

Planning Board  
Village of Tarrytown  
Regular Meeting  
September 24, 2018 7:00 pm

AMENDED MINUTES – APPROVED AT 11-26-18 MEETING

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

ABSENT: Member Aukland, Alternate Member Lawrence

Chairman Friedlander called the meeting to order at 7:03 p.m.

Mr. Tedesco moved, seconded by Ms. Raiselis, to go into executive session to discuss procedural matters. All in favor. Motion carried.

Board members returned to the meeting room at 7:15 p.m. Mr. Tedesco moved, to come out of executive session, seconded by Ms. Raiselis. All in Favor. Motion carried.

Dr. Friedlander referred to a concept discussion for the site at 29 S. Depot Plaza proposed project. Although it is not on the agenda this evening, the Board does not have any updated information on this matter, nor has a formal site plan application been filed, he will allow Mark Constantine, Attorney, representing the property owner, to speak for a few minutes at the end of the public hearings.

APPROVAL OF MINUTES– August 27, 2018

Mr. Tedesco moved, seconded by Ms. Raiselis, that the minutes of the August 27, 2018 be approved as submitted. All in favor. Motion carried.

Chairman Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive  
Additions and Alterations to a single family home.
- Benedict Avenue Owners Corp. –22 Glenwolde Park  
Additions and Alterations to a single family home.
- Artis Senior Living, LLC – 153 White Plains Road  
Construction of a 35,952 s.f. Alzheimer/Dementia Care and review of petition for zoning amendment to allow for Alzheimer Dementia Care housing.
- 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.

- Sisters of the Sacred Heart of Mary- 32 Warren Avenue  
Driveway widening, construction of retaining wall and garden addition.
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall, construction of retaining walls and landscaping of rear yard.
- Alex Esposito, AIA Architects – 11 Emerald Woods – Demolition of existing structure and construction of a single family residence/guest house with garage space, pool cabana and site improvements.

CONTINUATION OF PUBLIC HEARING – Debra Jacoby -59 Embree Street

David and Debra Jacoby appeared before the Board and presented the site plan of the proposed 2 story home with the added parking in front. She also showed photos of the home, which will be placed in the exact same location as the existing one story structure. Mrs. Jacoby pointed out the proposed 90 s.f. rain garden which is in the hill and comes to a flat level area. Mr. Pennella said this is an improvement to the overall existing conditions and the applicant has provided for native plants.

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

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

Mr. Birgy said that only a portion of this resolution will be read, but an entire copy will be provided to the applicant and the entire resolution will be recorded in the minutes of this meeting.

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted September 24, 2018)**

**Application of David and Debra Jacoby**

**Property: 59 Embree Street (Sheet 1.190, Block 115, Lot 12 and Zone R-7.5)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requested site plan approval for the demolition of the first floor and roof of an existing single-family residence and construction of a new single-family residence with a first and second floor in the R-7.5 District.

2. The Planning Board on August 27, 2018 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *“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 August 27, 2018 and September 24, 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 August 10, 2018 and September 10, 2018, a denial letter from the Building Inspector/Village Engineer dated July 26, 2018, Applicant’s information provided for front setbacks for residences along Embree Street, a letter from Village Counsel for the Zoning Board of Appeals dated August 15, 2018 providing a review of the application and an analysis of the merged status of Lot A and Lot B comprising the subject property which the Board has considered.

5. The Zoning Board of Appeals reviewed the Applicant’s request for variances for pre-existing non-conformities. These variances included setbacks for side yards and front yard, width at front of the building, minimum street frontage, light exposure plane and parking in the front yard at a public hearing held on August 13, 2018 and September 12, 2018 at which public comments were heard and considered. The Zoning Board of Appeals closed the public hearing on September 12, 2018 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on September 24, 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 Project is situated on an 11,420 sf (0.263 acre) lot in the R-7.5 zoning district. The Proposal will include 1) a new first floor, 2) front porch along the width of the entire house, 3) the rebuilding of the existing rear

deck and adding to the rear deck and 4) a new second floor added to the existing one-story structure. The proposed residence’s height will be increased from 20’ to 29’ (still within 30’ maximum). The basement walls and foundation will remain. The construction will stay on the existing foundation footprint. There will be no new site work. The Property’s impervious surfaces total 242 sf which will not be increased by the project. The Environmental Clearance Form only notes steep slopes on the property. There is no disturbance within the steep slope area.

The design increases the side yard setback by removing a side porch on the west side of the house. This will increase the setback for the side yard by 6’ (total of 11’). The new front porch will be in line with the front of the adjacent house. Applicant has provided a review of front setbacks for residences along the street using GIS map measurements. The average front setback for the 11 houses along the street averaged 11.73’ where as the applicant’s pre-existing front setback is 11.75’. The Applicant is installing a 90 sf rain garden for the project’s stormwater management system.

The Village Counsel for the ZBA provided an analysis regarding the status of Lots A and B which constitute the subject property. Counsel’s analysis determined that both lots came into common ownership in 2003 and deemed that the lots have been merged by operation of law and should be treated as one lot for the purposes of the land use application.

II. Approved Plan:

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

Plans prepared by Roger W. Hoffman, Architect PLLC. The Plans are entitled and dated 6/8/18 unless otherwise noted as follows:

- **A-0 “Window Schedule and Zoning Info”** Renovation for David and Debbie Jacoby, 59 Embree Street, Tarrytown, NY dated May 3, 2018.
- **ST-1 “Proposed & Existing Site Plans”** Renovation for David and Debbie Jacoby, 59 Embree Street, Tarrytown, NY.
- **A-1 “General Notes”** Renovation for David and Debbie Jacoby, 59 Embree Street, Tarrytown, NY.
- **A-2 “Floor Plans”** Renovation for David and Debbie Jacoby, 59 Embree Street, Tarrytown, NY.
- **A-3 “Elevations”** Renovation for David and Debbie Jacoby, 59 Embree Street, Tarrytown, NY.
- **A-4 “Section, Roof Plan, Deck & Details”** Renovation for David and Debbie Embree Jacoby, 59 Embree Street, Tarrytown, NY.
- **PE-1 “Plumbing Riser & Electrical Plans”** Renovation for David and Debbie Jacoby, 59 Embree Street, Tarrytown, NY  
**(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.

IV. Specific Conditions

- a) Prior to the issuance of a Certificate of Occupancy, Applicants shall file a plat with the Office of the Westchester County Clerk depicting Lot A and Lot B as one parcel. Applicants shall submit to the Building department written evidence of such recording together with a stamped copy of the filed subdivision plat.

Mr. Tedesco moved, seconded by Ms. Raiselis, to approve this application. All in favor. Motion carried.

NEW PUBLIC HEARING – Krystyn Silver- Ass't Director for National Trust for Historic Preservation - 635 South Broadway

Dr. Friedlander read the public hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, September 24, 2018, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Krystyn Hastings Silver, Assistant Director  
o/b/o National Trust for Historic Preservation- Lyndhurst  
635 South Broadway  
Tarrytown, NY 10591

to amend site plan approval dated May 22, 2017 for landscape restoration and site improvements to include an additional path for ADA access.

The property is located at 635 South Broadway, Tarrytown, NY and is shown on the tax maps as Sheet 1.221, Block 129, Lots 3, 9 and 10 and is in the HC Zoning District.

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

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: September 14, 2018

The mailing receipts were received and the sign was posted.

Krystyn Silver, Assistant Director, representing the National Trust for Historic Preservation-Lyndhurst property, located at 635 South Broadway, appeared before the Board and presented the site plan. She explained that Lyndhurst is moving forward into the next phase of the landscape restoration and will be adding/restoring a path for ADA access which requires an amendment to the approved May 22, 2017 site plan. The new plan will also require permission to remove 3 Arborvitae trees to enable access in order to re-mortar the steps.

Ms. Silver referred to the village landscape report noting the inconsistency on the plan with regard to the removal of the Weeping Blue Atlas Cedar near Rockery #3 which she advised will not be removed. Instead, they will be working around this specimen tree and a revised tree removal and protection plan will be submitted which will also address the additional comments in the village landscape report.

Mr. Tedesco asked Mr. Pennella if he had any comments with regard to stormwater management. Mr. Pennella said he is working with the applicant to address the stormwater plan and will report back to the Board.

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

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

Mr. Tedesco moved, seconded by Ms. Raiselis, to set an escrow at \$2,500.00. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to adjourn this evening and continue the Public Hearing next month. All in favor. Motion carried.

CONCEPT DISCUSSION -Lexington 202 Group LLC - 29 South Depot Plaza

Attorney Mark Constantine was invited up to speak for a few minutes on behalf of his client, Paul Ferraro, also present. Mr. Constantine thanked the Board for the courtesy of allowing them to be heard this evening to follow up on an informal presentation made to the Board at the August 16, 2018 Planning Board staff meeting.

Mr. Constantine reminded the Board that his client has received Site Plan Approval to construct the self-storage facility at 29 South Depot Plaza. However, in the interim, he is now considering an alternate plan for this property which will require some sort of change in the current zoning. He has made a formal request by Petition to the Board of Trustees to allow the expansion of the WGBD zone just north of the train station and west of the H-Bridge to be applied to lots 37 and 38 ( 29 and 28 S. Depot Plaza) in order to develop mixed use-residential consisting of the self-storage facility on the first 2 floors with residential above that, and another residential building on Lot 37. He advised that the Board of Trustees has referred this matter to this Board on September 14, 2018. In the past, this Board has been free with comments regarding the development of this property and they are here to engage the Board in this process. They are prepared to satisfy the requirements of the application process set forth by Village Administrator Slingerland's email this afternoon. Their foremost immediate concern is that they currently have an approved plan to construct the self-storage facility; however, they would like to proceed with this new proposal but there is no zoning in place that would allow this project to move forward. The code does not list requirements for a zoning change petition so he would also welcome an approach as to how to amend the zoning on this property. He believes this Board would be pleased with this proposal since they have talked about residential use on this property in the past. He referred to the comprehensive plan and re-zoning changes for the station area but did not know how long it is going to take. He advised the Board that they are inclined to move forward with this application but would like to know if the Board is receptive to the concept proposal.

Counsel Zalantis asked Mr. Constantine to present the plan. Mr. Constantine said that he thought information was submitted to the Planning Board and that he only had a ledger size plan with him this evening. Mr. Pennella commented that Paul Ferraro came into the building department office last week and after a telephone conversation with him and Counsel Zalantis, Mr. Ferraro took his materials back with him and said he would have to further discuss this matter with his family. Therefore, the Board has nothing in front of them right now with regard to the newest proposal.

Mr. Constantine approached the Board and distributed a rendering of the proposed plan for Lot 38. Mr. Ferraro held it up to the camera. Mr. Constantine said the proposal requires a zone change and most likely a parking variance; however, the current WGBD zone provides developer incentives with regard to density, parking and building height which he hopes that his client can benefit from. This plan is consistent with the type of transit oriented development.

Planner Galvin confirmed that both lots would need to be re-zoned. Mr. Constantine said he has started a dialogue with the village to accomplish what he feels is the most efficient and effective way to do this since the WGBD zone exists in close proximity to this property. Dr. Friedlander said at this point we do not have any plan in front of us. They did have a discussion of a conceptual plan presented at the work session where no one expressed any opposition to the plan as they encourage people to come up with ideas that they think may be beneficial to the village. The village has spent a lot of time and money on the comprehensive plan and station area re-zoning. They do not oppose this project but they want to make use of the study in order to make the village a better place. The WGBD zone referred to was applied 10 to 12 years ago, and, whether it is applicable now or not he does not know. To be honest and fair, they really do not know enough yet and why have an applicant go through unnecessary expenses if the zoning is in question. He is asking the applicant to be patient and cooperate with the village until the zoning is decided.

Ms. Raiselis said there is nothing in front of them to comment on this evening. If the applicant does not wish or cannot wait then they can submit a formal application to this Board.

Mr. Tedesco agrees and wants this project to benefit both the village and the applicant, but they are not quite there yet.

Dr. Friedlander said why spend the money up front and then find out if it is going to fit in with the zoning. Mr. Constantine said this is why they are here. His client does not want to get into a process that is completely open-ended. He asked for a timetable for the process. Dr. Friedlander said the comprehensive plan is almost complete. Ms. Raiselis said she they are hoping to get the zoning finalized by the end of the year.

Mr. Constantine appreciates the Board's candor. He and his client want to work with the Board, the village staff and the village consultants. Dr. Friedlander said they have a record of their cooperation with this applicant for the self-storage application and they will continue to work with them. He has urged the Village Comprehensive Plan and Zoning committees to finish this work as quickly as possible since it is in the best interest of everyone to see the station area prosper.

Mr. Constantine said he will speak with his client about the timetable and thanked the Board for their time.

CONTINUATION OF PUBLIC HEARING -Lorraine S. Burke-Zollo, Property Mgr. - Martling Owners, Inc. - 222 Martling Avenue

Paul Berté, the project engineer, appeared before the Board and presented the site plan for improvements to parking lot area to include drainage and resurfacing as well as the construction of retaining wall in rear of the building. He updated the Board and said they are in receipt of the village landscape consultant report and have staked out the location of the wall and drainage improvements for the level spreader and proposed trenches.

Mr. Pennella advised the Board that he will schedule a site visit with the village landscape architect and discuss the drainage issues with the applicant and report back to the Board. Mr. Berté noted that there are some small Maple trees that will need to be removed and the plan will be updated. The retaining wall in the rear was also staked and elevations have been prepared. At its highest, the wall is 6 feet in the middle, the rest is less than that and no trees will be affected. The purpose of the wall is to stop the erosion and allow equipment to get around the building.

Mr. Tedesco asked for soil analysis for the retaining wall and for certified arborist reports for the trees that will need to be removed with revised plans.

Mr. Galvin advised the Board that with regard to SEQRA, only one comment has been received from Police Chief John Barbelet raising concerns about parking on the public street during the resurfacing of the parking lot. The applicant commented that there will be no parking offsite on the public roadway during the entire construction period.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Planning Board assume Lead Agency status for this project. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to adjourn this evening and continue the Public Hearing next month. All in favor. Motion carried.

Adjournment: Mr. Tedesco moved, seconded by Ms. Raiselis, to adjourn the meeting at 7:58 pm. All in favor. Motion carried.

Liz Meszaros- Secretary