

Planning Board
Village of Tarrytown
Regular Meeting
July 22, 2019 7:00 pm

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

ABSENT: Members Aukland and Raiselis

Chairman Friedlander called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES – June 24, 2019 Planning Board Minutes
To be considered at the next regular meeting.

Dr. Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive
Additions and Alterations to a single family home
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall, construction of retaining walls and landscaping of rear yard.
- JCC on the Hudson, Inc. – 371 & 425 South Broadway- Amend site plan approval dated April 25, 2011 and amended August 26, 2013 to provide additional on site parking by expanding the west parking lot by 6000 s.f.
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue – Driveway widening, construction of retaining walls and demolition of existing structure.

CONTINUATION OF PUBLIC HEARING-PUBLIC HEARING ON ACCEPTED SDEIS
(continued) - Artis Senior Living, LLC - 153-155 White Plains Road

This portion of the meeting was transcribed by a court stenographer and the transcript will be included and become part of the official record as “Appendix A”. A brief summary of items discussed in the hearing is included below.

Mr. Kirkpatrick, Attorney for applicant, appeared before the Board for the continued public hearing to allow for comments on the SDEIS for two proposals before the Board. The first for the zoning text amendment and the second for the site plan. The project as presented will not have any adverse impacts. He is hoping that the Board will close the Public Hearing this evening so that they may begin to prepare the FSEIS and allow the Board to proceed with a favorable recommendation to the Board of Trustees for the text amendment.

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

Alan Green, of 8 Bridge Street, came up and said he grew up in Westchester and is a commercial loan officer and is very familiar with this area and feels that the site is suited for this use and there is a great need for a facility like this in Tarrytown. He has

personal experience with dementia and had to send his relatives out of state since there were no local facilities.

Kai Yamamoto, of 20 Browning Lane, is a registered nurse and lifetime resident. He and his wife support the project since it will not draw on the school system and the owner will pay taxes. He feels it is important that there is a place for families to go locally to visit those suffering from dementia. The site is an optimal healing environment with open space and gardens for residents to walk. As a former 15 year member of Tarrytown Ambulance Corps, he would like the ambulance corps to support Artis as much as possible.

Leon Silverman, owner of property for 15 years, came up and expressed his appreciation for the hard work of the Planning Board, Board of Trustees, village attorney and staff. He mentioned that the original project was approved for a 60K S.F. office building, but the plan presented by Artis is much more acceptable to the village since the building is smaller and not as high. He explained that the tax base would increase, there would be no impact on the school system, and there would be minimal traffic resulting from this project. He hopes to get this project approved before the end of the year.

Dr. Friedlander asked if anyone else in the public had any more comments. No one appeared.

Planner Galvin summarized his memo to the Board outlining the Board's comments made at the last public hearing and the work session. This memo will be provided to the applicant to direct them in terms of the preparation of the FSEIS.

Counsel Addona commented on procedure and advised that the Planning Board will not make a recommendation to the Board of Trustees until they have made their findings based on the FSEIS. Mr. Galvin added that once the Board of Trustees approves the zoning, the applicant will return to the Planning Board to seek site plan approval.

There was a brief discussion on the fiscal analysis. Mark Fry advised that this information begins on Page 93 of the SDEIS and an illustrative table is on page 98. He noted that the taxes will be approximately \$400,000 and the school taxes will be \$329,000, which is enough to educate 9 students. Current Taxes are \$24,000 and \$15,000 of which is the school tax.

There was a brief discussion on cost to provide ambulance services and the impact it will have on the Tarrytown EMS. Dr. Friedlander wanted to know if the village provides any financial resources to the ambulance corps. Mark Fry said that Artis Sr. Living will pay full cost of the ambulance service regardless of whether the individual client pays which has been addressed in the SDEIS. Mr. Birgy asked if there an additional burden on the corps to provide these services. Mr. Fry said statistics show that an ambulance is called 1.5 times per month based on existing facilities that are up and running. Planner Galvin asked them to address this specific question in more detail, the level of care, statistical background, and the costs, in the FSEIS. Mr. Birgy asked if there is any

provision to provide for support in the code similar to a recreation fee. Counsel Addona did not think so but would check the code.

Dr. Friedlander asked about the open space area near the retention pond. Mr. Fry said this space will remain as open space but it will not be used for the residents. The gardens are beautifully designed for the residents as they are not permitted to wander off. Dr. Friedlander looks forward to a further discussion of the gardens at site plan.

Mr. Tedesco moved, seconded by Ms. Lawrence, to close the Public Hearing on the SDEIS, and ask the applicant to prepare the FSEIS which will address all substantive comments made during the Public Hearing process and all written comments received during the ten day period following this meeting. The FSEIS should also address all comments made by staff, the village planner and counsel during the production of the SDEIS. All in favor. Motion carried.

NEW PUBLIC HEARING - Michael and Angela Coffey - 100 Macarthur Lane

Dr. Friedlander read the Public Hearing notice into the record.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 22, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Michael and Angela Coffey
100 Macarthur Lane
Tarrytown, NY 10591

For site plan approval for additions and alterations to a single family home.

The property is located at 100 Macarthur Lane, Tarrytown, NY and is shown on the tax maps as Sheet 1.70, Block 29, Lot 16 and is in the R 7.5 zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required by the Architectural Review Board.

By order of the Planning Board.

Lizabeth Meszaros
Secretary to the Planning Board

DATED: July 12, 2019

The mailing receipts were received and the signs were posted.

Sam Vieira, R.A., the project architect, appeared on behalf of the applicant, Michael Coffey, also present. He explained that they are proposing a 2nd story above a single family home. The existing home is 1,000 s.f. with two bedrooms and with three daughters, they have a need to expand and would like to turn their home into a more traditional home. This expansion requires approval from the Planning Board since they are adding on more than 50% of the existing square footage. There will be no change in the footprint of the home except for the addition of a new front porch and the overhang at the rear of the property by 2 feet. Other than that, they will modify walkways for access. Mr. Vieira noted that there will be no need for variances for this project as he has re-designed the roof so that there is no longer an encroachment on the light plane.

Dr. Friedlander asked if anyone in the public had any comments. No one appeared.

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

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

Mr. Birgy read through portions of the resolution and a copy of the general and specific site plan conditions will be provided to the applicant and the entire site plan approval will be recorded in the minutes of the meeting as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted July 22, 2019)

Application of Michael and Angela Coffey
Property: 100 Macarthur Lane (Sheet 1.70, Block 29, Lot 16 and Zone R-7.5)
Resolution of Site Plan Approval

Background

1. The Applicant requested site plan approval for the construction of additions on a single-family residence located at 100 Macarthur Lane in the R-7.5 zoning district. These additions include a second story addition plus a covered front porch and open rear deck.

2. The Planning Board on July 22, 2019 determined this to be a Type II Action under NYS DEC 617.5 (c) (11) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot"* and, therefore, no further SEQRA review is necessary.

3. The Planning Board has conducted a duly noticed public hearing on July 22, 2019, 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 memorandum dated July 9, 2019

and a denial letter from the Building Inspector/Village Engineer dated June 20, 2019 which they have considered.

5. In response to comments from the Building Inspector/Village Engineer, the architect revised the design of the roof to bring it into compliance with the light plane exposure section of the Code. This is shown on Sheet A-3 (*Light Plane Study*) of the Applicant's submitted plans.

6. The Planning Board closed the public hearing on July 22, 2019. 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 and application. The subject property is located on a 7,500-sf site with an existing 1,003 sf single-story residence with two bedrooms. The Applicant is proposing to construct a 1,077 sf second floor addition above the existing first floor. This addition will create three bedrooms and two baths. The first floor will be renovated plus a covered 110 sf front porch (5' x 22') and an open 352 sf rear deck (16' x 22'). The project is zoning compliant. The residence provides a garage at the basement level and an asphalt driveway with space for the two required off-street parking spaces. The architect revised the roof as shown on Sheet A-3 (*Light Plane Study*) revised 6/18/19. This now complies with the light plane exposure. The Project's FAR is 2,471 sf which is below the maximum of 2,925 sf. The Project's impervious coverage is 28.2%, significantly below the 40.75% maximum allowed.

The Zoning Compliance Form and Environmental Clearance Form have been provided with no issues identified. Approval from the Architectural Review Board is required.

II. Approved Plan:

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

Plan by Samuel F. Vieira, Architect P.C. dated May 14, 2019 unless otherwise noted entitled:

- SP-1 "*Existing and Proposed Site Plans*" for *Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591*

- EC-1 “Existing Basement/Foundation and First Floor Plans” for Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591, dated January 14, 2019.
 - EC-2 “Existing Exterior Elevations” for Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591.
 - A-1 “Proposed Basement, First and Second Floor Plans” for Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591.
 - A-2 “Proposed Exterior Elevations” for Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591 revised June 18, 2019.
 - A-3 “Light Plane Study” for Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591 revised June 18, 2019.
 - “Streetscape” for Proposed Second Story Addition: Coffey Residence, 100 Macarthur Lane, Tarrytown, NY 10591.
 - Topography of Property Prepared for Coffey Residence Situate in the Village of Tarrytown, Town of Greenburgh, Westchester County. New York prepared by TC Merritts Land Surveyors, Surveyed: October 20, 2018; Map Prepared: October 23, 2018 and Map Revised: November 2, 2018 to show slope analysis.
- (the “Approved Plans”).

III. General Conditions

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

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

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review 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 Ms. Lawrence, to approve this site plan application as amended and corrected to read the "Application for Michael and Angela Coffey". All in favor. Motion carried.

NEW PUBLIC HEARING - Raul Bello, R.A. – 13 John Street

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 22, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Raul Bello, R.A.
36 New Street
Rye, NY 10580

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

The property is located at 13 John Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.70, Block 34, Lot 7 and is in the RR zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to

the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required by the Zoning Board of Appeals and the Architectural Review Board.

By order of the Planning Board.

Lizabeth Meszaros
Secretary to the Planning Board

DATED: July 12, 2019

The mailing receipts were received and the sign was posted.

Raul Bello, R.A., the project architect, appeared before the Board on behalf of the owners, Dorothy and Manuel Aguiar, also present. The Aguiar's are 35 year residents of the village. They are building this single family home on an empty lot for their son to live and raise his family. Mr. Bello presented the site plan and described a single family home on John Street which has been designed to fit the character of the neighborhood with no adverse impact to the area. The lot is very undersized and tight and anything built on this lot will require several variances from the Zoning Board. He noted that off-street parking has been provided for 2 cars, one in the proposed garage and the other in the driveway. They will be required to go the Zoning Board as well as the Architectural Review Board.

Mr. Bello presented the Streetscape requested by Mr. Birgy.

Mr. Birgy was concerned about the siting of the house which is set back 30 feet and not aligned with the existing homes on either side. Mr. Bello said they were trying to maintain the front yard setback and provide for two off street parking spaces required by code. The house to the right is 15 feet from the front yard setback. Mr. Bello explained that in order to have the garage, they needed a certain amount of slope and they wanted to provide parking for 2 cars since it is required under the code and there would be no need for an additional variance for the parking.

Mr. Birgy noted that this site is three lots off of Main Street and there is certain conformity there. Mr. Bello said they are trying to alleviate the parking by providing off-street parking which is important. Mr. Birgy said this house will be there for a while, but parking requirements may not be. He asked Mr. Bello if parking outweighs the aesthetic look of the street.

Mr. Bello said in this case, the parking may be very important, since it is very tight. Dr. Friedlander asked about the lot size. Mr. Bello said it is an existing non-conforming lot and several variances are needed including the lot size.

Mr. Tedesco would like to see a streetscape of at least two homes on each side.

Mr. Galvin said when they go to the Zoning Board, it may be helpful to provide the Board with the size of the surrounding lots. Ms. Lawrence said that a copy of the tax map for the street would be sufficient.

Mr. Birgy asked how much space is provided on each side between the homes. Mr. Bello indicated on the plan that there is more space between the homes now than before but the house extends further back in the rear. The house to the left is 1 foot from the property line and the house to the right is 3.5 feet from the property line. All of the homes are tight on the block. Dr. Friedlander said basically no one has a side yard in the area.

Mr. Birgy asked about the height. Mr. Bello said at the front the height is similar; in the back it is a little higher.

Mr. Galvin noted that the rear of the property abuts to the S. Washington Street parking lot. Mr. Bello showed the parking lot on a map and also gave the Board members a picture of the old house that was there. Mr. Bello said this lot was difficult to design a home due to the non-conformities.

Ms. Lawrence noted that these homes were built in the late 1800's early 1900's and this will be the newest house on the block. Mr. Bello feels the new home will be an improvement to the street overall.

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

Tim Leonard, owner of 11 John Street, addressed the Board. He is pleased that something is happening with the lot. He has reviewed the plans and had difficulty. He would like to preserve the character of the neighborhood as Mr. Birgy said before. He had a hard time understanding the retaining walls that are shown on the plan and the purpose of the walls. It thinks it was probably due to the slope of the driveway. It appears that the front door seems to be starting where his second floor starts and the house is setback quite a bit so that their front door starts at his kitchen. The majority of the proposed house is in the back. He would like to see the house moved forward but understands that parking is a concern. He would also like to see a footprint of the home to better envision the impact. He asked the architect if this was a modular home which may be why they have been restricted. He noted that the plans indicate 3.5 stories vs. the 2.5 stories that exist on the block. His final comment was that it was challenging for him to visualize the end result from the plans.

Mr. Birgy asked for an elevation with a piece of 1 x 3 to show the elevation of the first floor. It sounds like there is a big disparity. Ms. Lawrence also suggested a balloon test to see the proposed height. Dr. Friedlander asked why Mr. Bello chose 30 feet from the front. Mr. Bello said to reduce the variances and provide for required parking. Dr. Friedlander said to address the concerns of the neighbors you may want to bring the home closer to the street and ask for a front yard variance.

Mr. Pennella advised that with the driveway slope, the further you move the house up, the height goes up which presents more variances.

Mr. Birgy asked the applicant to provide how many homes have driveways or garages on the block since it appears that the design of the house is driven by the need for parking. Mr. Bello said they really want a garage but may have to remove it. Mr. Birgy said maybe they could redesign it and still provide for the parking. Mr. Pennella said many residents have created curb cuts for off-street parking. The only other suggestion is if they could construct the basement out of concrete, pull the house forward, and have garage on the same level.

Dr. Friedlander mentioned the possibility of access from the rear parking lot. Mr. Pennella said the elevation changes would prohibit that. Mr. Birgy said it would also eliminate a parking space in the lot.

Dr. Friedlander asked if anyone else would like to speak.

Romi Paek and John Tuczynski, who live at 15 John Street, the house to the south, came up and were concerned about a section sticking out on the site plan that is close to their house. Ms. Paek said it will be 2 feet 7.5 inches from their property line. She also thought that there might be a gas line on their side of the house. She confirmed that the house was taken down in 2014 and when the house foreclosed a chain link fence was installed on their side of the house. She would like to know what the plan for the fence is since they have a hard time maintaining this area with it there. Mr. Tuczynski said that the houses are all about 4 feet apart and there are setbacks for reasons and he feels the house could be farther away from theirs. Mr. Pennella commented that the fence Ms. Paek is concerned about was a temporary construction fence, it is not permanent, and will be removed. Mr. Bello said that no fence between the properties is proposed at this time.

Mr. Bello said the 2 foot 7.5 inch bump out is for the fireplace bump out; the rest of the house is 4 feet from the property line. The other side of the house is 3 feet from the property line. Planner Galvin asked if the bump could be pushed in. Mr. Pennella suggested an internal fireplace and noted the enclosure around the fireplace has to be non-combustible. In addition, the windows will need to be evaluated for fire code compliance. Mr. Birgy raised his concern about historical issues. Mr. Tedesco added that this Board is doing a lot of work to preserve the historic features of the village and asked the architect to keep this in mind so that the architecture reflects the ambiance in this area.

Mr. Bello said his number one concern is where the house is set on the property.

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

Mr. Tedesco moved, seconded by Ms. Lawrence, to continue the public hearing after the applicant has gone to the Zoning Board. All in favor. Motion carried.

NEW PUBLIC HEARING - Rubicon RA Tarrytown LLC – 49 East Sunnyside Lane

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 22, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Rubicon RA Tarrytown LLC
117 E. Putnam Avenue #481
Riverside, CT 06878

For site plan approval for various site improvements for ADA compliance.

The property is located at 49 East Sunnyside Lane, Tarrytown, NY and is shown on the tax maps as Sheet 1.230, Block 132, Lot 47 and is 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.

By order of the Planning Board.

Lizabeth Meszaros
Secretary to the Planning Board

DATED: July 12, 2019

The mailing receipts were received and the sign was posted.

Paul Berté, P.E., the project engineer, appeared before the Board and presented a plan for site improvements in order to comply with ADA requirements. The plan provides for ADA access to the Kings Mansion in the front and rear. The rose garden will be changed into a flagstone garden with a stormwater design. Handicapped access for guest rooms and access to the pool area is also proposed; they are modifying what is there for handicapped access. In addition, two existing conference spaces are being converted to guest suites and three new guest rooms have been proposed with sufficient open space for this parking.

Mr. Tedesco asked where the parking spaces will be. Mr. Berté said outside of the rose garden; he will revise the plan to show the parking spaces.

Mr. Tedesco asked Mr. Pennella for his comments regarding stormwater.

Mr. Pennella said there is a large amount of gravel in the garden area and adding permeable will improve the site. He noted that the village landscape architect was concerned about the trees being removed between the pool and the lobby area.

Mr. Tedesco would like the trees that are to be removed shown on the plan and also to provide the additional proposed landscaping for review by Ms. Nolan.

Mr. Tedesco asked if anyone in the public would like to speak. No one appeared.

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

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

NEW PUBLIC HEARING - Lyonspride – 14 N BDWY, LLC

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 22, 2019, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Lyonspride 14 N Broadway LLC
521 Bedford Road
Sleepy Hollow, NY 10591

For site plan approval for a change of use to a mixed use of office/retail on the lower level and seven (7) residential units within the existing structure.

The property is located at 14 North Broadway, Tarrytown, NY and is shown on the tax maps as Sheet 1.80, Block 41, Lot 13 and is in the RR zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required by the Zoning Board of Appeals and the Architectural Review Board.

By order of the Planning Board.

Lizabeth Meszaros
Secretary to the Planning Board

DATED: July 12, 2019

The mailing receipts were received and the signs were posted.

Jorge Hernandez, R.A, appeared before the Board on behalf of the owner, David Lyons, present in the audience. Mr. Hernandez presented the site plan and said this was the

site of the former New York School for Aesthetics. They are proposing to convert the interior into 7 dwelling units with retail on the first floor. There will be no change to the exterior of the building. They will redesign the parking area to provide for 17 parking spaces. They will need parking variances from the zoning Board for 4 parking spaces.

Mr. Tedesco confirmed that the units will be rental units and the retail portion will be part of the 1st floor.

Mr. Pennella advised the Board that in his initial review dated 4-26-19, he indicated that the applicant needed a use variance. In the RR zone, dwelling units are permitted above retail. He feels that at least 51% of the lower level needs to be retained for this use. The applicant can seek the use variance or an interpretation of the code or revise the plans to reflect at least 51% of the lower floor for retail space.

Mr. Hernandez said he has made the changes and the retail area is 375 s.f., which meets this requirement. Mr. Pennella advised the Board that the applicant will not require a use variance.

Mr. Pennella would like a small planting buffer installed on the Hamilton Avenue side with trees along the curb. Mr. Galvin asked the applicant to specify the width of the driveway on the plan.

Dr. Friedlander asked the size of the units. Mr. Hernandez said there are four (1) bedrooms and three (2) bedrooms.

Mr. Birgy asked about the necessity for the units. Mr. Hernandez said it has been empty for years and hard to rent.

Mr. Birgy asked Mr. Pennella to comment on density questions.

Mr. Pennella said in the RR zone, density does not apply. They have complied with the room sizes in the building code. They are asking for a parking variance for 4 spaces.

Mr. Birgy wanted to know what the difference is in the tax structure. Mr. Galvin said the assessor calculates this but 3 or more units are considered multifamily in the code. Mr. Galvin said the applicant will have to talk to the assessor.

Mr. Lyons advised that he will produce the numbers at the next meeting.

Mr. Pennella said what the applicant is proposing is compliant with regard to the units in accordance with the 2015 international building code with the NYS supplement which the Board of Trustees adopted in 2012.

Mr. Birgy asked if the applicant has considered any ideas with regard to energy efficiency. Mr. Hernandez said he will look at green infrastructure.

Ms. Lawrence asked about the history of renting out the space. Mr. Lyons said it has been difficult to rent for office space. He wants to keep the exterior the way it is, but make changes inside.

Mr. Birgy is concerned about the erosion of commercial stock of village properties, as they become residential, they drain village services, and impact the tax structure. He wants to know how this change to residential will affect the village tax base.

Dr. Friedlander asked if anyone has any more questions. No one appeared.

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

Mr. Tedesco moved, seconded by Ms. Lawrence, to continue the public hearing after the applicant has gone to the Zoning Board. All in favor. Motion carried.

PRELIMINARY PRESENTATION – Lexington 202 Group, LLC - 29 S. Depot Plaza

Steven Wrabel, of McCullough, Goldberger and Staudt, LLC, appeared before the Board representing the applicant, Paul Ferraro, and consultants for this project, Dave Smith, AICP and Michael Mastrogiacomo, the project engineer, who are present to answer any questions.

They are before this Board in response to a Board of Trustees for a referral for a zoning text amendment to allow for a mixed use TOD in the ID zone. They have revised the plans and have reduced the storage units on the first floor with a retail component, entrance and lobby. Above this, they are proposing 69 residential units with 73 full time spaces 32 on side 41 contracted and additional 20 available on nights and weekends. They have submitted a full set of plans and an EAF. Mr. Mastrogiacomo, the project engineer, showed the onsite spaces on the plan and the 2 loading spaces proposed for the storage units.

Dr. Friedlander asked if it possible to provide more spaces.

Mr. Wrabel commented that this is a proposed TOD (Transit Oriented Development). Mr. Galvin said essentially they are providing 1.3 spaces per unit if they are providing 93 spaces.

David Smith, the project planner, came up and said these are important questions. Moving forward they will be preparing an expanded EAF which will evaluate all of parking resources and how they are configured. The parking resource evaluation will look at other projects in the county with best practices. In addition, as discussed with the planning staff, a pedestrian circulation plan will be submitted and how it relates to the Franklin Court community to include all pedestrian connections including the proposed restaurant pub in accordance with Complete Streets. They will also be preparing visual photo simulations of the project.

A preliminary fiscal analysis will be submitted which will compare existing taxes to projected taxes, the impacts on the school system and the addition to the disposable/discretionary income that will be spent in the Tarrytown community.

Other items to be addressed include: request for green building practices and sustainability; the adequacy of existing utilities – water and sewer; traffic impacts; density; impervious surface calculations.

Mr. Pennella suggested that they be more creative with the circulation of traffic. For safety reasons, there should be a sidewalk along the building so that residents can safely walk into the building. They may seek a variance to provide smaller size spaces in some areas to accomplish this.

Mr. Galvin would also like the visual models to incorporate lot 37. With regard to density, he would suggest looking at comparable TOD sites to see what the ratios are for parking.

Ms. Lawrence asked what type of construction is proposed. Mr. Pennella said it will be a wood construction. The walls adjacent to the railroad should be non-combustible and triple pane windows will be required for noise reduction.

Mr. Tedesco moved, seconded by Ms. Lawrence, to declare the proposed action an unlisted action and indicate the Planning Boards intent to act a lead agency for the review of the zoning petition and site plan review with proper notification to involved and interested agencies and to the Westchester County Planning Department for review under General Municipal Law. All in Favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Lawrence, to set the public hearing for the next meeting. All in favor. Motion carried.

Mr. Galvin noted corrections to the existing EAF which will need to be revised by the applicant. A zoning change is requested (page 3) and the project is within the 100 year floodplain (page 11). He also noted that currently the village does not have an approved LWRP at this time.

ADJOURNMENT

Mr. Tedesco moved, seconded by Ms. Lawrence, to adjourn at 9:15 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary

**PLANNING BOARD
VILLAGE OF TARRYTOWN, NEW YORK**

-----X
**PUBLIC HEARING:
ARTIS SENIOR LIVING, LLC**

-----X
July 22, 2019
1 Depot Plaza
Tarrytown, New York
7:00 p.m.

BEFORE:

**STANLEY FRIEDLANDER, Chair
RONALD TEDESCO, Member
PAUL BIRGY, Member
SALLY LAWRENCE, Alternate Board Member**

PRESENT:

**LIZABETH MESZAROS, Planning Board Secretary
BOB GALVIN, Village Planner
DONATO PENNELLA, Village Engineer
Christie Tomm Addona, Esq., Village Attorney**

FOR THE APPLICANT:

**DON WALSH, Development Strategies
JOHN KIRKPATRICK, ESQ.
RICH WILLIAMS, Engineer
MARK FRY, Main Street Consulting**

Douglas F. Colavito, Court Reporter

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2 MR. FRIEDLANDER: The next item of the
3 continuation of the public hearing on the Artis
4 Senior Living, LLC. The public hearing on the
5 accepted SDEIS is to be continued. It's on 153
6 White Plains Road, construction of a
7 35,952-square-foot Alzheimer's/dementia
8 residential center. And it's an amendment to
9 allow for a floating overlay zone for the
10 Alzheimer's/dementia care in an OB zone.

11 MR. KIRKPATRICK: Thank you, Mr. Chairman.
12 I'm John Kirkpatrick representing Artis
13 development.

14 This is the second night of the public
15 hearing on the environmental impact statement
16 for this proposal. It's actually two
17 proposals. There's the zoning amendment, and
18 there is the initial site plan showing how the
19 environmental impact would be on this
20 particular property.

21 Now, relative to environmental impact, we
22 believe that through compliance with current
23 building, energy, and stormwater regulations,
24 we would have no adverse impact.

25 Relative to zoning, we are asking that you



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make a positive recommendation back to the trustees because we believe that our text appropriately protects the village, particularly providing a buffer between commercial kinds of uses and residential uses, making no significant impact on village services and providing the planning board, in the text, maximum flexibility in site plan review to make sure that there is no impact and that there is, in fact, maximum practicable efforts made to include sustainability measures.

Therefore, we are very much hoping after you hear comments tonight that you would close the hearing and move forward with this, including a recommendation to the trustees.

We, after all, need at some point to move forward in order to know if the village will allow this use, at all, because it is not a permitted use in the village. So we are hoping this moves forward. Thank you very much.

MR. FRIEDLANDER: Okay. Does anyone else in the audience wish to speak on this application?

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2 Okay. Bob, you want to --

3 MR. GREEN: Sure. Should I just stand
4 here?5 MR. FRIEDLANDER: Come up. Tell us your
6 name and address, please.7 MR. GREEN: Yeah. My name is Allen Green.
8 I live at 8 Bridge Street here in Tarrytown. I
9 grew up in Westchester, born and bred here,
10 raised my three kids in Edgemont. Love
11 Westchester. I've been a commercial lending
12 officer for my whole career, over 40 years,
13 made commercial loans in this area to probably
14 a hundred companies. Sought, developed
15 Westchester and very proud to see what has
16 happened to it. From a dirt road I see on
17 Central Avenue to great thriving businesses.18 I'm familiar with Transfiguration. I have
19 friends who sent their kids to school there,
20 and I'm familiar with the area. And I feel
21 that the site would be a good site.22 I have no ties to anybody here, except
23 that I do know the sellers on a familiar basis.
24 And I know they contribute to the community.

25 I was on the board of directors. I



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2 currently am on the executive board of
3 directors for 20 years of the Boy Scouts in the
4 Westchester Putnam Council here in Westchester.

5 We have done a lot of good things. We
6 have 8,000 scouts that we take care of and
7 help.

8 And I feel that I have some personal
9 experience with dementia and Alzheimer's. My
10 father had it, and my first cousin had it. And
11 there was no place to take them that really
12 suited them. I had to send them out of state,
13 which was rough for me.

14 I feel that I read something about Artis.
15 They have done very good jobs. I worked in New
16 Jersey, part of my job was in New Jersey when I
17 worked in New York covering healthcare. And
18 Alzheimer's specialties and dementia
19 specialties are really needed in this country,
20 and we have to be more conscious of the spread
21 of it, because there's an awful lot of
22 patients, people in need.

23 I was in the navy for three years, served
24 as an officer on a destroyer. And my honest
25 opinion is that this site is a good site for

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2 it, and Tarrytown would be proud of it.

3 MR. FRIEDLANDER: Thank you.

4 MR. YAMAMOTO: Good evening. My name is
5 Kai Yamamoto, long time watcher of the planning
6 board; first time speaker, I believe.7 My wife Kimberly and I live at 20 Browning
8 Lane with our two young sons. I've been in
9 Tarrytown for my entire life, which is -- I
10 think, is a long time.11 And I thank you for the opportunity for
12 speaking -- to speak this evening. I was
13 inspired to speak here this evening, because I
14 was watching the planning board meeting, and I
15 saw Ms. Raiselis mention that maybe the people
16 in the community might want to come speak. So
17 I took that as an open invitation.18 This also led me to read into and look at
19 the SDEIS papers submitted by Artis. And over
20 the past month, my wife and I, we're both -- we
21 are both registered nurses. We've been walking
22 around Tarrytown on daily morning walks, and we
23 happened to walk past the site where this is
24 planned for. And that inspired some
25 conversation because I had mentioned that this

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2 is what they're -- they are going to do,
3 because we saw the remaining sign out that the
4 planning board is meeting about this.

5 We're happy and encourage a great amount
6 of open space, and we like what the planning
7 board has done with open space in Tarrytown.
8 But we are also realists. We believe that
9 development does have to happen, and it will
10 happen here in Tarrytown.

11 Since we lived in Pennybridge, we
12 appreciate that the development wouldn't affect
13 us per se when it comes to the school system,
14 but we appreciate the financials that go into
15 the planning with regard to the school board
16 and the new facilities.

17 In doing the research for this, I found
18 out that this -- this institution will pay
19 taxes, which is good. We welcome any
20 opportunity for our taxes to maybe raise at a
21 slower rate. I know they are always going to
22 go up, but maybe they will raise at a slower
23 rate.

24 One of the things that I saw in the SDEIS
25 was that over a 30-year period, the school

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board is looking at maybe \$12 million in anticipated revenue, which when given, the building that's going on in Sleepy Hollow and throughout the villages, I think that's a good bonus, especially for an institution that is not going to draw on the school system. So I think we should definitely embrace that.

From a professional perspective as an RN, my wife and I were talking about this, it's really important for -- in our opinion -- to see that there's a place for families close by. And that's for those families suffering from dementia. Now I say families suffering from dementia, I mean that not just the patient who needs a safe place to be, but also the family that is supporting that patient. Okay. That -- that's something that is really important.

Everybody nowadays, you ask them to volunteer their time in the scouts and fire department, and everybody says, I'm too busy. Okay. So extrapolate that into having to go an hour to visit a loved one. Well, little league takes precedence or tennis takes precedence or all those other activities of daily living that



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will make you feel guilty of not traveling to see a loved one in a facility that might be distant. But if you live here in Tarrytown, you have this opportunity to have something where you can make those more frequent visits. I found it very beneficial.

My parents live up in the Crest Hill. So we're -- on a regular basis, Oh, let's just stop in. It may only be for five minutes, but that five minutes means a lot for my boys, for my parents, for us. So I think that this is something that would add value to -- to Tarrytown.

In reviewing the SDEIS -- I'm in my masters program, and one of the things they were talking about is an optimal healing environment. It's not something that is really out there, but there are a bunch of hospitals that are embracing this. It's brought by -- brought forward by the Samuel Institute. And it's a framework. There's four things. There's the environment, the interactions between the patients.

One of the things that they were -- that's

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1 in the plan that I was able to read was having
2 open spaces and gardens for the residents to
3 walk. That fits directly in that optimal
4 healing environment for residents and for those
5 patients. So I think that would really be
6 beneficial to the patients and their family
7 members.
8

9 Last thing I wanted to mention was as a
10 former 15-year member of the Tarrytown
11 ambulance corps, this is an organization that
12 runs on a shoe string budget. It gets its
13 funding from donations and whatever they can
14 get from revenue recovered from insurance
15 companies. I'd really like to see, maybe we
16 can support them, because during the time that
17 I worked with the ambulance corps, we did
18 respond fairly often to the Tarrytown Hall
19 Center. So if maybe there's something that we
20 could implement to help them out, because they
21 don't take tax money at this time, maybe that's
22 something that we could also address.

23 So thank you for affording me this
24 opportunity to speak on something that I -- I
25 believe is going to be beneficial to our -- our

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2 community, and welcome to the new neighbors.
3 Thank you.

4 MR. FRIEDLANDER: Thank you.

5 MR. SILVERMAN: I think you all know who I
6 am. I'm the owner of the property right now.
7 We've owned this property close to 15 years.
8 And we've worked closely with the town; Dan and
9 I have had many meetings. We've spoken and
10 tried to work with the board of trustees and
11 with the village attorney. We were fortunate
12 enough to -- originally, we were going to build
13 a 60,000-foot building on this property, which
14 was the original plan, a three-story office
15 building. At that time we had a medical group
16 that were going to take a third of the
17 building.

18 And then we were fortunate enough to meet
19 Artis. And they came with a plan that was -- I
20 thought was more acceptable to the town
21 because, A, the size of the building, I think,
22 was 36,000 feet, smaller. And one of the
23 problems that Mr. Tedesco had said to me back
24 then, he was concerned about height. We drove
25 down Martling Avenue; you'd see the high

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1 building. This is -- now this is a two-story
2 building instead of a three-story building. We
3 were speaking to the town. We explained to
4 them that the tax base would obviously increase
5 as to what the taxes are right now.
6

7 The tenant puts no pressure on the school
8 system, because it's senior citizens. They
9 don't drive, so there's very little traffic
10 coming in, just the employees and maybe
11 visitors, once in a while. Unfortunately,
12 having a parent who had dementia, I was
13 fortunate enough to be able to go there quite
14 often, but most people don't have their parents
15 visiting them. So between the -- and there's
16 no pressure on the school system too so -- I
17 know you've been working hard to get this thing
18 past.

19 I appreciate all your work and that time
20 and effort and I just came here to thank you
21 for your time and effort and, hopefully, we can
22 get this thing finished and up before the end
23 of the year. Thank you.

24 MR. FRIEDLANDER: Thank you. Any other
25 comments from the audience?

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2 Bob, do you want to read your memo?

3 MR. GALVIN: Yes.

4 Briefly, I had summarized for the board
5 the previous comments that have been made in
6 the public hearing as well as written comments
7 that we've received. And this is something
8 that we will be providing to the -- to the
9 applicant to direct them in terms of doing the
10 FEIS. But we're going to wait until we get a,
11 you know, incorporate the comments that we've
12 heard tonight.

13 The additional comments originating from
14 the board's 7/22 hearing, there's two letters
15 to be addressed in the FEI -- SEIS, the Cuddy &
16 Feder letter in response to the Artis petition.
17 And then one that we received just a couple of
18 days ago, the DEC letter, which was a response
19 and comments, which is typical comments that
20 they have in terms of jurisdiction and
21 permitting.

22 Specific comments from the hearing held on
23 6/24, I'm going to briefly just go through
24 these, indicates where the information is found
25 in the -- the SEIS process. What I did was I

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took the comments, and then I put the specific response from the -- the stenographer's comments in the text.

There were 15 questions that were asked of them during the time that -- of the initial SEIS. They were all listed in Appendix W. But the question is, where do we find the new stuff and just put that into your response.

I think that Ms. Lawrence also had the same question, the same (indiscernible) where do you find the information on affordable housing. Again, this is in Appendix W. Again, we want to document that. We want to put that in as a question, and you address that in the FEIS.

We also provided a number of other comments during the development of the SEIS. And I think we have about 149 questions. We're not asking you to address each of those, but summarize those. For example, the village attorney had questions that specifically talked about, you know, really grammar and other kinds of issues. And it's a conclusory [ph.], whatever. So you would just take those

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2 comments and say you have 15 comments or 20
3 comments from the village engineer -- I mean,
4 the village attorney, and they deal with this,
5 that, and the other thing and this is how we
6 addressed it. So we're not asking you to go
7 through all 149 comments and address them.

8 The "provide comments" made by the village
9 engineer on water modeling, and we're asking
10 him to provide further commentary in response
11 to the engineer's comments on modeling and
12 institutionalize what you are planning
13 regarding the water system going forward. And
14 we essentially have his comments in from the --
15 from the stenographer's comments. Okay.

16 Manhole issue was identified. Provide
17 more detailed implementation and plans to deal
18 with that issue, which all ties into the
19 stormwater system and the sewer.

20 Traffic impacts: Are there any specific
21 additions or other conditions on the village's
22 major roads such as Broadway that distinguish
23 it from White Plains Road. I would expand that
24 so that you are not just talking about 119 and
25 -- and Route 9 but, you know, the major roads

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in -- in Tarrytown, such as 9, going forward.
But you'll see that in more comment here.

Provide additional study and respond on
renewal, alternate energy methods for the
project. And I put in comments from Mr.
(Indiscernible) from the planning board.

Describe plans for backup power for this
facility: I believe that Paul had that
question, Paul Birgy. What are you planning on
doing for backup, for backup power for the
facility? And Mr. Kirkpatrick said, We'll look
into that and give you an answer. I think he
says that a lot in this.

Address village recreation fees and the
impact on recreation: I believe that you've
received already information on that and can
address that.

Additional planning board comments:
Provide the rational for your density and
proposed legislation; namely, you're talking
about 100 units. How would this density
provide the precedence in generating a greater
number of units for larger properties
requesting a floating zone under the proposed

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legislation. So you can put your thinking caps on that. So it's not maybe a fixed, may not be a hundred units per acre or whatever. It may be fixed. You need to explain that to us and see how it, you know, dovetails, from, you know, if you have a larger, you know, 10-acre site and whatever. Does that translate into a thousand units.

In line with the village's Complete Streets Policy, describe providing connectivity to Route 119. This conforms to the county's GNL comments by the planning board. They were talking about an activity, how are you going to get there. Are you going to go through Columbus Park or are you going to do sidewalks? Are you going to do easements? How are you going to address that?

Describe methods and plans to separate grey water from household waste water. This is a comment that -- exploratory.

There's a number of other things, most of it deals with single family homes, but the Green Building Council has been very proactive in terms of looking at multi-family housing

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now. And that's something that you could explore and address in the FEIS.

That's all I have. And I'll provide this to you, but we want to take the comments tonight and add that to this. Does counsel have anything?

MS. ADDONA: Mr. Chairman, I'd like to just comment on one statement that had been made by the applicant, which was a request that the board make a recommendation to the board of trustees on the zoning at this point in time. As there are certain comments that were made on the SDEIS that will have to be addressed in SFEIS. It may be premature, especially with the comments related to density, because they directly relate to the zoning. So you may be better off holding off until you get that information so you're in a better position to make that recommendation to the board of trustees.

MR. TEDESCO: Thank you. Thank you. I fully agree with that, and you did it for me. Because I think we need to have the final SEIS accepted as complete, make our findings based

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2 on that, and hopefully, out of the findings
3 will come the recommendation to do the zoning.
4 And once the board of trustees does the zoning,
5 then it can come back to us for the site
6 planning review.

7 MR. GALVIN: And it should be noted that
8 the DSEIS and the FEIS encompasses not only the
9 zoning but the site plan. When they come back,
10 then it will just be your typical site plan
11 review.

12 MR. TEDESCO: Sounds good.

13 MR. FRIEDLANDER: John, I have just two
14 comments. I'm not sure, because I don't have
15 the report in front of me, but the analysis,
16 the fiscal analysis for this -- for this
17 property, do you -- do you remember what the
18 tax generation is proposed.

19 MR. KIRKPATRICK: I'm going to ask Mark.
20 Do you remember, Mark?

21 MR. FRY: Yes, I do. It's -- right --
22 I'll step to the mic.

23 Right now, today, the property generates
24 \$24,000 total tax as a vacant parcel of which
25 15,000, a little over 15,000, goes to the

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school system as of now, a little less than is required to educate one child, about \$29,000.

When this facility is built, it will generate a little more than \$400,000 per year, total taxes to all jurisdictions. So the comparison is now 24,000, when it's built 400,000. Just about exactly, as it happens, 17 times as much taxes when it is built than it now generates as an empty parcel.

Another way of putting that, it will generate zero, you know, when we get the full fiscal impact analysis, showing the increased costs to each taxing jurisdiction. How much will the increased cost be to the village? How much will the increased cost be to the fire department? How much will the increased cost be to the school system? For the school system it's easy, because there will be no students generated for the schools, and it will generate \$260,000 -- I'm sorry, out of the 400, it's about 329,000. It's enough to educate nine students, nine times 27 whatever that is. So there's a tremendously positive fiscal impact.

And that's all starting on page 93 for



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2 anyone who is watching this and wondering where
3 can I find those figures. They can find them
4 starting on page 93, the table that I'm
5 referring to is on page 98. And there is --
6 all of the tables of the fiscal impact analysis
7 are listed in -- they are in a separate section
8 in addition, and there are two more tables we
9 were asked to provide in that Appendix W that
10 the planning board specifically asked for.

11 MR. FRIEDLANDER: So I have a question for
12 -- I don't know who has the answer to this;
13 it's not your bailiwick, Dan. But does -- does
14 the village of Tarrytown provide any financial
15 resources to the ambulance corps?

16 MR. FRY: I can answer that question for
17 you. That's also addressed in -- and I thank
18 Mr. -- Mr. Yamamoto for bringing that up.

19 We have addressed that in the community
20 facility section of the SDEIS. Mr. Ferentinos
21 is here tonight, in the blue shirt next to Mr.
22 Silverman. As a matter of course, Artis Senior
23 Living, unlike many healthcare providers, pays
24 the full cost of the Tarrytown volunteer, every
25 ambulance corps that serves their facility

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regardless of whether their individual client has insurance to cover that. So there is a very strong need across Westchester for better funding, for volunteer ambulance corps.

As you may be aware, the village of Ossining is passing a new law that will require the billing of those services. Tarrytown does not yet have that law.

However, Artis Senior Living will pay the entire cost of every ambulance visit. Further, as we've explained in the SDEIS, they have a medical director. Artis will have a medical director on site at all times. And there will be a triage. They'll treat what they can on site. What they cannot treat on site, they'll treat right next door at another of Mr. Silverman's properties at the Urgent Care of Westchester. They have the full Columbia Doctors there as well for slightly elevated level of care.

However, certain of the seniors citizens will, from time to time, require emergency transport to a tertiary care facility. They'll have to be taken ASAP to Westchester Medical

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2 Center. And that will be, we will call
3 Tarrytown -- the medical director will call
4 Tarrytown ambulance corps or Empress. In every
5 event, those services will be reimbursed in
6 full.

7 MR. BIRGY: Why would it be Westchester
8 Medical Center and not Phelps?

9 MR. FRY: Because they have -- depending
10 upon the nature of the emergency, Westchester
11 Medical Center is a tertiary care facility. So
12 people come in with burns over 80 percent of
13 their body. They come from a seven-county
14 range by helicopter. If there's a baby being
15 born that's 12-ounces -- 12-ounces, at birth
16 weight, they can take care of those
17 emergencies.

18 Phelps is certainly will be, wherever we
19 can go to Phelps as a first choice, we
20 certainly will. But there's going to be the
21 issue of transport time and the nature of care,
22 if it's going to be a quadruple bypass stat,
23 it's going to be in Westchester. I don't mean
24 to -- I'm no expert on this but basically that.

25 MR. BIRGY: Just as lead in to Stanley's

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question, I think there's also an issue of not only that Artis would be paying for the service, but what is this, you know, does this mean an additional burden on the ambulance service. Because we talked about this. It's the same issue as if you have to hire another policeman, or they have to get another, you know, sanitation truck. So -- so the question is, would the ambulance corps be, you know, burdened by this, and not just a question of paying, but how does that affect the ambulance corps.

MR. FRY: I can answer that. And I think it's also in the SDEIS in terms of how often will this happen. How often will an ambulance be called to the 64-bed Alzheimer's/dementia care facility.

And the answer on that is about one and a half times per month, 1.5 ambulance trips per month. And that's based on all of the facilities that they already have up and running. So they get an actual apples-for-apples basis. They can say, We have 10 facilities with 64 beds each. Based on our



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2 experience with those facilities, we -- they
3 can estimate very closely how many people are
4 likely to need them.

5 MR. BIRGY: It sounds incredibly low to
6 me. I mean, it's just -- is there a way we can
7 get some other verification for that?

8 MR. FRY: Mr. Ferentinos is here. We can
9 certainly provide a statistical background for
10 that. And we -- and if you could --

11 MR. BIRGY: I hope it is. I just --

12 MR. FRY: Yeah.

13 MR. BIRGY: Again, we get a lot of
14 figures. And sometimes they are not, you know,
15 when the reality strikes, it's -- and, again,
16 I'm not -- you know, I'm pleased with, you
17 know, the basic idea of the facility, but I
18 think that, you know, we just have these
19 ancillary questions, and we just don't want to
20 have surprises later on.

21 MR. FRY: It's a legitimate concern. It's
22 a big problem for ambulance corps all over
23 Westchester County. Some municipalities have
24 adopted new legislation, it's something for
25 Tarrytown, but regardless of any new

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2 legislation, Artis Senior Living, has a
3 corporate policy, takes care 100 percent of the
4 municipal costs.

5 MR. GALVIN: In terms of the FEIS, could
6 you address that specific question. Basically,
7 you talked about different levels of care. You
8 talked about the statistical background for
9 that. And maybe there's some even -- is there
10 a cost for ambulance, even though you're paying
11 that, you want to be able to say that too.

12 MR. FRY: Yes. We will be happy to do
13 that. The information you asked for is already
14 in the --

15 MR. GALVIN: Right. Again, in
16 (indiscernible) it's a question when you bring
17 it out, and people can see it right there.

18 MR. FRY: Absolutely. Happy to do that.

19 MR. FRIEDLANDER: So I think the issue is
20 if they're prepared to pay the full cost of
21 every service rendered, but the infrastructure
22 costs or the capital -- fixed capital costs of
23 the building and the ambulances and the
24 replacement of the ambulances and the wear and
25 tear, that's often not included in their bill.



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2 So what I think would be useful is if you spoke
3 to them and said, what are the additional costs
4 that you could -- that you could proportionally
5 contribute to in the long term for structural
6 improvements of the building that they have to
7 operate or for the equipment that they need,
8 including the equipment in the ambulance
9 itself. Because usually when they price it
10 out, they just price services rendered and not
11 -- not the full costs.

12 MR. FRY: I believe, I agree with Mr.
13 Chairman, that's a legitimate concern. And
14 that is something, certainly, we can talk with
15 the representatives of the volunteer ambulance
16 corps, and get an idea of their overall cost
17 structure and not just operating but capital
18 and see and be sure that we are making a
19 reasonable contribution.

20 MR. FRIEDLANDER: Even the cost of
21 training additional people should be included
22 in that because they will probably -- if the
23 demand exceeded what was stated in the report,
24 which it might -- it might happen, people get
25 ill, you may take in older clientele in over

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2 time; so it may increase the use of the need
3 for ambulances. It would be nice to have the
4 ambulance corps be prepared to handle that with
5 the requirements of increased training
6 personnel. Selecting and recruiting personnel
7 should be included in the cost structure.

8 MR. FRY: Absolutely. Training is
9 critically important, and it's -- and it's
10 recurring. The fact that you know how to -- to
11 operate all today's monitors doesn't mean
12 you're prepared to --

13 MR. GALVIN: You may want to put that in
14 context. So, in other words, the -- it's very
15 interesting to know, on average or on a monthly
16 basis, how many ambulance calls do they
17 actually make. And what is the time involved
18 in that, whatever. That would then give you --
19 if it's 1.5 and that takes a certain amount of
20 hours, and the rest of it is, you know, I don't
21 know, 10 or 20. I have no idea. You might get
22 the board and hear what was the context of it.

23 MR. FRY: And also to expand upon that
24 context, I will reach out to my colleagues in
25 Ossining and other municipalities that have



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2 gotten together to address this problem and
3 have a broader statistical basis for the nature
4 of the impact.

5 MR. BIRGY: And just a question for the
6 village attorney: Is there any provision
7 within the village code that would be similar
8 to a recreation fee for something like this?
9 If not, we have to look at doing that, maybe,
10 for the future.

11 MR. GALVIN: You're the attorney.

12 MS. ADDONA: I don't believe so, but we
13 can certainly double-check that. And if
14 appropriate, submit a written comment during
15 the written comment period if the board is
16 inclined to move forward with that.

17 MR. BIRGY: Maybe for the future or
18 something, it would be a good idea to look at,
19 if possible.

20 MS. ADDONA: See if there's a possibility
21 for a text amendment just on a more general
22 basis. Understood.

23 MR. GALVIN: We are very familiar with
24 Ossining; so see what they are doing up there.

25 MR. FRIEDLANDER: Mark, I was struck by a

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comment of one of the previous speakers, it was a nurse, said something about the holistic notion of having outdoor recreational with passive spaces. I'm looking at the site plan as it exists now.

MR. FRY: Yes.

MR. FRIEDLANDER: The area to the left going toward the aqueduct, where is the property line? And is that -- is that actually a live water body that is filled with water continuously?

MR. FRY: No, it is not. This -- this is the detention pond that was built in 2015. There is no continuous water body. That's to say there is no flowing brook that goes down through this property. All of the catchment areas on this property, of course, are delineated in the -- in the stormwater management report.

When this was built in 2015, it was sized to take not only the runoff from this pervious parking lot here, but also it was sized to fully incorporate the runoff from this.

To answer your question: Where is the



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2 property line? The property line on this
3 parcel is 4.6 acres is this dark black line
4 that I'm tracing with my fingers. There's
5 about 600 feet of frontage on Martling Avenue;
6 430 down in this direction. It's contiguous
7 with the Marshall Cavendish Publishing. It's
8 publishing along this line, and it adjoins the
9 remaining eight acres that are a different
10 parcel owned by Mr. Silverman that incorporates
11 this pervious parking lot.

12 MR. FRIEDLANDER: So my question is: Are
13 you going to use the green space to the south
14 -- to the rest of the building for park land or
15 for gardens or for -- I'm not --

16 MR. FRY: It will be open space forever.
17 The short answer is, in terms of the recreation
18 for the residents, no. That will be
19 restricted. The residents are under what's
20 called "routine protective oversight." That's
21 to say that they cannot be permitted to wander
22 off on a garden path.

23 I have familiarity with my own family with
24 that issue. And so the gardens are
25 extraordinarily well-designed and landscaped.

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They're an actual model for the industry. Because when people are looking for a place to take mom or dad, they're looking for a place that they want them to be happy. And this landscaping that I'm pointing out here will be extraordinarily well done. Thanks to Kathleen Snyder, who is here, raise your hand, please.

They've done -- so let me say, this area here, this is the area for the residents. They -- it is -- it can only be reached through the building itself. And it's a beautifully landscaped area for all the residents to walk in these paths, often hand-in-hand with a caregiver, one-on-one. These areas here, the retaining wall, will be extraordinarily well-landscaped, but this area, Dr.

Friedlander, here is quite steep; this will not be used for recreation. This will be permanent open space forever. And it will be attractively landscaped, but the primary function of this is for that detention pond.

MR. FRIEDLANDER: Okay. I look forward to discussing that in the site plan about the size of that garden, and whether it's adequate. But

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2 you can tell me then, not now.

3 MR. FRY: Okay. Great. Any other
4 questions I can answer.

5 MR. FRIEDLANDER: Any other questions from
6 the board? Okay. So let's continue this.

7 MR. TEDESCO: I'm going to move that we
8 close the public hearing tonight on the draft
9 SEIS. And we ask the applicant to prepare the
10 final SEIS, which will address all substantive
11 comments made during the public hearing and
12 also written comments made during the 10-day
13 comment period, which will follow this meeting.
14 The final SEIS should also address all comments
15 made by staff and counsel during the production
16 of the draft SEIS, and it should incorporate
17 the draft SEIS by reference. Is there a
18 second?

19 MS. LAWRENCE: Second.

20 MR. TEDESCO: All those in favor.

21
22 (A chorus of "ayes.")
23

24 MR. FRIEDLANDER: Carries unanimously.

25 MR. FRY: So, Mr. Acting Chairman, as a

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point of clarity to the public, even if they weren't here tonight, can still submit written comments, and they would do that through Ms. Meszaros.

MR. TEDESCO: And that refers to not just the people watching but anybody in the audience at home, on the ride home they say, Oh, my God, that's the question I should have asked. You got 10 days. So send us the comments.

MR. FRY: Happens to me all the time. Thank you very much.

(Time noted: 7:39 p.m.)



C E R T I F I C A T E

I, Douglas F. Colavito, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

Douglas F. Colavito

DOUGLAS F. COLAVITO

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