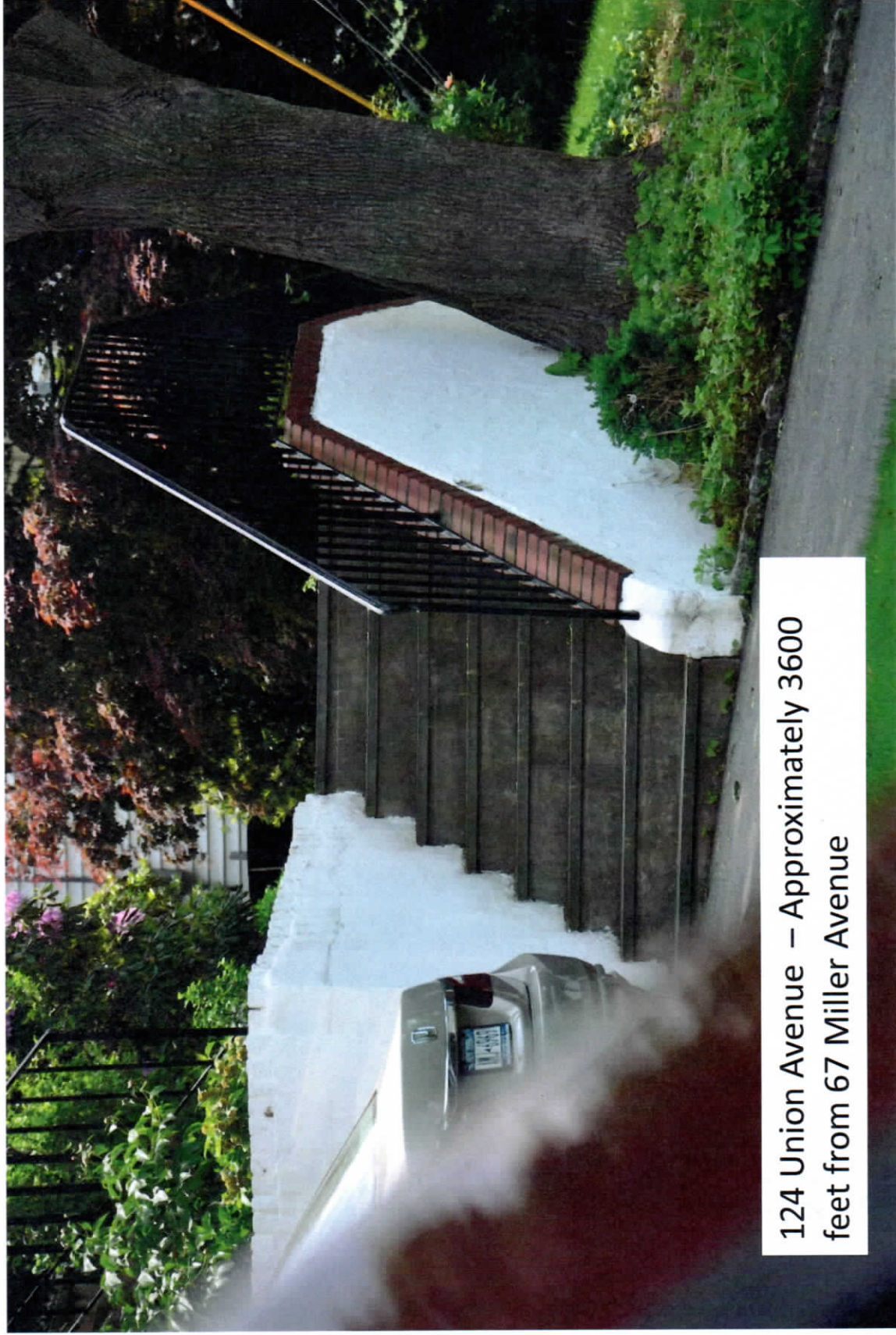
54 Highland Avenue – Approximately 3300  
feet from 67 Miller Avenue





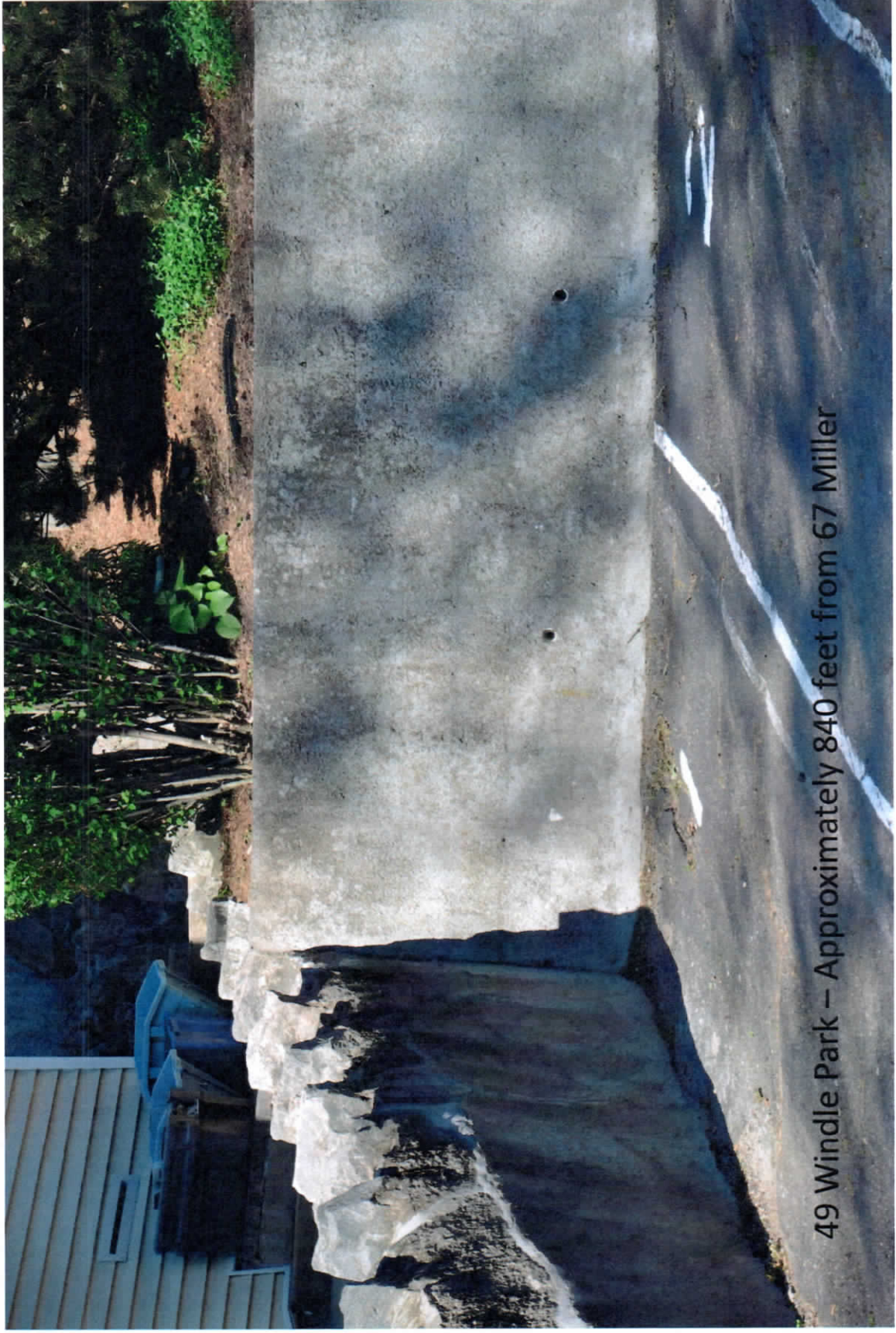
112 Union Avenue – Approximately 3400  
feet from 67 Miller Avenue





124 Union Avenue – Approximately 3600  
feet from 67 Miller Avenue

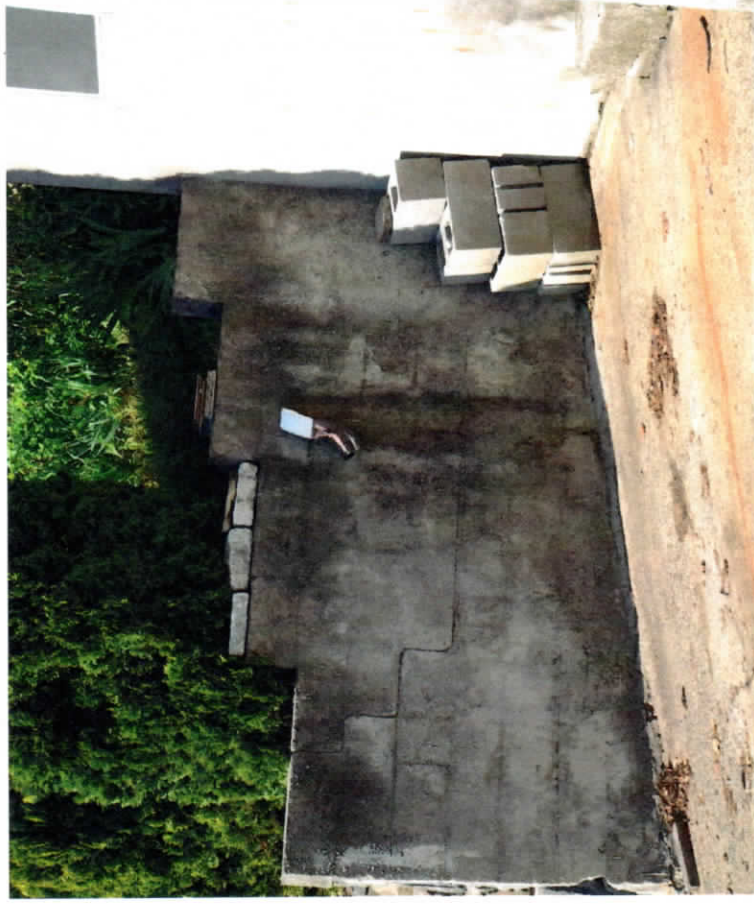




49 Windle Park - Approximately 840 feet from 67 Miller



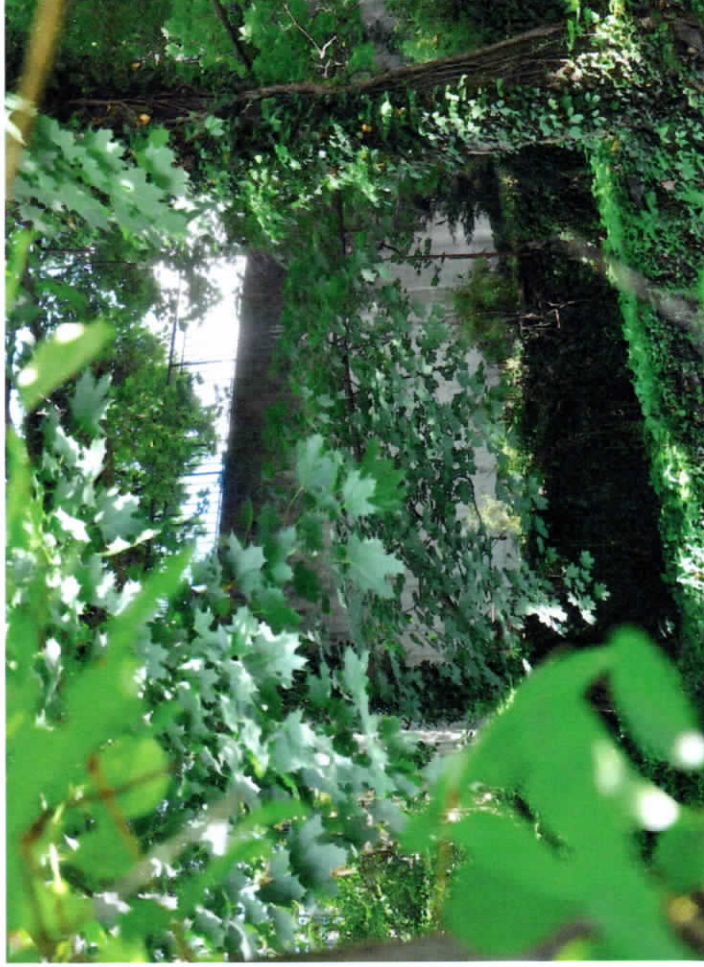
45/49 Windle Park—  
Approximately 850 feet  
from 67 Miller







Whisper Hill North retaining wall  
to allow for flat parking lot area –  
Approximately 108" High



Whisper Hill South retaining wall  
to allow for flat parking lot area –  
154" High. Approximately 1078  
feet from 67 Miller Avenue



Whisper Hill Pool Area retaining wall as seen from Village Hall



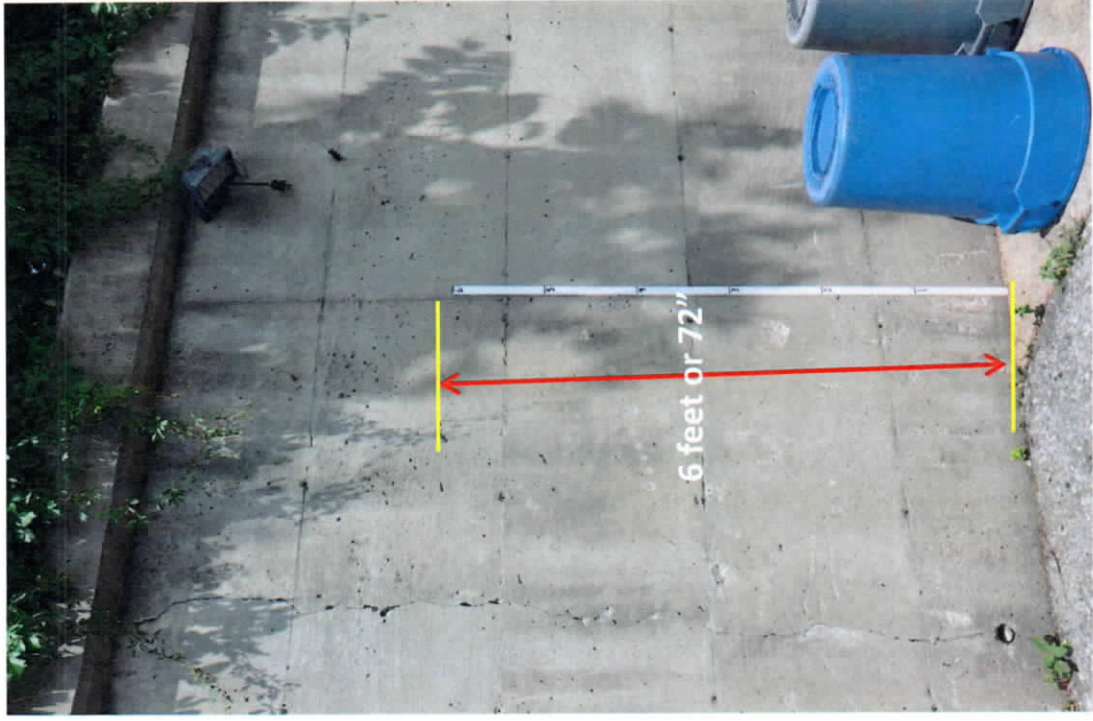




Same retaining wall as previous slide as seen close up from the Whisper Hill pool area



145 Franklin Street – 128" High – Approximately 1642 Feet from 67 Miller Avenue

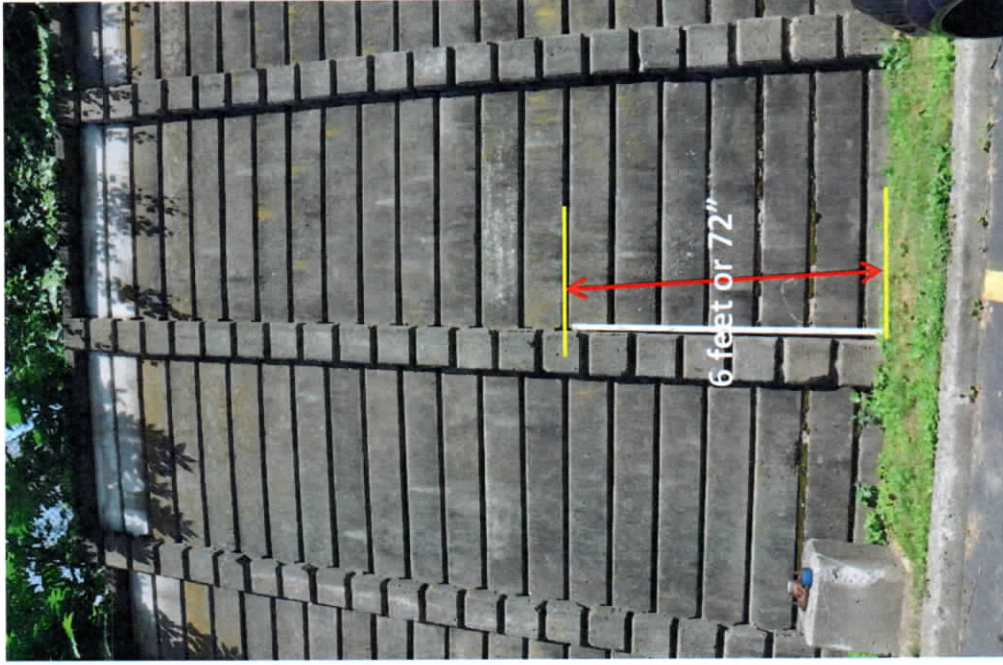


83-89 Main Street –  
Approximately 1500 feet  
from 67 Miller





1 River Plaza (below Cottage Pl) – 248" or 20' 8" High – Approximately 1900 Feet from 67 Miller Avenue

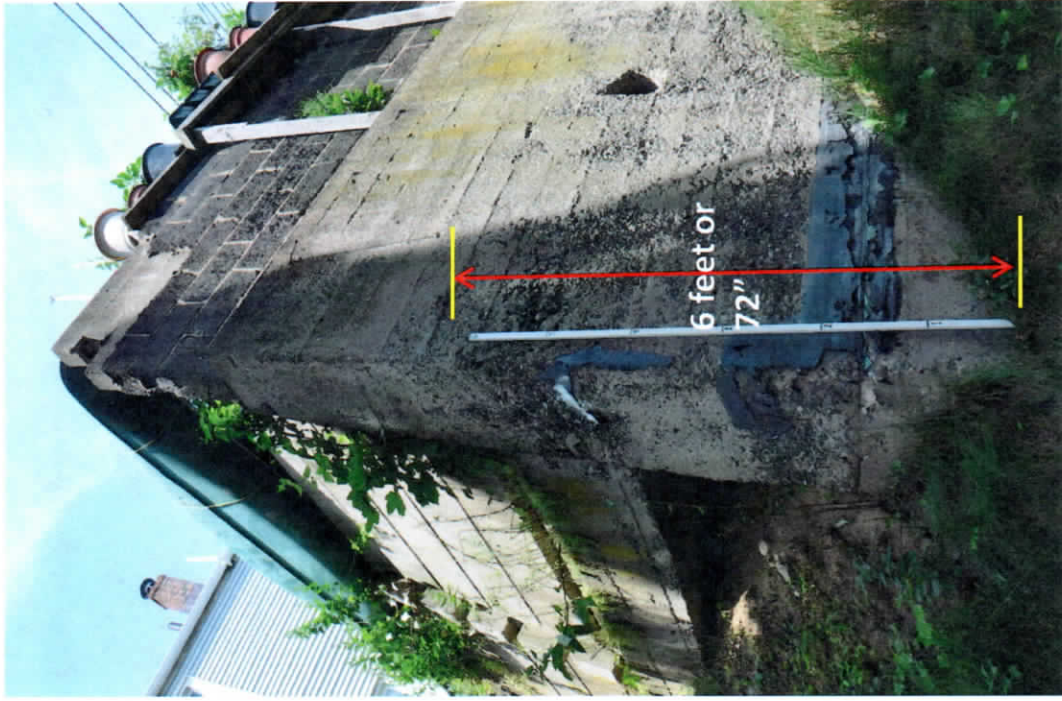




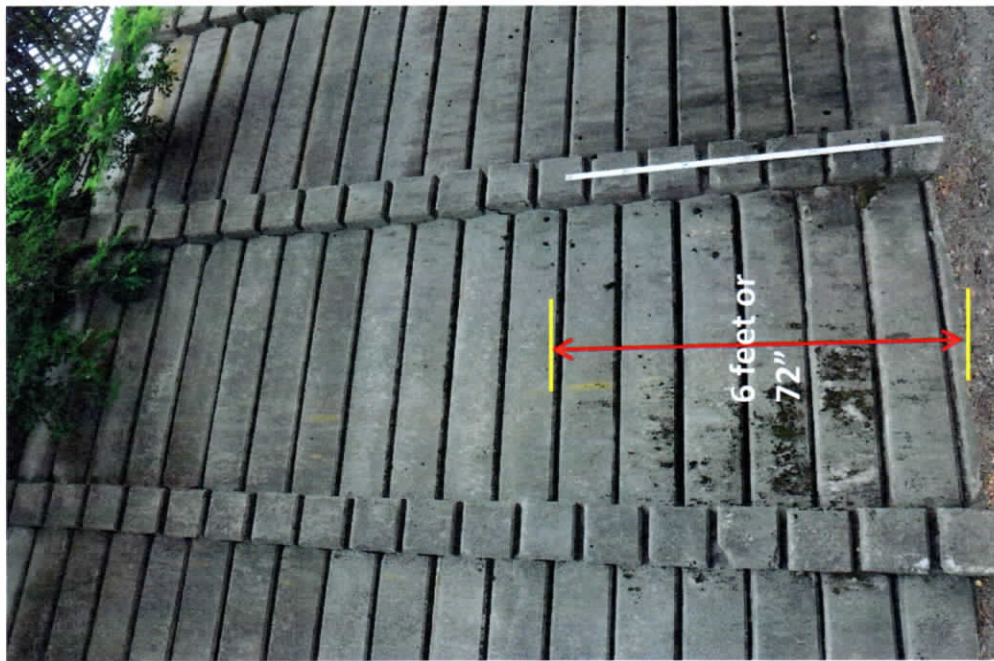
50 Cottage Place – Approximately 2300 feet from 67 Miller



27 Cottage Place – 183" High – Approximately 2000 Feet from 67 Miller Avenue



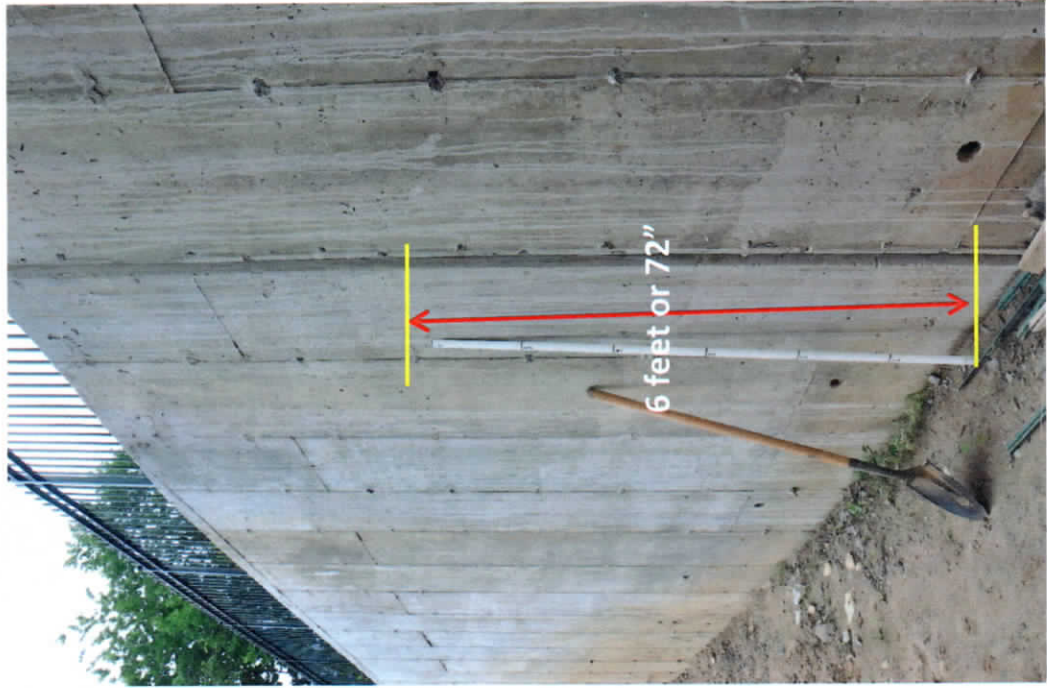
135 – 162 Wildey Street – 214" High – Approximately 2300 Feet from 67 Miller



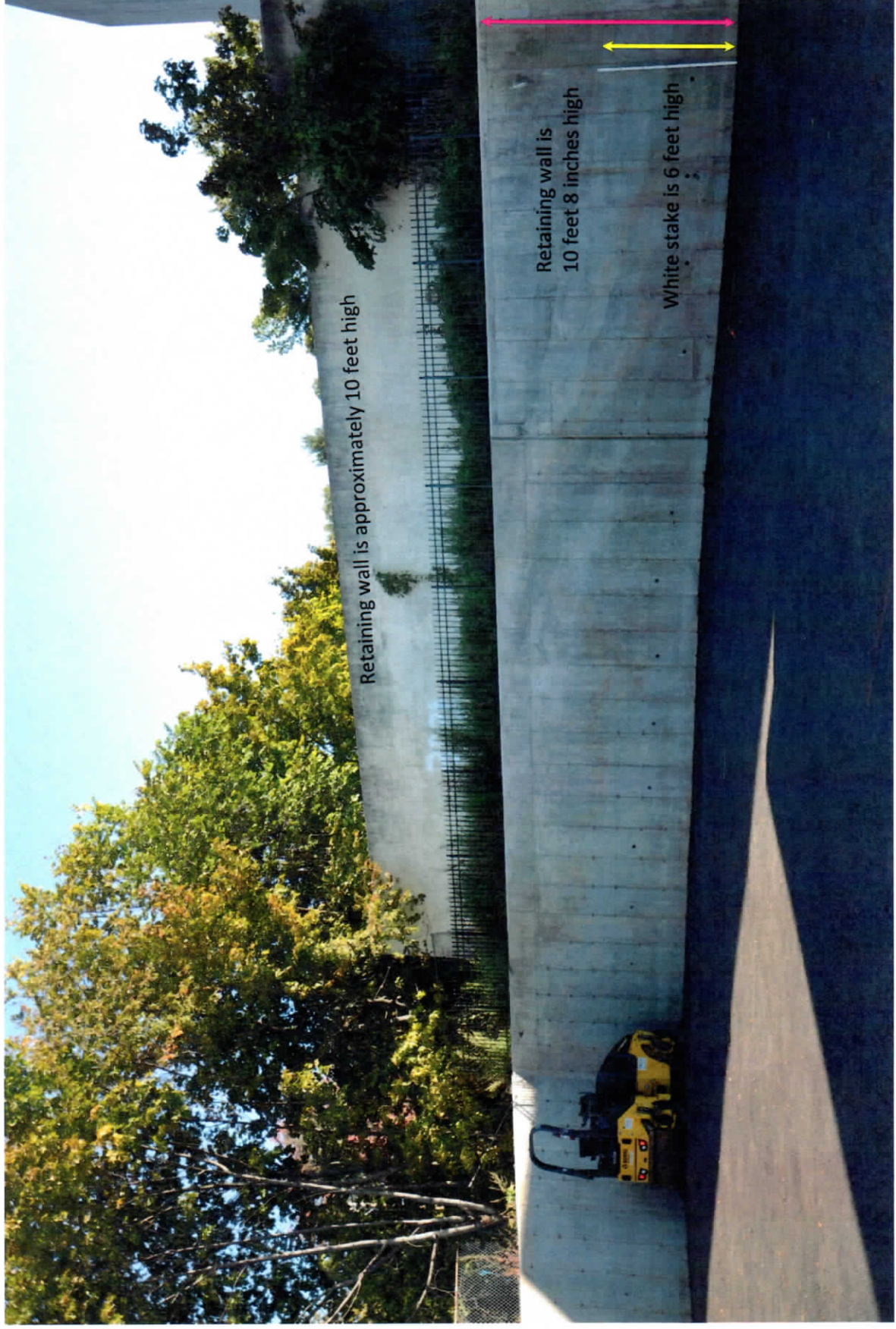


21 Wildey Street – 128" High – Approximately 2900 Feet from 67 Miller Avenue

Note: This application was reviewed and approved by both the ZBA and Planning Board.



View from parking lot at 21 Wildey Street (Old Village Hall Site)

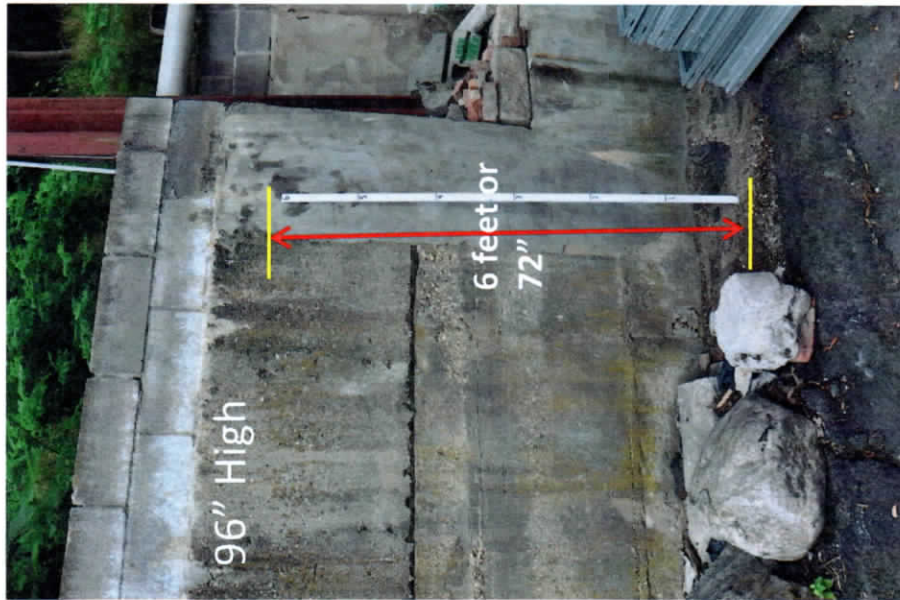




21 Wildey Street - Large retaining walls are visible from at least 4 residential properties



120 N. Broadway – 96" High – Approximately 3000 Feet from 67 Miller Avenue







70 Central Avenue – Approximately 2000 feet from 67 Miller

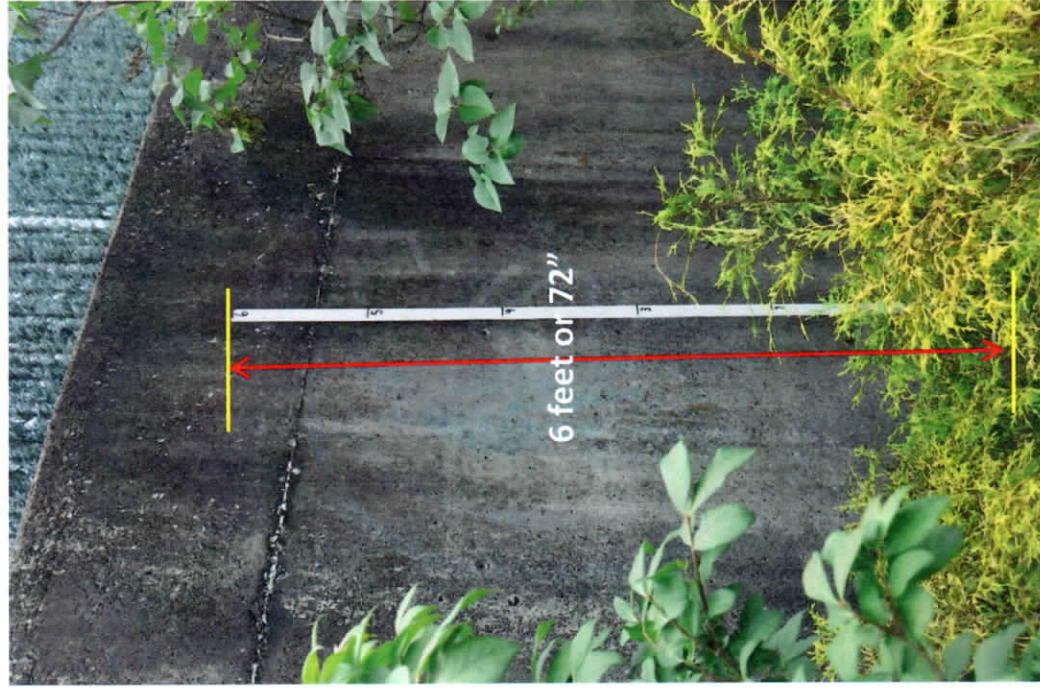


25 McKeel Avenue – Approximately 2800 feet from 67 Miller





30 Hillside Place – Approximately 2900 feet from 67 Miller

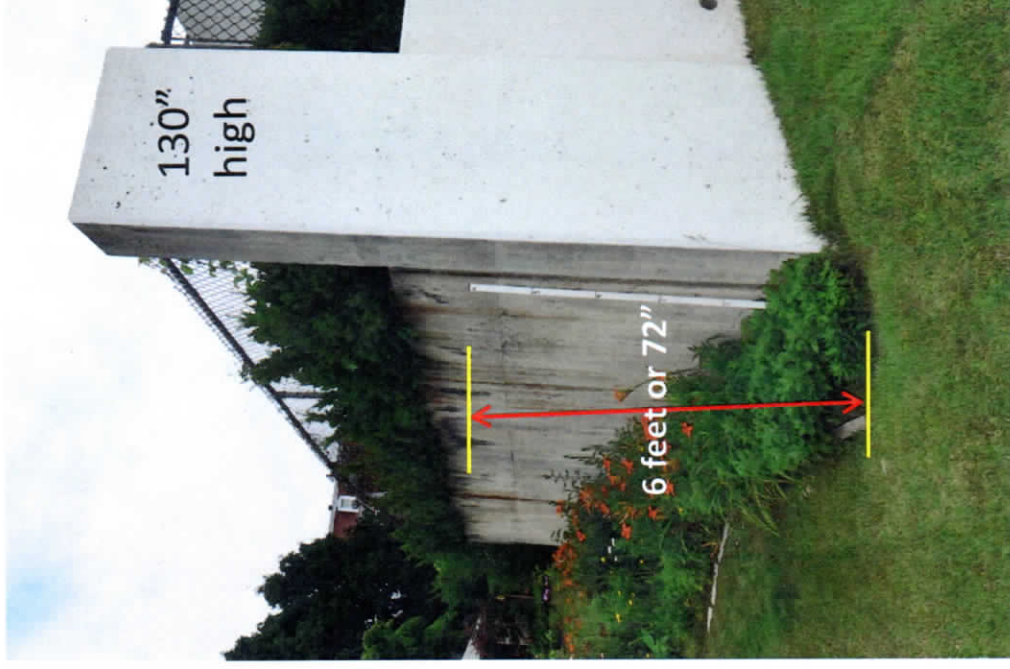


69 N. Broadway/ 16 Dixon Street

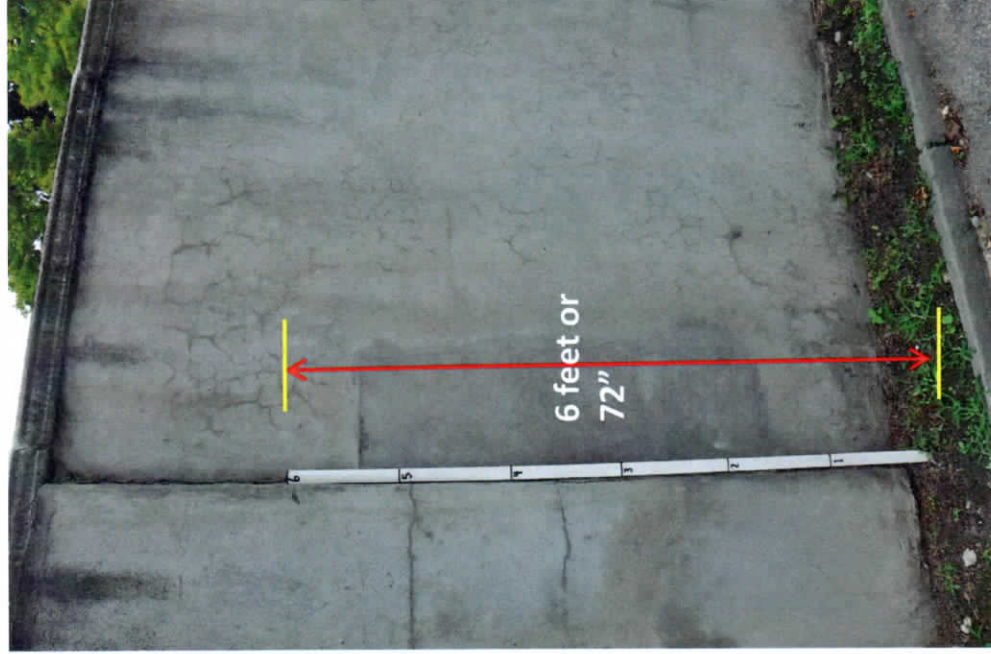
84" High – Approximately 2400 Feet  
from 67 Miller Avenue



75 N. Broadway/ 11 Dixon Street – 130" High – Approximately 2600 Feet from  
67 Miller Avenue



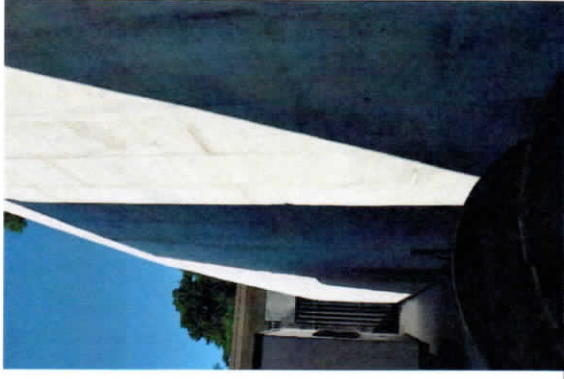
57 Cobb Lane – 100" High –  
Approximately 3700 Feet  
from 67 Miller





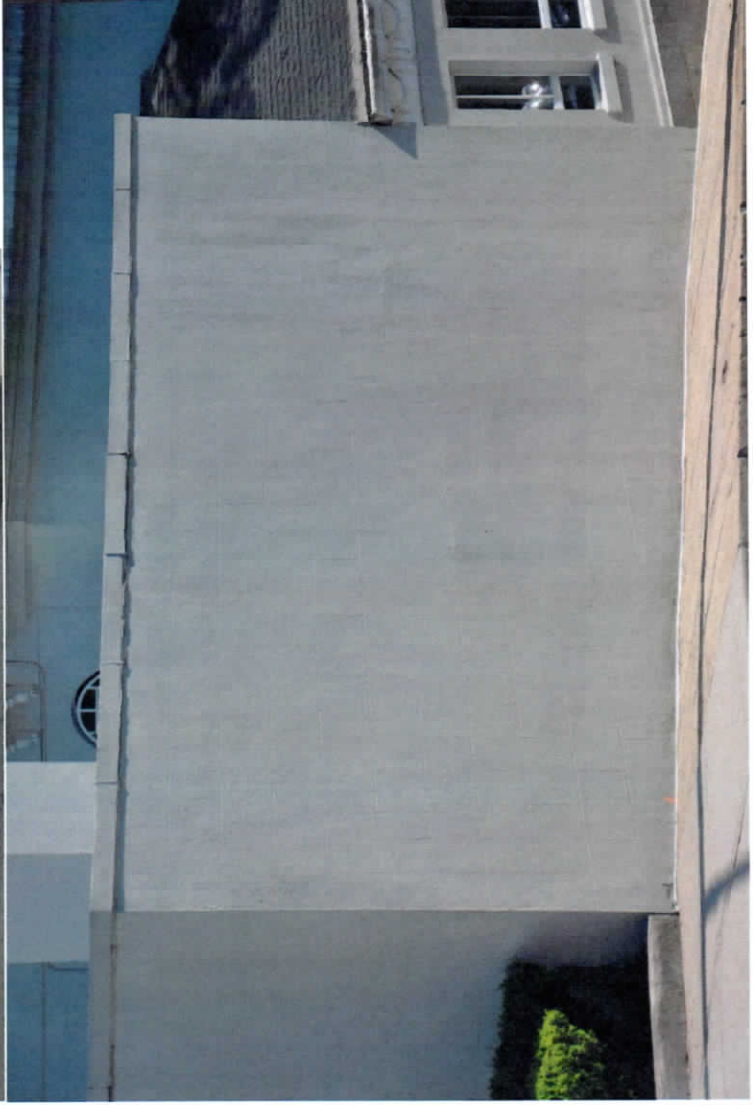
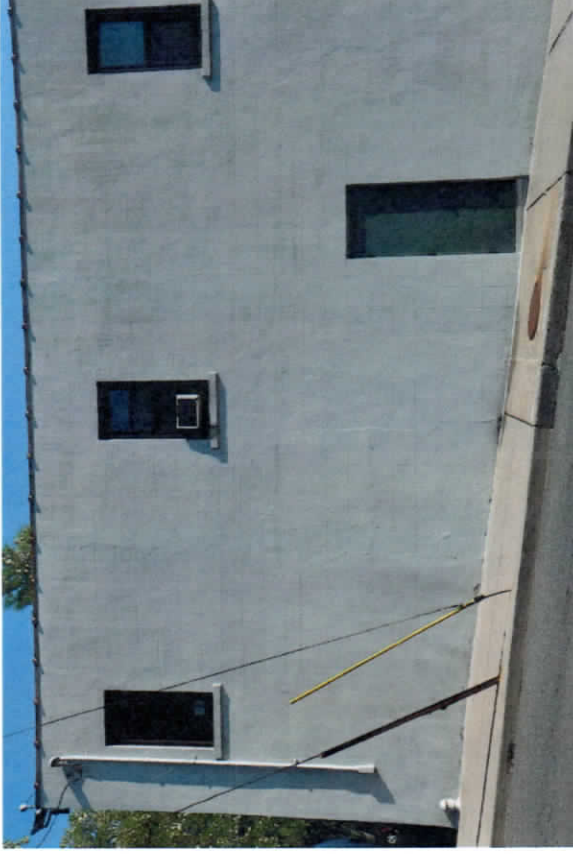


Below 65 Bridge Street > 174" – Approximately 630 Feet from 67 Miller Avenue





64 N. Broadway  
from McKeel Avenue  
Approximately 2500 feet from 67 Miller





109 Central Avenue – Approximately 2300 feet from 67 Miller





144 S. Broadway – Approximately 770 feet  
from 67 Miller Avenue

45 Windle Park - Approximately 850 feet from  
67 Miller





3 Riverview Place – Approximately 2100 Feet from 67 Miller Avenue



EXHIBIT "B" - GERALDINE BALDWIN  
FOR 67 MILLER AVE. APPLICATION

STATEMENT TO THE TARRYTOWN VILLAGE PLANNING BOARD MAY 30, 2018 PART I

Re: Application of 67 Miller Ave. for Restoring & Replacing a Railroad Tie Wall

- Further to my letter to this Plan. Bd. of April 30, 2018, this Statement provides additional support that the variances granted to the Applicant are null and void.
- On Sep. 11, 2017, the Tarrytown Zoning Board of Appeals ("ZBA"), based on a single page plan dated July 28, 2018, the ("Approved Plan"), passed a Resolution granting two variances to the Applicant to construct two separate 9.5-foot-high walls. The Resolution makes clear that the variances, however, are subject to a number of specific conditions.
- The Resolution states:  
The variances are granted solely in connection with the Approved Plan . . . if any changes are made to the Approved Plan (other than those deemed by the Building Inspector to be minor field changes or other than changes made by the Planning Board in connection with its site plan review), this variance becomes void and the Applicant must make a new application to the ZBA for approval of any and all variances. [Resolution page 3, para. 1, emphasis added].
- Additionally, as documented in the Transcript of the August 14, 2017 meeting of the ZBA, the Village Engr. clearly stated "that if [Applicant's] design doesn't work, and can't be achieved, any kind of approval will be null and void" [emphasis added].
- As clearly evidenced by the Village Engineer's Memo of May 16, 2018 ("Village Engr's Memo") Applicant's Plan submitted April 16, 2018 (the "Current Plan") differs significantly from the Approved Plan for which Applicant obtained 2 variances from the ZBA.
- The Approved Plan proposed 2 separate, independent modular block walls.
- The Village Engr's Memo indicates that the Current Plan proposes an "atypical construction" of two poured concrete walls "interconnected at the heel/base with vertical columns". Such radically changed plan newly requires:
  - Full design analysis for bearing, sliding and overturning failures for the walls acting together
  - Actual soil testing analysis for bearing capacity for the interconnected walls
  - Analysis of the impacts of the interconnected walls and the overburden soil pressure on the shared existing wall on the western property line.
- The Village Engr's Memo" demonstrates that the newly proposed interconnected massive wall system presents a wholly different set of impacts to the steep slope and the adjacent downslope properties.





- The cut on the Approved Plan was: 5 cubic yards; the total cut on the Current Plan is: 640 cubic yards for the interconnected poured concrete wall system.
- Clearly the changes from the Approved Plan are significant changes--- not merely minor field changes. In fact, in view of the changes, as one of the adjacent downslope property owners, sliding of the massive interconnected wall system of the Current Plan becomes a major concern.
- Nothing in the record indicates that the Plan. Bd. required the significant changes to the proposed walls —rather as stated in the Transmittal for the Current Plan and at the April 30, 2018 meeting by Applicant's Engineer—the changes were required by the fact that the geogrids for walls of the Approved Plan extended too far into the back yard and would compromise Applicant's house. In other words, the walls could NOT be built as shown on the Approved Plan.
- The design of the Approved Plan clearly DOES NOT WORK.
- Thus, it is abundantly clear that the conditionally granted variances of the ZBA have become null and void and the Applicant must return to the ZBA for any and all new variances for the massive interconnected wall system.

Respectfully submitted,

Geraldine F. Baldwin  
66 Riverview Ave  
Tarrytown, NY 10591



**STATEMENT TO THE TARRYTOWN VILLAGE PLANNING BOARD May 30, 2018 Part II**

Re: Application of 67 Miller Ave. for Restoring and Replacing a Rail Road Tie Wall

**1. Protection is Needed for the Large Cherry Tree on the Adjacent Property at 66 Riverview Ave.**

- The large Cherry tree on my property in close proximity to the shared stone wall has a diameter of about 2 feet and is more than about 45 or 50 feet high. The dripline measures about 18 feet upslope beyond the shared stone wall. The Cherry tree was there when I purchased the property in late 1986.
- As assessed by an Arborist last year and as affirmed by the Village Landscape Consultant, the tree is in good condition. [Memo of the Village Consultant, Lucille Munz, ASLA, Staff Report (Rev.1) to the Planning Board of October 23, 2017 ("Village Landscape Memo")].
- I concur with the statement in paragraph 3 of the Village Engineer's Memo of May 16, 2018 ("Engr's Memo") which reads that **Applicant needs to "[a]ddress the impact of construction on the roots from the black Cherry tree that is on the adjacent property and within the tree drip line."** [emphasis added]
- As noted in the Engr's Memo, the footing of the newly proposed poured concrete wall system will be four feet closer to the property line and hence four feet closer to the Cherry tree. This is especially important since the **root system of Cherry trees spreads out in a relatively shallow formation, generally about 2 to 3 times as wide as the tree's dripline.** In fact, Cherry tree **roots grow closer to the surface than those of many other trees** and tend to form a large number of surface roots. [SF Gate: "Root Structure of a Cherry Tree" at [www.sfgate.com](http://www.sfgate.com), Fall 2017].
- In fact, the footing of the newly proposed concrete wall system will actually be, at most, about 8 feet from the trunk of the Cherry tree, i.e. about 10 feet into and within the dripline and its extensive feeder root system which is critical for water and nutrient absorption for the tree.
- I also concur with the requirement of the Village Landscape Consultant which reads:  
As a **condition of any building permit the Planning Board** should request that the applicant hire a **certified Tree Arborist** . . . to determine if the **proposed construction will impact the health of the existing trees and/or [if, sic] what mitigation measures should be required.** In addition, tree protection details should be required. [Village Landscape Memo, emphasis added].
- It is extremely questionable and certainly requires a **certified Tree Arborist to determine whether the Cherry tree would be able to survive building of the proposed poured concrete wall system at all.**



## 2. A Revised Landscape Plan with A More Diverse Palette is Required

- One of the conditions stipulated in the Resolution of the Zoning Board of Appeals("ZBA") granting the variances to Applicant reads:  
The variance is granted subject to the Planning Board approving a landscape plan (**after input from the Village's landscape architect**), which landscape plan shall not propose any less opportunity for screening than the concept landscape plan presented to the Zoning Board (as depicted on the Approved Plan) . . . [Resolution of the ZBA filed Sept 14, 2017, emphasis added].
- The concept landscape plan on the Approved Plan, mentioned in the ZBA's conditions, presented 5 different kinds of plants, including native and non-native plants and evergreen and deciduous plants, each of the plants stated to be 10 to 15 feet high to screen the wall. [Approved Plan].
- Subsequent to the Resolution, in October 2017, the Village Landscape Consultant indicated that Applicant's then current Landscape Plan which proposed a monoculture of Green Giant Arborvitae was "very commercial in look and scale". [Village Landscape Memo]. Further, the Village Landscape Consultant recommended that other groundcovers or other plants be added to "soften the commercial appearance and provide variety".
- I agree with the Landscape Consultant that variety would be especially desirable to try to camouflage the huge proposed walls and simulate a more natural habitat
- I further agree with the Landscape Consultant that the Applicant must be required to maintain any plantings that are intended to screen the huge wall systems so that the neighbors do not need to look at the huge wall. Such maintenance needs more, however, than a short-lived bond. The maintenance for the plantings must be for as long as the wall remains standing and thus, requires a maintenance undertaking that needs to be recorded against the deed of 67 Miller Ave. property.

Respectfully submitted,

Geraldine F. Baldwin  
66 Riverview Ave.  
Tarrytown, NY 10591



RECEIVED

MAY 30 2018

BUILDING DEPARTMENT





EXHIBIT "D" - MM HOMES LAND DEV. OF PA.

SUBMITTED :VICTOR + ANNEMARIE PASSANTINO

5/11/2018

26 Eunice Ct.

Tarrytown N.Y.

*Dear members of Zoning and Planning Board :*

*As per the construction of a house behind my home at (26 Eunice Ct) I want to convey a severe safety concern I have about the positioning of the driveway. The driveway points directly at our home which would force the driver to backup each day where the back of the car would be within 20 feet of a 15 foot drop in elevation to my yard below. If by chance one's foot slipped from the break and to the gas it would be certain that this car would careen down this steep drop. Our imagination is quick to envision a grandchild having been crushed by the car and the driver of the car severely injured . I am deeply concerned and would like the builder and the towns reassurance that before a car backs up toward my 15-20 ft. below grade backyard that a safety net is designed to safeguard everyone. I believe the planting of some sturdy evergreen trees that was promised on the last build would lessen everyone's liability and at the same time lessen the intrusion of backup lights or headlights into my home. Before drivers aim themselves at my home (please see attached article of recent tragedy where car backed into a restaurant and critically injured several patrons ...WITHOUT THE AID OF A STEEP hill!). Thank you so much for your indulgence.*

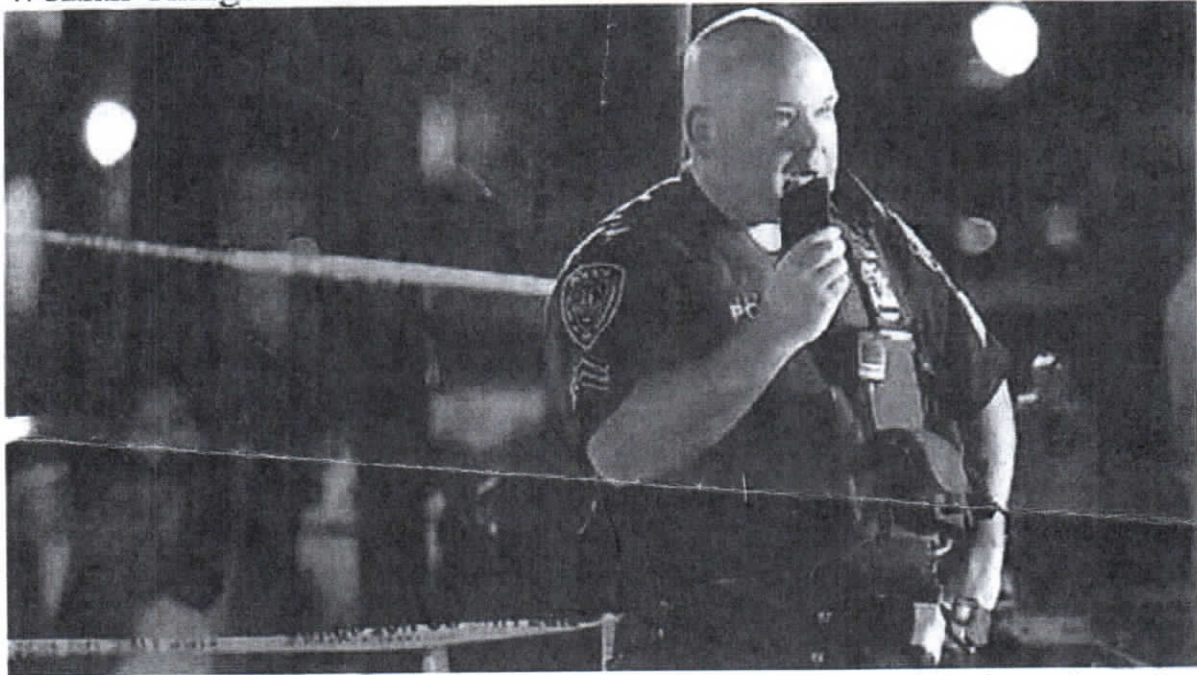
AnneMarie Passantino

Victor Passantino

Surveillance video shows the crash unfold. A white car is sitting at the light when suddenly a red sedan parked outside the restaurant backs up into it and then whips backward seemingly out of control. It ultimately did a 360 before landing inside the restaurant.

Ethan De La Rosa was sitting there eating when the car suddenly just missed him.

#### Woman Charged With DWI in Restaurant Crash



A 79-year-old woman has been charged with driving while intoxicated after police say she crashed her car into a popular restaurant in Westchester County filled with people eating dinner, seriously hurting four of them, officials say. Lori Bordonaro reports.

(Published Monday, May 7, 2018)

"All of a sudden a car came inside in reverse and I was just shocked," he said. "I have adrenaline running through me. It's crazy to think how my life could have ended right there."