

Planning Board
Village of Tarrytown
Special Meeting
October 13, 2020 7:30 pm

PRESENT: Members Tedesco, Aukland, Birgy, Raiselis, Alternate Member Lawrence, Counsel Zalantis, Village Engineer Pennella, Village Planner Galvin; Secretary Meszaros

ABSENT: Chairman Friedlander

This meeting is being held via Zoom video conference in accordance with the Governor's Executive Order issued in response to the COVID-19 Pandemic that authorizes public meetings to be held in this manner. The public will be able to view the meeting through the Zoom application and be given the opportunity to speak during the public comment period for each application by pressing the "raise your hand" icon to speak or *9 on their phone.

This special meeting has been scheduled to continue applications that were adjourned at the September 30, 2020 meeting due to the late hour.

Mr. Tedesco chaired the meeting in Dr. Friedlander's absence and called the meeting to order at 7:35 p.m.

NEW PUBLIC HEARING – M.M. Home Development, LLC – 6 Hillside Street

Mr. Tedesco read portions of the public hearing notice into the record and noted the adjournment from the September 30, 2020 meeting.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Order 202.1, which has been extended. The public hearing will begin at **7:00 p.m.** on **Wednesday, September 30, 2020**, to hear and consider an application by:

M.M. Home Development, LLC
P.O. Box 574
Chester, NY 10918

For a two (2) year extension to the August 27, 2018 Site Plan approval for the construction of a single-family home.

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

Please visit <https://www.tarrytowngov.com/home/events/26434> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

Public Written Comments will be received in advance of the meeting no later than 12 Noon on Friday, September 25, 2020 by email to: Imeszaros@tarrytowngov.com or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

Documents relating to applications will be provided in advance of the meeting by emailing Imeszaros@tarrytowngov.com or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

September 18, 2020

The mailing receipts were received and the sign was posted.

Carlo Camporeale, Attorney, representing the applicant, appeared before the Board requesting an extension to the site plan approval dated August 27, 2018. His client is not seeking any amendments to the plan, he just would like additional time to be able to move forward with this project.

Mr. Tedesco asked if anyone on the Board had any questions or comments.

Mr. Aukland asked Mr. Pennella if anything has changed in the actual application or the work proposed.

Mr. Pennella advised that the plans have not changed. He noted a condition in the approved 2018 Resolution relating to the rock protocol which required the applicant to secure a separate permit for the rock removal, to be completed within a 30-day period. If the rock removal was not completed within that time, the applicant would have to come back to this Board for an additional approval. He would like to Board to consider a small change to the “field changes” in the conditions of the 2018 Resolution which would allow the Building Inspector to be able to approve slight modifications to the plan without having to have the applicant return to the Planning Board. This change would allow the applicant to move the location of the house, in order to minimize the amount of rock removal, which would be a great benefit to the residents in the neighborhood.

Mr. Aukland asked if anything else has changed in the Village code or requirements that they should factor into this decision?

Mr. Pennella said that nothing has changed with any codes. In the beginning of the year before Covid-19 set in, the applicant sent notices to the surrounding residents that they were planning to start the pre-rock removal survey process. This was preempted by the Covid-19 shutdown. The applicant is before the Board to extend the application since they were not able to proceed.

Mr. Galvin asked Mr. Pennella if the ZBA granted the extension for the setback and side yard variances. Mr. Pennella confirmed that the variances were granted by the ZBA. He noted that the original plan submitted called for additional rock removal. It was suggested by this Board that the applicant go to Zoning to seek minimal variances which would reduce the amount of rock removal. The variances approved and extended have actually helped to reduce the amount of rock removal.

Ms. Raiselis wanted to make clear to the public that the field changes that Mr. Pennella has described are determined by Mr. Pennella, as the Village Engineer/Building Inspector.

Mr. Pennella read the revised proposed change to clarify for the Board and the public.

- (a) 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 and/or location of an alternate layout diminishes the amount of rock removal which reduces the impact to the community, the Village Engineer/Building Inspector may, allow such changes. In all cases, amended plans shall be submitted to reflect approved field changes.

Mr. Pennella confirmed that this text change will allow him to make the field change for the benefit of the community. Ms. Raiselis noted that if the change is not deemed minor, any deviation from or change in the Approved Plan shall require application to the Planning Board for amendment of this approval, which is stated in the same section.

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

Jill Paone, 2 Hillside Street, called to speak on behalf of her two children who both have legal IEP's with the school district. There are certain requirements that have been built around the needs of her children to ensure their academic success, in terms of their disability, and items that need to be addressed in a school environment. Since the spring of 2020, the responsibility to enforce these terms has shifted to their home and she needs to make sure that there are limited distractions in order for her kids to focus. It is not just the rock blasting, she is also concerned about the vehicles driving by and the smells associated with the construction. It is nice enough to say that it is just a limited timeframe for rock removal, but it is construction, and there is so much more to consider. She is just asking the Board to consider these factors. She lives right next door to the property. Her children cannot return to school because she has an auto-immune disorder, and is concerned about her exposure to Covid-19. She has no problem with the property being built, she just thinks it is not a good time right now.

Mr. Tedesco asked Mr. Pennella if there is anything the Building Department can do for Ms. Paone to help her with regard to letting her know the hours of the blasting and what the stages are in the process so that she can better coordinate the teaching schedule for her children.

Mr. Pennella said that we keep referring to this as rock blasting, but actually it is rock hammer removal, which is a different process. The original Resolution restricted the hours of the removal from 9 am through 3 pm, five days a week, excluding holidays for 30 days. So, in reality, there will be a period of 20 days to remove the rock. If it cannot be done within that timeframe, the applicant will have to come back in front of this Board. There is no way to tell when the work will begin. He can try to get a more definitive schedule when the applicant proceeds with the rock removal permit process and will work with the residents to make sure they know the schedule.

Ms. Raiselis asked the applicant what the likelihood is of starting this project in the next 6 months or even the next 3 months.

Mr. Camporeale said he thinks the likelihood is that it will be started in the next 6 months. It is going to depend on a lot of variables. They first need to get a contractor on board, secure the permits from the village, and also make sure the materials they need are in supply. He feels confident about 6 months, but as far as construction beginning within the next 90 days, at this moment, he is not sure.

Mr. Pennella said there is no way that the applicant will be able to start the rock removal within 90 days. There are a lot of other procedures that they need to adhere to. They still need to do the pre-removal surveys which involve going into the surrounding homes to document pre blast conditions. The likelihood of them physically removing rock in 90 days is unrealistic. Mr. Galvin asked Mr. Pennella if they even have the construction plans yet. Mr. Pennella said no and there is no building permit issued either.

Mr. Tedesco asked Mr. Ringel if there is anyone in the public who wishes to speak.

Vincent Paone, 2 Hillside Street, would like to dovetail on his wife's comments. Not only is he concerned for his children, there are a lot of children that are home schooled in the neighborhood now. This is an unprecedented time and the longer they can push the project off would be terrific. He understands that they are going to be doing rock removal instead of blasting and they did receive a notification from the applicant. They responded to the applicant, but he and his neighbors have not heard back with regard to the start of any work. He is concerned about people coming into their home to film for proper documentation. He would like to know what solutions are available so that they can make sure it is done in a safe manner since they don't have a place to put their children. There is only a 20 to 25-foot distance between their home and this construction. He also advised the Board that at the time of the last approval, he and his neighbors only attended one of the last Planning Board meetings. They only received one certified letter and didn't realize that it was up to them to follow up and keep checking the website to see about additional meetings. His wife is not well and she has been home through the majority of this pandemic along with the kids in fear of contracting this virus. One last point, they asked at a meeting what type of fence or barrier that the applicant planned to install between the two properties. There are nice homes in this area and he feels that the chain link fence proposed is very inexpensive. They were supposed to come back with a solution, but hasn't heard back from the applicant.

Ms. Raiselis said when the videographer goes in to do the surveys of the adjacent homes, they are going to have to figure out a way to do this safely since Ms. Paone is compromised. This needs to be worked out before the rock removal starts. The procedure needs to be made clear and safe.

Mr. Aukland is taking these comments seriously and asked Mr. Pennella if Ms. Raiselis' concerns are covered in the permit for the rock work. He wants to make sure that before they go ahead with the approval that the permit process will make sure that it is done properly.

Mr. Pennella advised that this Board spent a lot of time on the conditions of the rock removal process when it was originally before this Board. There is a special permit process just for the rock removal outlining the steps that have to be taken before they can begin the work. A detailed plan on how they intend to do the necessary work will be required before they start. In addition, the added condition he has proposed will allow for the applicant to mitigate the amount of rock removal by possibly moving the home a bit. He understands the noise concerns of the neighbors. The Building Department will do their best to work with everyone to address the issues.

Ms. Raiselis feels that Mr. Pennella will be on top of it and that he will protect the neighbors during the process. Mr. Tedesco agrees that Mr. Pennella is aware of the neighbors' concerns and there are a number of conditions that have to be satisfied by the Village Engineer and the Building Inspector before anything actually starts.

Mr. Ringel advised that there is no further comment from the public.

Mr. Aukland moved, seconded by Ms. Raiselis, to close the public hearing.

Mr. Tedesco asked for a roll call vote:

- Member Aukland: Yes
- Member Raiselis: Yes
- Member Birgy: Yes
- Member Tedesco: Yes

All in favor. Motion carried. 4-0

Mr. Aukland read through portions of the Resolution and advised that a 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 October 13, 2020)

Application of M.M. Homes Land Development of PA LLC

Property: 6 Hillside Street (Sheet 1.150, Block 98, Lot 5.3 and Zone R-10)

Resolution of Site Plan Approval

Background

1. The Applicant requests a two-year extension of the Site Plan approval originally granted by the Planning Board on August 27, 2018 for the construction of a proposed single family residence and driveway including stormwater management system, grading and sediment and erosion control located at 6 Hillside Street in the R-10 District. The property was part of a previously approved four lot subdivision approved in 2007.

2. The Planning Board previously determined on February 26, 2018 that this action was 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 including provision of necessary utility connections”*

3. There have been no changes made in the plans for this application.

4. The Planning Board has conducted a duly noticed public hearing on October 13, 2020 on the Applicant’s extension request at which time all those wishing to be heard were given the opportunity to be heard.

5. The Zoning Board of Appeals reviewed the Applicant’s request for a two-year extension to the May 14, 2018 Zoning Board approval for variances related to the construction of a single-family residence. A duly noticed public hearing was opened by the Zoning Board of Appeals at its regularly scheduled meeting on October 13, 2020 at which members of the public had an opportunity to speak on the application. The Zoning Board of Appeals closed the public hearing on October 13, 2020 and approved the requested two-year extension for side and front yard variances.

6. The Planning Board closed the public hearing on October 13, 2020. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

The Planning Board determines that the Application for a two-year extension to expire on October 13, 2022 is granted subject to the identical conditions contained in the original site plan approval issued on August 27, 2018 (these specific conditions are included below) and the following general conditions.

- (a) **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 and/or location of an alternate layout diminishes the amount of rock removal which reduces the impact to the community, 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.
- (b) **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.

- (c) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (d) All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

IV. Specific Conditions:

Prior to the issuance of a Building Permit for rock removal, the following shall be provided to the Building Inspector/Village Engineer:

- (a) Applicant will install monuments of a type approved by the Village Engineer at all property corners by a licensed land surveyor per §263-20.
- (b) Applicant will submit to the Building Department their Narrative overview of measures and protocols to be taken before and during the rock removal process for review and approval by the Village Engineer. The approved Narrative will be incorporated into the Building Permit for rock removal.
- (c) Applicant will provide to the Building Department an escrow amount satisfactory to the Village Engineer that will include on-site monitoring by a third-party engineer and remain in effect until the rock removal phase has been completed in its entirety.
- (d) Applicant will provide proof of insurance and add the Village of Tarrytown Building Department and the adjacent property owner at 2 Hillside Street on individual certificates as additional insureds on the policy.
- (e) The duration of the Building Permit for rock removal shall remain in effect for thirty (30) calendar days between the hours of 9:00 AM and 3:00 PM, M-F except holidays listed under section §89-6,” at which point if the rock removal is not complete, the applicant shall be required to make a new application to the Planning Board with revised plans requesting re-approval.

- (f) Prior to the issuance of a Building Permit for site work and construction of the single-family residence, the building permit for rock removal will be closed out by the Building Department.
- (g) Prior to issuance of a building permit for site work and construction of the single-family residence, the Applicant shall provide a performance bond in an amount established by the Building Inspector/Village Engineer to ensure the completion of the required utility connections to Village infrastructure. This escrow will be returned to the Applicant upon satisfactory completion of the required utility connections.
- (h) Prior to the issuance of a Certificate of Occupancy, Applicant shall complete the planting of the eleven dark American arborvitae or similar species as shown on the Planting Plan prepared by Anthony Acocella revised July 10, 2018, and accepted by the Village’s Landscape Consultant. This landscaping will be planted along the rear yard of the property at 26 Eunice Court facing Hillside Street. The owner of 26 Eunice Court has provided permission for temporary access for the planting of these trees and has agreed to maintain the trees.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve a two (2) year extension to this site plan approval.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
 Member Raiselis: Yes
 Member Birgy: Yes
 Member Tedesco: Yes

The two-year site plan extension was approved. 4-0

NEW PUBLIC HEARING – Raining Threes, LLC – 9 Carriage Trail

Mr. Tedesco read portions of the public hearing notice into the record and noted the adjournment from the September 30, 2020 meeting.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor’s Executive Order 202.1, which has been extended. The public hearing will begin at **7:00 p.m. on Wednesday, September 30, 2020**, to hear and consider an application by:

Raining Threes, LLC
 229 E. Main Street
 Huntington, NY 11743

For site plan approval for the construction of a single-family dwelling with a pool/spa and pavilion.

The property is located at 9 Carriage Trail, Tarrytown, NY and is shown on the tax maps as Sheet 1.271, Block 138, Lot 1.8 and is in the R 60 Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/26434> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

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Documents relating to applications will be provided in advance of the meeting by emailing Imeszaros@tarrytowngov.com or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board
Dated: September 18, 2020

The mailing receipts were received and the sign was posted.

Mr. Tedesco commented that the Landscaping Plan was reviewed by the Ms. Nolan, the Village Landscape Architect. She has requested revised plans complying with her many recommendations. The Village Engineer has also provided many comments to the plans that require the need for additional information.

Andy Todd, the applicant, appeared before the Board and appreciates the special meeting since it is vital to get this project started before the winter sets in. He advised that he has submitted a revised landscape plan for review by Ms. Nolan and has also made revisions in response to Mr. Pennella's comments.

Mr. Todd began his presentation by describing the property known as 9 Carriage Trail, which is located in the Village of Tarrytown, Greystone Subdivision, identified as Lot 8. It is a 102,000 s.f. lot in the R-60 zone. They are proposing to build a stately French Chateau style home, which will be nestled into the hillside. He showed a rendering of the home and the front and rear elevations. The house is inspired by the Gilded Age Architecture which he believes will add to the bespoke nature of the community. The stone on the house is proposed to be in a French pattern and the native Manhattan schist stone will be mined on site and installed by local craftsman. They are reusing the native rock from the Greystone site and installing it on the home. This stone is reminiscent of the stone that is on South Broadway and Lyndhurst. Other materials used will be Belgium bluestone flooring, limestone, mahogany millwork, and a slate roof. They are proposing to build a pool, spa, and a shade pavilion by the pool which will include a bathroom with changing rooms and barbecue area. All utilities are in place and were laid when they built the roads and the infrastructure for the subdivision. He showed the site plan and noted that there is no wetland disturbance, nor is the property

within a flood zone or a critical environmental area, and there are no variances proposed for this project.

The house will be very energy efficient. All rooms will be illuminated by LED lighting with fixtures and lamps that last 25 times longer and use 75% less energy than incandescent lighting. A controlled hot water recirculating system will be installed saving 25% of the energy that is normally used. All appliances and equipment will be ENERGY STAR. High efficiency heating and cooling will be installed. The efficiency of air conditioner SEER rating will exceed the 13 SEER, with a minimum of 16 SEER to 18 SEER. Electronic communicated motors (ECM's) will be installed in the air handlers to ensure that the fan speed matches the heating and cooling load. Self-programmable nest thermostats, which basically learn the use of owner, will save an average of 10 to 12% of heating and 15% on the cooling costs. Heat recovery ventilators will also be installed to recover heat that would otherwise be exhausted as part of the code mandated for mechanical ventilation systems. An HRV ventilation device will help cool the home and make it healthier, cleaner, and more comfortable by continually replacing indoor with fresh indoor air with fresh outdoor air. They will be using slag cement, which is a material from the iron production process, which utilizes 86% less energy, and saves on carbon dioxide emissions. The stone siding on the house will be mined on site and reclaimed from construction. The mass size and density of the stone results in the construction of a residence with high thermal mass. This technique is one of the most effective ways to reduce heating and cooling loads, which is how the mansions were heated back in the Gilded Age. The home has been sited mostly in front of the rock formation to avoid fighting the steep slopes, which eliminates the need to bring in equipment to remove the rock. He has submitted a narrative for a steep slope waiver, to build part of the house on steep slopes, which will eliminate any blasting on site.

An updated Landscaping Plan and tree survey has been submitted to Ms. Nolan for her review. The existing trees are mostly invasive and not in very good shape. There are a total of 123 trees on the site, 64 are proposed to be removed. 59 trees are proposed to be saved and there will be a total of 128 new trees – 2 trees for every one tree that was taken out. He will wait to hear back from Ms. Nolan to ensure they are specimen trees.

This is a substantial house and requires a lot of trees to make it look nicer. He showed the tree planting and tree removal plan.

Ms. Raiselis asked to see the steep slope disturbance plan. Mr. Todd showed the plan and where the rock is and how the house is sited to avoid blasting.

He is hoping to start the project before the frost sets and any consideration of this Board would be appreciated. This is very large house and they have a tricky site. With the cold weather coming and the coronavirus, they are petrified that the project will get delayed and noted that construction costs have also increased significantly.

Mr. Tedesco asked Mr. Pennella if he has reviewed the stormwater plan.

Mr. Pennella advised that he has not been able to review the plan as it was just received this afternoon. He reported that the stormwater for this site was addressed as

part of the original subdivision development. He referred to the ponds on site and noted that there is no on-site system; it will go to a common system. He will have to do a comparison of what was originally proposed to what is proposed now in order to ensure that they have adequate stormwater. He hopes to have his review complete by the next Planning Board meeting.

Mr. Todd referred to a letter from Mike Stein, PE, who did an evaluation indicating that they have met the stormwater requirements. He advised the Board that they are under contract to put one home on 2 lots (3 & 4), and also, another home 2 Lots (5 & 6), so from a stormwater perspective, they will be adding extra capacity to the system. Mr. Pennella noted that they will have to look into putting some conditions or restrictions in place. He is concerned that if one of the lots are sold off in the future, they would have to connect the stormwater and there needs to be a mechanism in place.

Mr. Todd advised that, if there is an evaluation that requires local storage on site, he is happy to do that.

Mr. Tedesco asked if any Board Members had any other questions.

Ms. Raiselis thanked Mr. Todd for the energy efficiency report and said that he was doing a lot of good things. She asked him what type of windows will be installed.

Mr. Todd advised that they are historic windows made of solid wood mahogany. They are double pane, super thick windows, that do exceed energy requirements but are not 25% better, which is why he left it off of his list.

Mr. Tedesco asked Mr. Ringel if anyone in the public would like to speak.

Mark Fry, who published the History of the Tarrytowns, is very familiar with the Gilded Age, would like to give praise to this project. The Village has lost so many of its historic homes and it is heartwarming to see that an individual with the extraordinary skill of Andy Todd is essentially re-creating some of the finest mansions that existed here from 1874 to 1918. He is pleased with how the home is sited, how the basement foundation is pinned to the rock instead of blasting, the materials that are being used and the energy efficient features proposed which appear to be the gold standard. Andy Todd has certainly proven his ability to build extraordinarily high-quality houses and he is in favor of the project.

Mr. Galvin noted for the record that this is a Type II action and Westchester County has advised that there is no need to provide the site plan to Westchester County under GML for their review.

Mr. Tedesco asked if there were any other comments from the public or staff.

Mr. Ringel advised that there were no further comments.

Mr. Tedesco moved, seconded by Mr. Birgy, to designate this a Type II action, with no further environmental review required under SEQRA.

Mr. Tedesco asked for a roll call vote:

Member Raiselis: Yes
Member Birgy: Yes
Member Tedesco: Yes
Member Aukland: Yes

All in favor. Motion carried. 4-0

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing at the next meeting.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
Member Raiselis: Yes
Member Birgy: Yes
Member Tedesco: Yes

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING – David A. Barbuti, RA – 36.5 Main Street

Mr. Tedesco read portions of the public hearing notice into the record and noted the adjournment from the September 30, 2020 meeting.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor’s Executive Order 202.1, which has been extended. The public hearing will begin at **7:00 p.m.** on **Wednesday, September 30, 2020**, to hear and consider an application by:

David A. Barbuti, RA
150 White Plains Road
Tarrytown, NY 10591

For site plan approval for a change of use from vacant retail space to a Beauty Salon. The property is located at 36.5 Main Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.70, Block 34, Lot 13 and is in the RR Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/26434> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

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Documents relating to applications will be provided in advance of the meeting by emailing Imeszaros@tarrytowngov.com or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

September 18, 2020

The mailing receipts were received and the sign was posted.

David A. Barbuti, RA, appeared before the Board to seek site plan approval for a vacant retail space of approximately 820 square feet. His client wishes to create a beauty salon with 2 stations, a washing room and a new waxing room. They are making minor interior changes, mostly cosmetic. There are no additional parking spaces required for this use. In addition, the property is located directly in front of the municipal parking lot. This space has been vacant for 5 years. Any new use in occupancy can only add to the downtown vibrancy. He is happy to answer any questions.

Mr. Tedesco asked if Mr. Pennella has any questions or concerns.

Mr. Pennella commented that this location was last operated as a toy store and has been vacant for quite some time, which is the reason it is in front of this Board. It is a straight forward application with minor interior renovations proposed. Mr. Barbuti advised that there will be minor changes to the front of the building to make it look nicer, which will require ARB approval.

Ms. Raiselis is happy that someone is moving into the space.

Mr. Tedesco asked Mr. Ringel if there was any public comment.

Mark Fry, a former resident of the Village, owned 18 Main Street, 246 John Street and founded the Main Street Association long ago. He is happy to see the store finally being filled since there have been a lot of attempts to make it there. A beauty salon is something he feels will be an asset. He is in favor of this project.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action, with no further environmental review required under SEQRA.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
Member Raiselis: Yes
Member Birgy: Yes
Member Tedesco: Yes

All in favor. Motion carried. 4-0

Mr. Birgy moved, seconded by Mr. Aukland, to close the public hearing.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
Member Raiselis: Yes
Member Birgy: Yes
Member Tedesco: Yes

All in favor. Motion carried. 4-0

Mr. Birgy read through portions of the Resolution and advised that a 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 October 13, 2020)**

**Application of David A. Barbuti, Architect
Property: 36 ½ Main Street (Sheet 1.70, Block 34, Lot13 and RR Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant (David A. Barbuti, Architect on behalf of Ms. Angelica K, Chimbo, the tenant), requested site plan approval for a change of use of an existing vacant space at 36 1/2 Main St. to a personal services-beauty salon in the RR Zoning District. The location is in the Main Street Historic District. The application is for interior renovations only with no change to the exterior façade and no parking variance was required to be obtained from the Zoning Board of Appeals.

2. The Planning Board on September 30, 2020 determined this to be a Type II Action under NYS DEC 617.5 (c) (7) "*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a*

use variance and consistent with local land use controls." and, therefore, no further SEQRA review is necessary.

3. The Planning Board has conducted a duly noticed public hearing on September 30, 2020 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 reviewed comments and recommendations from the Consulting Village Planner in memoranda dated September 14, 2020, and a denial letter from the Building Inspector/Village Engineer dated August 26, 2020 which they have considered.

5. The Planning Board closed their public hearing on September 30, 2020. 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 storefront is situated on the south side of Main Street between South Washington Street and the driveway leading to the municipal parking lot directly behind the building. The address of the storefront is 36 ½ Main Street located between the Cherry Door Thrift Shop and a real estate firm. The building is in the RR zoning district and within the Maim Street Historic District. The proposed action is a change of use in an historic district requiring site plan review by the Planning Board. The change of use is the renovation of an existing vacant retail space consisting of 819 sf into a beauty parlor. The existing space has been vacant for several years. The proposed action consists of minor interior renovations, creating two hair wash stations, a waxing room and changing the interior finishes. There will be no exterior façade changes.

The Applicant’s Architect has provided a parking analysis on Drawing A1 for the previous retail use and the proposed beauty salon based on the zoning requirements of § 305-63 C (7) (e) and 305-63 D (1). The parking analysis shows that five spaces were required for the former retail use which is the same as that required for the beauty salon. Within the RR District, if a proposed change of use does not require an increase of five spaces beyond that required by the previous use, the Building Inspector can determine that the parking requirements have been fulfilled. Therefore, no parking variance is required. Prior to any building permit being issued, the Applicant will need to provide a sprinkler system for compliance with § 166-2 C and a ventilation system for capturing volatile organic compounds and Non-VOC vapors.

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:

Site Plan drawing by David A. Barbuti, Architect P.C. prepared for Proposed Interior Alteration for: Beauty Salon, 36.5 Main Street, Tarrytown, New York July 8, 2020 unless otherwise noted entitled:

- A-1 “Floor Plan, Aerial View of Property & Zoning Information”

(the “Approved Plan”).

III. General Conditions

- (a) Requirement to Obtain Approvals: 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.
- (b) Changes to Approved Plans: 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.”
- (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
- (d) 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.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site plan application.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
Member Raiselis: Yes
Member Birgy: Yes
Member Tedesco: Yes

The site plan application was approved 4-0.

CONTINUATION OF PUBLIC HEARING – Paul and Maria Birgy – 740 South Broadway

Mr. Birgy has recused himself from this application and was removed as a panelist.

Mr. Tedesco asked if any Board Members have any questions.

Mr. Raiselis asked Mr. Pennella if the stormwater and landscaping issues have been resolved.

Mr. Pennella advised that Ms. Nolan has worked with the project architect to incorporate her comments into the plan. He also noted that this project is a redevelopment project. The applicant is required to reduce the amount of stormwater by 25%. He has achieved this by proposing a rain garden, removing asphalt pavement, and adding landscaping. These comments, as well as his engineering comments, have all been addressed.

Mr. Tedesco asked if anyone in the public would like to speak.

Mark Fry, a former resident of the Village, appeared before the Board and advised that he also completed an historic restoration and adaptive reuse of 18 Main Street and 246 John Street, back in 1990. He has toured Mr. Birgy's restoration on Cobb Lane and it is world class restoration work, combined with the most modern energy efficient technology. Mr. Birgy and Mr. Todd are the two leaders in energy efficiency in the Village. He referenced an email from Raphael Cisneros, who is the CEO of the Community Preservation, who noted that small one to four family residential buildings are the backbone of the housing stock in America. This project will strengthen that backbone in terms of the basic impact of very low traffic. It is a single-family home being converted to a two-family home. There will be a small impact, and a very positive fiscal impact. There will be no impact on viewsheds. He should also mention that Mr. Birgy received the 2019 Preservation Award from the Historical Society serving Sleepy Hollow and Tarrytown. He would like to request that one or two of the items on the agenda be scheduled for a special meeting since we have such a large agenda.

Mr. Tedesco asked if there are any comments from the public.

Mr. Ringel advised that there was no further comment.

Ms. Raiselis moved, seconded by Mr. Aukland, to close the public hearing.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes

Member Raiselis: Yes

Member Tedesco: Yes

All in favor. Motion carried. 3-0

Ms. Raiselis read through portions of the Resolution and advised that a 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 October 13, 2020)**

**Application of Paul and Maria Birgy
Property: 740 South Broadway (Sheet 1.22, Block 128, Lot 5 and R-20 Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant requested site plan approval for the renovation and conversion of one-family residence to two-dwelling units for a structure certified by the Village Board of Trustees as an historic landmark in the R-20 zoning district on April 15, 2019.
2. The Planning Board on May 27, 2020 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 May 27, 2020, and continued the public hearing on June 22, 2020, July 27, 2020 and September 30, 2020 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 a Project Narrative from the Applicant dated May 7, 2020, reviewed comments and recommendations from the Consulting Village Planner in memoranda dated May 12, 2020 and June 9, 2020, from the Village Landscape Consultant in her staff report dated June 19, 2020 and June 26, 2020 reviewing the landscape plan, a resolution from the Village Board of Trustees dated April 15, 2019 designating the structure at 740 South Broadway as an historic landmark and a denial letter from the Building Inspector/Village Engineer dated January 16, 2020 which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant's request for a permit to allow a structure certified as an historic landmark to be converted from a single-family residence into two-dwelling units at a public hearing held on March 3, 2020 and continued on April 13, 2020. The ZBA closed the public hearing and approved the permit to allow the historic landmark structure at 740 South Broadway to be converted to two units at their April 13, 2020 meeting.
6. The Planning Board closed their public hearing on September 30, 2020. 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 also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village’s Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board has reviewed the Applicant’s site plan and application. Subject property is a 30,501-sf property at the southeast corner of East Belvedere Lane and South Broadway in the R-20 district. The property contains the Acker House, an historic property circa 1750. The Village Board declared this residence as an historic structure on April 15, 2019. The property also includes an existing maintenance building built in the 1940’s. The maintenance building is connected to the main house by a breezeway. East Belvedere Lane ends in a cul-de-sac.

The proposed action includes the historic restoration of the Acker House and the conversion of the maintenance building into an additional one-bedroom, single family residence (caretaker’s house). The proposed action consists of interior renovations to the two existing structures with no expansion of the footprints of either structure. A new open concrete paver patio with wood pergola will be attached to the southeast corner of the converted maintenance building.

The Acker house is an 1,800-sf, single-family residence. The Acker House is a 2-story wood frame structure with height of 17.5’. The maintenance building to the rear is 3,192 sf and was not included in the historic designation by the Village Board. The maintenance building will also have a three-car garage including a wood shop. The applicant is providing two additional outdoor parking spaces to the south of the maintenance building. There is an existing asphalt driveway from East Belvedere Lane providing access to the garage and outside parking. The site contains five parking spaces with four spaces required. The existing chain link and privet hedge as well as a wooden fence along South Broadway will be removed and replaced with a 4 1.2 ‘ high dry stone fence.

Applicant has provided a stormwater mitigation plan which removes 18” wide section of asphalt driveway leading from East Belvedere Lane. This provides a 152-sf reduction in impervious surface. A free formed rain garden will be installed north of the main residence. The rain garden is 181 sf with a depth of 2’. The cross-roof’s runoff will be piped into the rain garden through a 6” pipe. Applicant is reducing the 2,895 sf of impervious surface on the site by 25% or 724 sf. A landscaping plan has been developed and reviewed by the Village Engineer and determined that there were no impacts on the stormwater plan. The Village Engineer has approved the stormwater management plan.

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:

Site Plan including landscaping plan, stormwater mitigation plan and architectural drawings by David A. Barbuti, Architect P.C. prepared for Proposed Alterations for The Birgy Residence, 740 South Broadway, Tarrytown, NY dated February 19, 2020 unless otherwise noted entitled:

- SP1 “Site Plan and Schedules” last revised 9/10/20
- A-1 “First and Second Floor Plans”
- A-2 “Elevations”
- SWMP1 “Stormwater Mitigation Plan” last revised 9/10/20
- LS1 “Landscaping Plan and Details” last revised 9/10/20

(the “Approved Plans”).

III. General Conditions

- (a) **Requirement to Obtain Approvals:** 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.
- (b) **Changes to Approved Plans:** 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.”
- (c) **Force and Effect:** No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
- (d) **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.
- (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.
- (f) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

- (g) 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.

IV. Specific Conditions

1. Tree protection: As a specimen protected species, the Little Leaf Linden located at the northwest corner of the site will receive tree protection to prevent damage to its root zone, trunk and branches. Continuous fencing will enclose the entire drip line, 6” of mulch or wood chips will be placed within the fenced area, and trunk protection as described in the International Society of Arboriculture’s publication *Managing Trees During Construction* will be installed. No materials storage will be permitted in the tree protection area. Where construction of the dry-laid stone wall occurs within the drip line of the Little Leaf Linden, excavation will be done by hand or by air spade, under the supervision of a NYS-Certified Arborist, and the process photo-documented with summary provided to the Village Engineer.
2. Landscaping: Plantings will be undertaken as shown on the plans and in accordance with the recommendations of Village Landscape Consultant in the Landscape Report dated 9/28/2020.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site plan application.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
 Member Raiselis: Yes
 Member Tedesco: Yes

The site plan application was approved 3-0.

Mr. Birgy was promoted back to the meeting.

Mr. Aukland moved, that the Board adjourn and go into Executive Session to seek advice of Counsel, seconded by Ms. Raiselis.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes
 Member Raiselis: Yes
 Member Tedesco: Yes
 Member Birgy: Yes

All in favor. Motion carried. 4-0

The meeting was adjourned at 8:15 pm.

Liz Meszaros – Secretary