

Planning Board
Village of Tarrytown
Regular Meeting
October 24, 2022 7 pm

PRESENT: Chair Raiselis; Members Aukland, Friedlander, Gaito, Mendez-Boyer,
Alternate Member Mezey; Counsel Zalantis; Village Engineer Pennella;
Secretary Meszaros

ABSENT: All members present

Chair Raiselis called the meeting to order and announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to imeszaros@tarrytowngov.com or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed in advance of the meeting.

ADJOURNMENT:

Ms. Raiselis announced the following adjournment:

Edward Vergano, PE
40 Leroy Avenue
Construction of retaining walls and related site work

APPROVAL OF MINUTES: September 28, 2022

Ms. Mezey moved, seconded by Mr. Gaito, with Dr. Friedlander and Mr. Aukland abstaining, to approve the minutes of the September 28, 2022 meeting, as submitted.

The secretary recorded the vote:

Chair Raiselis:	Yes
Member Gaito:	Yes
Member Mendez-Boyer	Yes
Alt. Member Mezey:	Yes
Member Friedlander:	Abstain
Member Aukland:	Abstain
All in favor. Motion carried.	4-2

CONTINUATION OF PUBLIC HEARING - MERCY COLLEGE – 828-832 South Broadway

Darius P. Chafizadeh, Attorney, with the law firm of Harris Beach, PLLC, appeared, representing Mercy College. Thomas Simmonds, VP of Operations for Mercy College, and the project engineer with Foyt-Albert Associates, were available to answer any questions.

Mr. Chafizadeh advised that they have finalized the landscape plan incorporating the arborist comments, adding the tree inventory, and a significant amount of plantings by the basin. The final landscape plan has been reviewed and approved by the Village Landscape Architect. They have addressed pedestrian access to all of the buildings on-site, and the lighting and stormwater plans have all been finalized.

Ms. Raiselis asked Mr. Pennella to update the Board.

Mr. Pennella advised that the applicant has addressed the Village Landscape Report. A tree survey was submitted indicating 2 additional trees to be removed, one which is dead, and will not be part of the scope of work. A separate tree removal permit with the village can be filed for its removal. The applicant has addressed the stormwater with 3 bio-retention basins that will reduce the net runoff by 1 cubic foot per second with added landscaping for screening. They have also made improvements to the entrance at the corner of East Sunnyside Lane and South Broadway and provided a sidewalk path that connects to the parking lot as well as to the buildings for public transportation, and to improve walkability. They have added the parking islands with trees along the center of the driveway. They have provided 10 extra-long parking stalls which are 36 feet long to park their buses which are approximately 26 feet long, and they have shown how the maneuverability will work. Mr. Pennella believes it is a good plan which enhances the site aesthetically with the landscaping, and improves the stormwater and general walkability around the site. He asked the Board to consider a condition which has been added to the resolution to allow for the concrete curbs and raised planting beds to be replaced with recessed planters to permit the capture of additional stormwater.

Ms. Raiselis was very pleased with the final plan and how the project has evolved over time by decreasing the number of parking spaces and improving the landscaping and walkability throughout the site.

There was no further comment from the Board or staff.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Mr. Aukland read through portions of the draft Resolution and noted that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted October 24, 2022)

Application of Mercy College
Property: 828 -832 South Broadway
(Sheet 1.260, Block 135, Lot 1 and Office Building (OB) Zone)

Resolution of Site Plan Approval

Background

(1)The Applicant (Mercy College) requested site plan approval for the expansion of parking lot areas to add an additional 26 parking spaces based on revised plans with related infrastructure improvements. The Subject Property is used by Mercy College as an annex to the main campus in Dobbs Ferry. It is mainly used for office space and periodic faculty and staff training. It is not used for classroom instruction. Property is approximately 10 acres and in the Office Building (OB) zone. The Subject Property is improved by three existing office buildings including the Moller House at 830 S. Broadway, the Cottage building at 832 S. Broadway used by the “Make A Wish” Foundation. The third office building at 828 S. Broadway is used for office space, supporting services such as technology, receiving mail and print center.

The Planning Board determined that the proposed action was an unlisted action and declared its intent to be lead agency at its meeting on June 27, 2022, issued a Notice of Intent (NOI) on June 28, 2022, assumed Lead Agency status at its meeting on July 24, 2022, and issued a Negative Declaration for the proposed unlisted action on July 25, 2022, determining that the proposed action will not have a significant adverse environmental impact.

(2)The Planning Board has conducted a duly noticed public hearing on June 27, 2022, and continued the Public Hearing on August 22, 2022, September 28, 2022, and October 24, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

(3)The Planning Board has carefully examined the Application and the Applicant Attorney’s (Harris Beach) *Cover letter* describing the Project dated June 7, 2022, Architect’s initial set of plans dated May 6, 2022 and revised October 12, 2022, including *Site Renderings*, the *Zoning Compliance and Environmental Clearance forms*, *Westchester County Planning GML Letter*, June 22, 2022, *NYS DOT-SEQRA Response*, July 14, 2022, *Applicant Attorney’s Response to Public Comments*, September 2, 2022 including addressing written public comment from Ms. Lorraine Kapilow and the O’Connor Family, the *Tarrytown Environmental Advisory Council (TEAC)*, July 12, 2022, and *The Historical Society correspondence* dated August 10, 2022, comments and recommendations from the Village Consulting Planner in memoranda dated July 8, 2022, August 9, 2022 and September 13, 2022, from the Village Landscape Consultant in staff reviews dated August 22, 2022, September 2, 2022, October 20, 2022, and

final review dated October 24, 2022, comments and recommendations from the Village Consulting Planner in memoranda dated June 13, 2022, July 8, 2022, August 9, 2022 and October 11, 2022, from the Village Engineer/Building Inspector in a Denial Letter dated June 3, 2022, and the Planning Board conducted a duly noticed site visit on July 13, 2022, which they have considered.

(4) The Planning Board on September 28, 2022, provided a positive recommendation to the Village Board for the approval of the Compatible Use Permit (CUP) required for the proposed expansion of the parking lots areas with 26 spaces and accessibility improvements in the Office Building (OB) zone.

(5) The Village Board of Trustees held a public hearing on October 3, 2022, on the Applicant's request for a Compatible Use Permit (CUP) that is required for this project. After closing the public hearing, the Village Board approved the Compatible Use Permit for this project on October 3, 2022.

(6)The Planning Board closed their public hearing on October 24, 2022. 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 approximately 10 acres and in the Office Building (OB) zone. The site is on the east side of South Broadway. It is bounded by South Broadway to the west, East Sunnyside Lane to the south, Tarrytown House Estate on the east and East Belvedere Lane to the north. Property is improved by three existing office buildings and 129 parking spaces. The Moller House (27,314 sf) at 830 S. Broadway is used for community relations including space for alumni events and meetings by community organizations. The Cottage building at 832 S. Broadway (3,975 sf) is used by the "Make A Wish" Foundation. The third office building at 828 S. Broadway (27,314 sf) is used for office space, supporting services such as technology, receiving, mail and print center. Proposed Project comprises of new landscaping, new lighting (dark sky compliant), new pedestrian sidewalk, new parking lot islands and drainage and stormwater improvements.

The total number of additional parking lot spaces was originally 83 spaces which has been lowered to 26 spaces, resulting in a total of 155 parking spaces instead of the 212 spaces initially

proposed. Mercy College is not changing the use or the intensity of the use of the property. Applicant revised his plans to maintain the 100' setback from the historic walls along South Broadway and the 50' setback from the proposed South Parking lot. There are now no variances required for the project. Applicant has received the required amended Compatible Use Permit (CUP) from the Village Board for the Mercy College Project.

The current parking on-site is 129 spaces with the required parking per Code being 150 spaces. Applicant reduced the initial number of proposed spaces from 83 to 26 parking spaces resulting in total proposed parking of 155 spaces instead of the initial approximately 212 parking spaces. The South Parking Lot has 99 existing spaces which will be increased to 104 spaces or an increase of 5 parking spaces. The North Parking Lot has existing 15 parking spaces which will be increased to 36 spaces, an increase of 21 parking spaces. The small parking lot around the Make-A-Wish building will remain at 15 spaces with no additional spaces. Applicant will be providing six ADA accessible parking spaces in the north lot adjacent to 830 South Broadway (Moller House) and near the Make-A-Wish cottage at 832 South Broadway. At the request of the Planning Board, Applicant has provided planting islands in each of the lots with 4' pedestrian paths through the parking lots out of the travel lanes. Applicant has also converted the parking row in the southwest corner of the south parking lot to extended bus shuttle parking screened by shrubs. The bus shuttle will be used for students and staff traveling to the Dobbs Ferry Campus. Applicant will restore the Gate at the intersection of Sunnyside/South Broadway and provide new concrete walk for safety in front of the gate. A new 5' pathway will lead from the entrance gate and continue along the main entrance/exit walkway out of the travel lanes connecting with the property's buildings. New electric charging stations and bike racks have been placed in both the south and north parking lots.

Applicant has reduced the increase in proposed parking spaces, incorporated parking lot islands, improved landscaping, provided new dark sky lighting to reduce glare, retention of large hardwood trees, EV charging stations, bike racks, walkways, stormwater management, use of bioswales, and native species. The Moller House is an historic landmark designated by the Village of Tarrytown. The proposed site plan does not propose any changes to the Moller House. It addresses the surrounding parking lot including six new ADA parking spaces for employees and visitors to the Moller Building. The site's topography slopes down from north to south and has a low water table. A SWPPP has been provided for review by Village Engineer indicating that there will be minimal impact of runoff on Acker House (740 South Broadway) fronting on South Broadway to the north of the property. Stormwater management practices (bioretention) are shown near East Sunnyside Lane adjacent to the south parking lot and in a location adjacent to the west side of the north parking lot. The revised landscape plan has been reviewed by Village Landscape consultant and her recommendations are being integrated into the site plan. Applicant shall cease the storing of salt on the site. Planting islands have now been placed in the south and north parking lots. Applicant will restore the Gate at the intersection of Sunnyside/South Broadway and provide new concrete walk for safety in front of the gate. A new 5' pathway will lead from the entrance gate and continue along the main entrance/exit walkway out of the travel lanes connecting with the property's buildings. The southwest row in the south parking lot has been converted to extended bus shuttle parking screened by shrubs.

Applicant has provided a Stormwater Pollution Prevention Plan (SWPPP) as required by NYSDEC since property is over one acre. This is under review of the Village Engineer. The site slopes down from north to south and has a low water table. The SWPPP under review by the Village Engineer indicates that there will be minimal impact of runoff on Ackley House (740 South Broadway) to the north of the property and the property as a whole. Stormwater management practices (bioretention) with native plants are shown near East Sunnyside Lane adjacent to the south parking lot and a location adjacent to the west side of the north parking lot. Applicant will also cease storing salt on the property.

There will be no spillover of light at the Property lines as demonstrated by a photometric analysis. Lighting fixtures are dark sky compliant. The lighting is not being used for landscape lighting. The property's substantial setbacks from South Broadway will remain. The applicant has provided a landscaping plan which has been reviewed by the Village Landscape Consultant. The Landscape Consultant has provided a review dated 8/22/22 which has been provided to the Applicant for incorporation into the Applicant's plans. The design accommodates the retention and protection of existing large hardwood trees.

The applicant proposes improvements with respect to pedestrian safety and access within the site. Applicant will restore the gate at the East Sunnyside/South Broadway intersection and provide a new concrete walk for safety in front of the gate. A new 5' pathway will lead from the entrance gate and continue along the main entrance/exit walkway out of the travel lanes connecting with the property's buildings. The new sidewalks will feature crosswalks leading from the proposed parking lots to the property's three existing buildings.

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:

Mercy College Site, Parking and Accessibility Improvements, 828 – 832 South Broadway, Tarrytown, New York 10591 prepared by Foit-Albert Associates for Mercy College dated 5/6/22 and last revised 10/24/22 unless otherwise noted entitled:

"Site Rendering" (includes site data tables and parking information)

- CS "Cover Sheet"
- V-101 "Topographical Survey – North"
- V-102 "Topographical Survey – South"
- C-101 "Notes Sheet"
- C-102 "Phasing Plan"
- C-103 "Demolition Plan – North"
- C-104 "Demolition Plan – South"
- C-105 "Site Plan – North"
- C-106 "Site Plan – South"
- C-107 "Grading and Erosion Control Plan - North"
- C-108 "Grading and Erosion Control Plan – South"

- C-109 *"Utility Plan – North"*
- C-110 *"Utility Plan – South"*
- C-111 *"Landscaping Plan – North"*
- C-112 *"Landscaping Plan – South"*
- C-201 *"Details (1 of 2)"*
- C-202 *"Details (2 of 2)"*
- E-001 *"Electrical Notes Sheet"*
- E-101 *"Lighting Demo Plan – North"*
- E-102 *"Lighting Demo Plan – South"*
- E-202 *"Lighting Plan – North"*
- E-104 *"Lighting Plan – South"*
- E-501 *"Electrical Details"*
-
- *Stormwater Pollution Prevention Plan (SWPPP) prepared for Mercy College by Foit-Albert, October 12, 2022*
- **(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) 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.
- (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) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

IV. Specific Conditions

- (a) Prior to the issuance of a building permit, Applicant shall conduct soil percolation tests at the locations of the proposed bioretention basins and provide to the Village Engineer the results for his review and approval for compliance with SWPPP.
- (b) Stormwater practices shall be marked with permanent monuments as approved by the Village Engineer identifying the type of stormwater practice and relevant information.
- (c) Prior to the issuance of certificate of compliance, a *Stormwater Management Agreement* for the stormwater management facilities related to the Mercy College expansion of the Parking lots at 828 South Broadway, in a form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been filed for recording in the Westchester County Clerk's Office.
- (d) The concrete curbs and raised planting beds may be replaced with recessed planters to permit the capture of additional stormwater subject to approval by the Village Engineer.

Mr. Aukland moved, seconded by Dr. Friedlander, to approve this Resolution.

The secretary recorded the vote:

Chair Raiselis:	Yes
Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

CONTINUATION OF PUBLIC HEARING – DCD REALTY HOLDINGS LLC - 480 S BROADWAY

John Hughes, ESQ., the project attorney, appeared along with Philip Fruchter, RA, the project architect, with Papp Architects. Dwight Dachnowicz, owner of the Honda Dealership, and Charlene Mooney, the Ass't General Manager of Honda, were also present.

Mr. Fruchter presented the revised site plan based upon the discussion and comments of the Board at the last meeting and the October 13th Work Session. He showed the proposed sidewalk area along Walter Street with the added row of street trees. He noted that the neighbors would like the Mulberry tree to remain since it screens their lot from the

neighboring homes, and, when it dies, it will be replaced with a tree consistent with the landscape. In addition, in between the shade trees on Walter Street they have replaced and extended the hedge with Inkberry Hollies. Mr. Fruchter noted that they have no objection to the off-site striping and he showed the conceptual plan that was presented by staff and discussed at the work session.

Ms. Raiselis advised that in response to the proposed sidewalk concerns received from DPW and the Police Chief at the last meeting, a follow up site visit was held to discuss safety and walkability in the area and this plan/sketch was created. She wanted to show this plan to the public so that they could understand the proposed changes which address the Police Chief's safety concerns at the "S" curve at Sheldon Avenue. The Chief had suggested some striping and a triangle to help make that curve a more contained slower lane. In addition, the proposed sidewalk area with landscaping between the first Honda entrance and Broadway will allow the neighborhood to feel like it has more of an entrance and provide a buffer from the neighborhood to the parking lot. Ms. Raiselis believes these small efforts will help to make this area safer and more walkable.

Mr. Fruchter noted that they have provided privacy slats in the chain link fence on the north side of the property and the roadway ramp to prevent headlights from bothering cars, with the caveat that the work will require New York State approval for the state-owned land.

Mr. Pennella noted a condition added in the resolution requiring the applicant to provide alternate screening if the state objects to the slats. He advised that the Village will require the applicant to comply with Chapter 9 of the NYSDEC regulations for redevelopment of the site, and provide permeable pavement to be installed in the parking area portion that will not be repaved. Mr. Hughes also noted that the sidewalk on the south side of the property will also require NYS approval which is shown in the plan notes.

Ms. Raiselis asked if anyone in the public wished to comment on this application. No one in the public came forward.

There was no further comment from the Board.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Ms. Mendez-Boyer read through portions of the draft Resolution and noted that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted October 24, 2022)**

**Application of DCD Realty Holdings, LLC
Property: 480 South Broadway (Sheet 1.180, Block 102, Lots 1-6, 8 & 11 and NS Zone)**

Resolution of Site Plan Approval

Background

(1) The Applicant (DCD Realty Holdings, LLC) requested site plan approval for the renovation of the existing 16,777 sf car dealership and minor site improvements in the Neighborhood Shopping District (NS). Improvements would include the renovation of the exterior appearance of the existing building, removal of the 1,182-sf mezzanine level and an old shed on the property, and adjust the vehicular circulation within the site to better accommodate customers, employees, and automobile storage. The existing driveway access from Walter Street will remain, though a new curb-cut would be installed for the new customer parking area.

(2) The Planning Board on July 25, 2022, determined this to be a Type II Action under NYS DEC 617.5 (c) (2) “*replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes...*” Therefore, no further SEQRA review was required.

(3) The Planning Board has conducted a duly noticed public hearing on July 25, 2022, and continued on August 22, 2022, and September 28, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

(4) The Planning Board has carefully examined the Application and the Applicant Attorney’s *Cover letter* describing the project, the *Zoning Compliance and Environmental Clearance forms*, Papp Architects’ original set of plans (July 7, 2022) and subsequent revised plans, the *SWPPP* prepared by Catizone Engineering, July 5, 2022 has been submitted to the Village Engineer, *Traffic and Parking Memorandum* July 5, 2022, prepared by John Canning, Kimley Horn, *Original Copy of Planning Board Site Plan Resolution* adopted January 30, 2017 including the conditions of the original approval, the sustainable elements of the *Honda Green Dealer Program*, the New York State Thruway Authority (NYSTA) Occupancy Permit allowing additional dealership parking in the NYS r-o-w, comments and recommendations from the Village Consulting Planner in memoranda dated July 8, 2022, August 9, 2022 and September 13, 2022, from the Village Landscape Consultant in staff reviews dated August 22, 2022, September 13, 2022, September 22, 2022 and final review dated October 21, 2022, from the Village Engineer/Building Inspector in a Denial Letter dated June 3, 2022, from Westchester County Planning GML review dated July 18, 2022, which they have considered.

(5) Additionally, the Planning Board reviewed the *Applicant Attorney's Response dated September 19, 2022 regarding proposed sidewalks on easterly and southerly sides of Applicant's property*, several public comments in opposition to the creation of a complete sidewalk on Walter Street along the Honda property, reviewed Papp Architect's set of plans revised 10/18/22 reflecting the Planning Board comments at the Board's 10/13/22 work session and subsequent recommendations from the Village Landscape Consultant showing a sidewalk added on Walter Street between South Broadway and the first driveway curb cut into Honda and the additional four (4) Honey Locust shade trees added on Walter Street between South Broadway and the second Honda driveway curb cut, these trees are in addition to the three shade trees previously proposed on the applicant's side of the fence on Sheldon Avenue. The landscaping has been augmented with a hedgerow of Inkberry Hollies between South Broadway and the second driveway curb cut, which they have considered.

(6) The Zoning Board of Appeals reviewed the Applicant's request on September 12, 2022, for several area variances. These included minimum front yard setback and special setback from historic walls on South Broadway. These were pre-existing, non-conforming conditions which are not being altered, re-located or increased. The Zoning Board of Appeals considered the request, closed the public hearing and approved the requested area variances on September 12, 2022.

(7) The Planning Board closed their public hearing on October 24, 2022. 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 the southeast corner of the intersection of South Broadway (US Route 9) with the I-287/I-87 thruway ramps. The property is in the Neighborhood Shopping District (NS). The existing building is used for the sale and preparation of new and pre-owned vehicles; however, the building is old and functionally obsolete for its intended purpose. The use of the building will not change from auto sales only. The footprint of the building will not be expanded. Vehicular access will not change except that an existing curb cut with access from Walter Street will be re-opened to improve access for customer parking.

As part of the project, Applicant will remove an old shed on the property along Walter Street and 1,182 sf of mezzanine space in the building will be removed. The project involves the alteration of the building façade and site work, which is limited to reconfiguring the entrance at Walter Street and

implementing rock garden/landscaped areas at the west of property. Existing impervious cover includes the existing building, parking area and walkways, which totals 1.36 acres. The remaining 0.17 acres is landscaped area. The addition of landscaped areas results in a slight decrease in impervious cover from 1.36 to 1.34 acres.

The *Traffic and Parking Memorandum (July 5, 2022)* conducted by Kimley-Horn for the Applicant concluded that:

- *the existing car sales facility operating at 480 S Broadway is generating less traffic and parking than it did when it was a service and sales dealership.*
- *the data also indicate that it is in compliance with the requirements of the prior approval for the site.*
- *the facility operator proposes to renovate the existing building. It is, therefore, concluded that the proposed renovation (because it will be no bigger, will be in the same location and will serve the same customer base as it does now) will result in no perceptible change in traffic or parking activities and, therefore, will not have a significant adverse impact on area traffic or parking operating conditions.*

The Applicant's traffic consultants have reviewed the driveways. It is their opinion that both driveways should remain two-way to keep customer and delivery truck activities separate. The driveways are 35' apart. There will be a gate on the west driveway. The customer driveway will only allow a right turn out and will be appropriately signed.

The Applicant has revised site layout plan to eliminate car stackers and associated screening plan. Plan now only proposes cars on grade parking. Number of car spaces has been reduced by 8 spaces. Total parking spaces on-site are now 188, reduced from the existing 205 spaces.

Applicant has revised the site lighting to indicate the parking lot pole luminaires shall dim to 50% brightness after 10:00 PM. The new luminaires are downward lighted. The Photometric Plan shows minimal spill even to edge of the property providing half a footcandle or less. Village Landscape Consultant has provided final review dated September 13, 2022. She recommended that 1) due to the narrowness of the NYS thruway property adjacent to the customer/employee parking area, screening should be done using more attractive fencing and shrubs. Show existing evergreen on the plans; 2) Use of Japanese privet should not be expanded on the site as it is invasive. The Landscape Consultant recommended that applicant consider using native Bayberry, *Myrica pensylvanica*, in the same size and quantities listed.

Papp Architects have revised the plans (10/18/22) to include comments from the Planning Board at their 10/13/22 work session and subsequent recommendations from the Village Landscape Consultant. The revised plans (specifically SD-100 – Site Demolition; SD – 101 – Site Layout and SD – 103 Site Landscape Plan) adds a new sidewalk on Walter Street between South Broadway and the first driveway curb cut into Honda and the additional four (4) Honey Locust shade trees have been added on Walter Street between South Broadway and the second Honda driveway curb cut, these trees are in addition to the three shade trees previously proposed on the applicant's side of the fence on Sheldon Avenue. The landscaping has been augmented with a hedgerow of Inkberry Hollies between South Broadway and the second driveway curb cut. He has retained the 10' and 12' existing Pear trees in this

area. Applicant has revised the landscape plan to reflect Village Landscape Consultant's comments. Her recommendations (9/22/22) include: the planting of 2 Norway Spruces on Village Property in triangular piece of land on Sheldon Avenue; planting of 3 Honey Locust trees along Sheldon Avenue on applicant's property; Privacy slats have been added to the existing chain link fence on the NYS property on the north side to screen headlights from the Thruway ramp. All activity and installation on NYS property can only be implemented after written approval is received from NYS. Condition of Planning Board approval would include the fencing of this area after receipt of NYS Thruway approval. Additionally, landscape has been added between the display area and sidewalk to prevent cars from driving up on the sidewalk. Bike racks added on the south side of the building. Two EV charging stations are located on the east side of the building near customer and employee parking.

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:

Proposed Alterations to Tarrytown Honda, 480 South Broadway, Tarrytown, Westchester County, New York prepared by Papp Architects for DCD Holdings, LLC dated 4/4/22 and last revised 10/18/22 unless otherwise noted entitled:

- SD - 001 "Site and Building Data"
- SD - 002 "Site Photography Existing"
- SV - 001 "Existing Survey"
- SD - 100 "Site Demolition Plan"
- SD - 101 "Site Layout Plan"
- SD - 102 "Site Lighting and Photometric Plan"
- SD - 103 "Site Landscape Plan"
- SD - 201 "Erosion and Sediment Control Plan"
- SD - 401 "Building Demolition Plan"
- SD - 402 "Basement Floor Plan"
- SD - 403 "First and Second Floor Plans"
- SD - 404 "Elevations"
- SD - 501 "Site Details"
- *Stormwater Pollution Prevention Plan (SWPPP) prepared for DCD Realty Holding, LLC by Catizone Engineering, July 5, 2022.*
(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) 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.
- (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) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

V. Specific Conditions

- (a) The modification of the fencing to the north on the NYS Thruway property by the on-ramp area on northwest side of the building shall be done after receipt of New York State Thruway (NYSTA) approval or alternate screening shall be provided. The installation of the sidewalk on the north side of Walter Street shall be done after receipt of New York State Department of Transportation (NYSDOT) approval.
- (b) Prior to the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the Applicant’s renovation of the existing 16,777 sf car dealership and minor site improvements located at 480 South Broadway in a form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been filed for recording in the Westchester County Clerk’s Office.
- (c) The area designated as customer parking shown to be repaved approximately 5,000 SF shall be replaced with permeable asphalt pavement to achieve compliance with Chapter 9, Redevelopment Activity in the NYSDEC Stormwater Management Design Manual to the satisfaction of the Village Engineer prior to the issuance of a building permit.
- (d) The conditions of the original resolution (1/30/17) for 460 South Broadway and this site will remain in effect:
 - (1) No more than 45 vehicles shall be displayed in the side-front parking lot (Walter Street by South Broadway) in the southwest portion of the property.

- (2) The “No Left Turn” sign and the “No U Turn” sign that have been installed on the property at the exit onto Walter Street will remain.
- (3) No repair work shall be performed on a vehicle on the outside of the facility.
- (4) Test drives by prospective purchasers and by mechanics testing repairs shall not occur on Walter Street or Sheldon Avenue.
- (5) The dealership shall have designated off site locations for the loading and unloading of automobile carriers, to which all deliveries shall be addressed.

Mr. Aukland moved, seconded by Dr. Friedlander, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

CONTINUATION OF PUBLIC HEARING – First Korean Methodist Church – 500 S Broadway

Joseph Riina, PE, the project engineer, with Site Design Consultants, appeared representing the First Korean Methodist Church and presented the site plan. Pastor In Gyu Song was also present. Mr. Riina explained that the purpose of the project is to relieve the parking pressure in the area during Sunday church services; one at 9 a.m., and the other at 11 a.m. The 11 a.m. mass is the most popular with as many as 100 people attending. In addition, a Wednesday evening service has about 40 attendees. Mr. Riina explained that the original plan showed entry from Walter Street just in from the corner, circulated through the site and exited through the existing residence owned by the church, back out onto Walter. They have modified that plan so cars will exit through a 12-foot strip located almost at the intersection of Walter Street. The parking area that is shown will be composed of porous pavers or some type of pervious surface to mitigate impact to the buffer in the wetland. They have also provided an alternative concept to provide 27 angled parking spaces on Lakeview Avenue using gravel or porous pavers which is shown on the plan. There was a suggestion of making Lakeview Avenue a one-way and there may be some objection, but he noted that they are not changing the width of the road and believe it will work. Mr. Riina is hoping the Board will give them some consensus on which direction to move forward this evening.

Ms. Raiselis asked if the site plan is showing multiple alternates or are they adding more parking onto one plan. Mr. Riina advised that the Pastor would like all of this parking if possible. They do get 40 to 50 cars at their peak. They have shown everything on one plan so that they can get direction from the Board.

Ms. Raiselis asked the Board Members to comment.

Ms. Mezey asked if the spaces on Lakeview Drive breach the wetland or buffer. Mr. Riina said that they do not breach the wetland line but do breach the buffer. All of the parking is in the buffer. Ms. Raiselis asked Mr. Riina what he would choose. Mr. Riina said there are a total of 45 spaces shown but the original proposal asked for 13 spaces.

Mr. Pennella advised that he had presented a conceptual plan to the Board of Trustees to see if they were open to allowing the parking area in the public right-of-way. Subsequent to that, he had a site visit with the Village Landscape Consultant and it was determined that it would be impossible to fit 27 spaces in the area due to the existing trees. So, the plan would have to be a revised to reduce the number of spaces that can fit. Counsel Zalantis also advised that the Board of Trustees said that any approval for parking in the right-of-way would be in lieu of having the applicant provide on-site parking.

Ms. Raiselis said we have heard the concerns from the public that paving the interior lot onsite would create more flooding problems onto their properties. There also seems to be issues with street parking since many do not have driveways. The Board thought that the Lakeview Avenue plan could help to alleviate parking in general and at the same time, help the church, but at this point, this is only a conceptual plan.

Mr. Riina added that in response to the flooding concerns of the neighbors, a stormwater plan would be designed to mitigate any flooding impact onto the surrounding properties.

Ms. Raiselis opened the meeting up for public comment.

PUBLIC COMMENT PERIOD

Simon Cohen, who resides at 11 Glenwolde Park, adjacent to the property, was concerned that the site plan submitted is old and believes it is not to scale. House number 22 Glenwolde is not even shown on the site plan and it seems that Willowbrook Avenue is three times as wide as Lakeview Avenue, which is much wider than Willowbrook. He advised that he runs 3 sump pumps consistently in his home to prevent flooding and believes the added parking will contribute to more flooding in the stream. He would like to know where the wetland delineation is on Lakeview Avenue. He does not believe that there is enough space for cars to back out.

Mr. Pennella said the site plan for 500 South Broadway is accurate and Lakeview Avenue is to scale. The number of spaces proposed on Lakeview is conceptual. The applicant has to decide the path they wish to take, and once determined, detailed plans will be submitted and there will be a full review. He noted that there were issues with turning radius on the original plan.

Mr. Simon also advised that he is an EMT and rides 4 nights per week. Glenwolde residents have trouble parking since they do not have driveways. If he can't park in front of his house

because he does not have a driveway, it may delay him from saving lives. He said that this spot is typically open. Dr. Friedlander asked if there is special parking for EMT'S. Counsel Zalantis said she does not think so, there are only permits for disabilities. Mr. Pennella confirmed and said that permit parking is available in the village but not for specific spaces.

Mr. Gaito would like the applicant to show the existing parking on Glenwolde so that they can get a better idea of existing parking conditions from the neighbor's perspective. He asked Mr. Pennella why the 27 spaces on Lakeview could not fit. Mr. Pennella said the plan was a conceptual plan to present to the Board. It did not take into consideration actual site conditions. There are trees along that area that are not shown on the plan and the Village Landscape Consultant estimated that only about 14 spaces could fit.

Karen Miller, resides at 22 Glenwolde Park, behind the Pastor's home at 18 Walter Street. She is concerned that cars will be exiting in her backyard. The road is narrow and cars will hit the existing fence. She does not like the internal parking plan or the Lakeview Avenue parking plan but understands that they are trying to find the best solution. She advised that when her home was renovated in 2019 an environmental wetland study was done which resulted with the installation of a cultec system to provide for a 100-year storm. Unfortunately, they still incurred substantial damage to their basement during Hurricane Ida. They are not encouraged by the plans and by removing trees and grass will affect the flooding in the area. Many neighbors get water in their basement during storms. This issue came before this Board 10 years ago and the project was abandoned. She believes an approval will have dire consequences and cannot be entertained. Glenwolde Park is an historic quiet and serene district with narrow streets and by allowing 27 additional parking spaces or even 15 additional parking spaces will only create more traffic in the area. There will also be non-residents parking overnight and likely accidents. Creating a one-way on Lakeview will cause a severe inconvenience for residents to access their properties. The current traffic pattern is necessary for those parking in front of the historic portion of the neighborhood because it is so narrow. The community is very aware of this and they do not park in certain spots to allow for other community members who don't have driveways. The initial plan called for 13 spaces and now they are talking about 40 spaces. The parking space proposal on Lakeview from Broadway all the way to the what is Willowbrook doesn't make sense. It is too narrow and cars will be hit. Also, there doesn't seem to be an issue with parking on Sundays; church goes park alongside Sheldon, without a problem. There is no reason to create all this parking for two hours a week on a Sunday when there is not a parking problem. Parishioners can park along Lakeview on Sundays like other members of the community do when overflow parking is needed. Her family was lucky that no one was injured during Hurricane Ida. If the Board approves these plans, they may not be so lucky.

Jean Cipriano, who resides at 2 Glenwolde Park, always thought that the Planning Board had a good handle on the flooding issues in the community. She advised that most of the homes in the area have sump pumps that continually run. While storms are an issue, it is

the groundwater that is the problem. The pond used to be dredged years ago. When Emerald Woods was built, the Unification Church donated the pond to the village and, at that time, the village engineer recommended that the village not take over the pond because it would be a liability. In all these years, no maintenance has been done to clean out the spillway, which is locked. They have asked the Parks Department to clean out the spillway regularly, when the level of the pond comes up, but it is not maintained. Storms are a problem, but groundwater is the main issue, which she is not sure the church is aware of. They all want to be neighborly, but they also need to protect their investment. They keep having more buildings and more storm runoff coming down into the area, but nothing is done to protect their homes. The village storm system is antiquated. They do not have adequate storm drains and curbing. Their concerns have been brought to village's attention many times but obviously the Planning Board is not aware of the issues. She believes that adding parking spaces in this wetland area should not even be a consideration until they do an overall stormwater analysis of the area. She asked if the 27 parking spaces proposed are on village property since, at a prior meeting, one of the residents said that they maintain the area. Mr. Pennella confirmed that the parking spaces are on village property. Ms. Cipriano believes that Lakeview Avenue will need to be leveled out for the parking which will create even more flooding and could be a serious liability for the village and believes it needs further evaluation.

Ms. Raiselis advised that whatever is decided, it will be done with an engineering solution. This is a fact-finding discovery period to determine what the best possible solution is for the applicant and the community.

Ben Berger, of 3 Glenwolde Park, showed his property on the plan. He advised that many homes experience water problems constantly. His sump pump goes off every 15 minutes on a stormy day and on a dry day every hour or two. In terms of flow of traffic, turning Lakeview Avenue into a one way going out onto Broadway will be difficult. Traffic buildup going north on Broadway makes it difficult to take a left out onto Broadway and you can only go right. Making it one way out will cause a backup on Lakeview, particularly when Lyndhurst has events. So, in terms of traffic flow, there should be a traffic study done. The homes in the area are small, built in the 20's, and do not conform to zoning. There are no curbs or sidewalks. The kids walk in the middle of the street where the cars are parked on one side. The school bus stop is in the middle of the street. The village determined a while back that speed bumps cannot be installed because of the street parking and lack of traffic. He thinks that if they are going to be introducing more cars in the neighborhood, a study is needed to ensure the safety for children and dog walkers. Because of the age and density of the neighborhood, they need to be hesitant before adding more vehicles and traffic in a neighborhood that wasn't built for it.

Pastor In Gyu Song came up and said that he would like the parking on Lakeview Drive if he had a choice. The spaces would only be used on Sunday and they could share the parking with the neighbors on Glenwolde Park who have a hard time parking.

Karen Miller came up again and said before her house was built, the garage was on Walter Street. It is too narrow to park on Glenwolde and Willowbrook and only allows one car to get through. People routinely park on her grass.

Marrisa Feind, 12 Walter Street, thinks they need to figure out the real parking needs of the church. She is around on Sundays and there are never 40 cars for a service and everyone is gone by 2 p.m. Wednesday nights are mellow. Now that they have another driveway, she feels like they have places to park, and they do use Lakeview Avenue for parking. She is not sure if they have off-site parking or if the church is growing and there is a need for more parking but she feels that there is enough parking now and that they need to get a real assessment of their parking needs.

Ms. Raiselis noted that she thought there was a shuttle that provides service to the church from New Jersey.

Dr. Friedlander commented that the applicant originally requested 13 spaces and there were public concerns about too much traffic, the disturbance to the wetlands, and flooding. An alternative would be to have the spaces along Lakeview Avenue. Dr. Friedlander thinks that they should focus on the original plan of 13 spaces which satisfies everyone, but the question is on-site or off-site on Lakeview Avenue. To be fair, the cars will park on Lakeview, whether parking is provided or not, so safety concerns exist. It may be worse if people circle around looking for that one golden spot. Having 13 spaces off the street could be better solution for safety reasons. He would like to know if the applicant and public would accept the 13 spaces.

Mr. Riina said the 13 spaces did not contemplate any off-site parking, it was the most they could fit on the property. The Pastor estimates that there are 40 plus cars that need to park at peak, which is 11 am on Sunday. It does take time to look for a spot. From that perspective, they were asking for what they thought they could get, but certainly the Pastor would like to get more parking if possible because of the number of parishioners. If there is some combination of what can be done, they would be happy with that. Pastor Song's preference would be to put spots on Lakeview Avenue. Mr. Riina would like combination of both off-site and on-site and noted that the stormwater would be engineered to mitigate any flooding impact to the neighbors.

Jean Cipriano returned and said that the church has used Lakeview Avenue for parking for many years and she does not see the need to do the improvements and believes things should be kept the way they are. The applicant had said at an earlier meeting that the parishioners are aging and they wanted to have them be able to park closer to the church. She doesn't understand the change now and the need to have more spaces. The

application was for the 13 spaces which they already use on Lakeview. She asked if there is anywhere else they can propose to have parking. Maybe an alternative could be in the front of the church which would not impact the neighborhood as much. She pointed to the map on the Broadway side.

Karen Miller said no one parks on Lakeview on Sunday. It is usually relatively empty. Ms. Raiselis said that the Board had a site visit on a Sunday and there were cars parked on Lakeview, whether or not they were from the church, she does not know.

Pastor In Gyu Song returned and advised that his church is growing and he is very happy. There are about 120 parishioners. Every Sunday, there are new visitors and it is hard for them to find parking spaces. They park all the way up Sheldon Avenue.

Rachel Tieger, Co-chair, Tarrytown Environmental Advisory Council (TEAC), came up and noted that she was at the site visit and the Pastor said that they have a shuttle that they use to bring parishioners to the church. She suggested that the church could arrange with one of the office buildings on Route 119 to have parishioners park at their lot and be shuttled to and from the church for the Sunday services.

END OF PUBLIC COMMENT

There were no further questions from the staff or Board.

Ms. Raiselis would like to continue to the public hearing. It is a difficult problem which requires further discussion. She advised the public that the next work session is 11 days before the November 28, 2022 regular meeting. Information is on the website to view the meeting.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

NEW PUBLIC HEARING – Gabrielle Salman, RA – 92 Leroy Avenue

Ms. Raiselis read the following 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, October 24, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Gabrielle Salman, RA
467 Bedford Road, Ste169
Pleasantville, NY 10570

For site plan approval for the construction of a two-story addition with deck in the rear of an existing single family-dwelling.

The property is located at 92 Leroy Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 80, Lot 32 and is located in the R 7.5 Zone.

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

Additional approval will be required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: October 14, 2022

The mailing receipts were received and the signs were posted.

Gabrielle Salman, RA, the project Architect, appeared on behalf of the property owner, Cynthia Luft, and presented the plan to create a larger living space on the first and second floor of the existing 22 ft. x 26 ft. home. She advised that they will not be encroaching into the setbacks and no variances are required. The house is very small and they will be adding 360 s.f. (14 ft. x 26 ft), in the rear, which will include the addition of a master bedroom upstairs. They will not be removing any trees and will provide tree protection during construction. They have provided a stormwater plan to install four cultec chambers; 2 in the front and 2 in the backyard, which will also improve the existing drainage condition.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Ms. Raiselis asked if the staff had any questions.

Mr. Pennella advised that the applicant has since submitted a revised a plan to include tree protection details on the plan, which was made a condition in the resolution.

Mr. Aukland asked Mr. Pennella if the zoning compliance form was corrected to reflect that no variances are needed. Ms. Meszaros advised the form was corrected and circulated.

Mr. Aukland confirmed with Mr. Pennella that this application is before the Board because the applicant is increasing the square footage by 50% or more.

Ms. Raiselis asked if anyone in the public wished to comment.

Public comment:

Kate Wall, who lives at 88 Leroy Avenue, next door to the property, wanted to confirm that the shed that is referenced in the drawing will be removed. Also, there is a chain link fence shown on the plans, which does not exist and she also had concerns about the silt fencing.

Ms. Salman said that the fence was part of the survey which will be corrected and the shed will be removed. Mr. Pennella advised that the silt fencing is temporary during construction and will be removed. With regard to the chain link fence, an As-Built survey will be required and updated as part of the building permit certificate of occupancy process.

Ms. Wall raised concerns about water coming onto her property. Ms. Raiselis said the culverts will capture the water and will be designed to mitigate it. Ms. Wall is concerned that there is mitigation along the house line. Ms. Salman said that she will review the area and these concerns will be addressed.

Ms. Wall would like them to consider removing the Pine tree close to the back of the residence between the wall and 88 Leroy which is not in great shape and is losing its branches on the bottom. Ms. Salman said when they start digging the foundation, if the roots are not in their way, they will keep the tree but trim it to look nicer.

Mr. Pennella believes the tree is very close to the foundation wall. He suggested that a condition be included to address this matter that if the tree dies, the applicant can remove it, and plant two other spruce trees of equivalent caliber on the property.

Ms. Raiselis would like a tree replacement if the tree dies within a year. Mr. Pennella said they could condition that 2 spruce trees be planted on site whether or not the tree dies.

Ms. Mendez Boyer advised Ms. Wall that the cultec drainage system is designed to improve existing conditions as well as for the addition.

Cynthia Luft, the owner came up, and she wanted to get an assessment of this tree anyway. There are flooding conditions in the area and the way the water drains in the back

is terrible. The house was built in 1941 and nothing has been done to it since. She hopes the drainage improvements proposed help everyone.

There were no further comments from staff or Board Members.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Dr. Friedlander read through portions of the draft Resolution. A copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

RESOLUTION

VILLAGE OF TARRYTOWN PLANNING BOARD

(Adopted October 24, 2022)

Application of Gabrielle Salman, RA

Property: 92 Leroy Avenue (Sheet 1.110, Block 80, Lot 32 and Zone R-7.5)

Resolution of Site Plan Approval

Background

1. The Applicant (Gabrielle Salman, RA. representing the owner, Ms. Cynthia Luft), requested site plan approval for the construction of a two-story, 784 sf rear addition to the existing single-family residence located at 92 Leroy Avenue in the R-7.5 zone. The existing residence is 1,124 sf. The addition will be 14' x 24' with a height of 24'. The height of the addition is below the maximum height of 30' in the R-7.5 zone. Applicant also proposes to construct a 336-sf deck (12' x 28') at the end of the addition.

2. The Planning Board on October 24, 2022, 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 October 24, 2022, 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 including the Applicant Architect's description of the Project, her set of plans and Plot Plan (SP1) showing existing trees to be protected, new plantings, existing shed to be removed, stormwater management practices, location of steep slopes, erosion control plan, updated *Zoning Compliance Form* (revised 10/14/22) indicating no variances

required, *Environmental Clearance Form*, and elevations, and received comments and recommendations from the Consulting Village Planner in a memorandum dated October 11, 2022, a landscape review provided by the Village Landscape Consultant dated October 21, 2022 and denial letters from the Building Inspector/Village Engineer dated September 6, 2022, revised September 26, 2022, which the Board has considered.

5. The Planning Board closed the public hearing on October 24, 2022. 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 finds that the area of steep slope on the site totals 476 sf or 6.5 percent of the lot's total area of 7,338 sf. There is no disturbance proposed for this area in the southeast portion of the rear yard. Therefore, a steep slope waiver is not required for the Project. No existing trees are proposed to be removed and tree protection is noted for the trees in the rear yard. Significant trees such as the 30" Oak in the rear yard are noted as being retained and protected. New landscaping will include two new Dogwood trees in the front side yard and a lavender garden in the front yard also featuring a Birch tree. Shrubs and Spruce trees are being maintained around the addition and new deck. The existing shed in the rear yard will be removed, thereby, removing the need for any area variances. The Zoning Compliance Form has been revised October 14, 2022, to indicate that the Project is now zoning compliant.

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.

Applicant's proposed project is located on a 7,338-sf developed property located in the R-7.5 residential zone. The project includes a two-story 784 sf addition which will increase the living area of the residence to 2,016 sf. The height of the addition will be 24" which is below the maximum height of 30' allowed in the zone. The project will include a new 336 sf deck extending off the back of the addition. The addition on the first floor will provide for a proposed living be provided with egress windows. The larger residence will contain 2,016 sf.

While the site's impervious surface will increase from 18 percent to 28 percent, this represents an increase of 410 to 660 sf. or 250 sf. There are no environmental issues raised in the review of the Environmental Clearance form. The subject property is not located in the wetlands or a wetland buffer. The subject property is not in a flood zone nor in a critical environmental area. There are no historical landmarks in proximity to the site. The Stormwater Management practices will include four (4) cultec chambers to collect and treat runoff including gutters, leaders, footing drains, driveway and walks.

The Village Landscape consultant has reviewed the Landscape Plan to include specific recommendations: 1) The 30" Oak and trees along the rear property should be protected from construction impacts with continuous fencing; the Birch in the front yard should also receive tree protection fencing. 2) The root area of the evergreen at the southwest corner of the house is within the construction circulation zone and should be protected from compaction by use of wood chips, or de-compacted at the close of construction by a certified arborist through use of an air-spade. 3) the proposed Dogwood trees should be identified as native, *Cornus florida*.

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 for Gabrielle Salman, Architect for *Two Story Addition and Wood Deck Addition, 92 Leroy Avenue, Tarrytown, New York* dated August 8, 2022, and last revised September 15, 2022, unless otherwise noted.

- SP1 "Plot Plan"
- SP2 "Site Details and Notes"
- A-1 "Proposed Basement Foundation, Proposed First Floor Plan, Details"
- A-2 "Proposed Second Floor, Roof Plan"
- A-3 "Elevations"
- A-4 "Typical Section. Details"
- A-5 "Specifications"
- E-1 "Electrical Plans"

(the "Approved Plans").

I. 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) 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.

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

II. Specific Conditions

- i. The applicant shall comply with the specific recommendations of the Village Landscape Architect in her report, dated October 21, 2022, prior to the issuance of a building permit.
- ii. If, as a result of construction, the existing spruce (labeled “existing spruce to remain” on the plan) is removed, four (4) replacement spruce trees of equal caliper to the removed spruce shall be planted on the property. If the existing spruce is not removed, two (2) spruce trees equal to one-half in caliper of the existing spruce shall be planted on the property. The planting locations of the new spruce trees shall be reviewed and approved by the Village’s landscape consultant.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

NEW PUBLIC HEARING – David A. Barbuti Architect, PC - 21 N Broadway

Ms. Raiselis read the following 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, October 24, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Dave A Barbuti, Architect PC
150 White Plains Road
Tarrytown, New York 10591

For site plan approval for a change of occupancy of vacant office space on the second floor.

The property is located at 21 North Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 18, Lot 4 and is located 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 will be required from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: September 30, 2022

The mailing receipts were received and the signs were posted.

David A. Barbuti, RA, the project Architect, appeared before the Board seeking approval for a change of occupancy to the 2nd floor of the property located at 21 N. Broadway. The offices were previously occupied by the “Watercooler”. The space has been vacant for at least 4 years and therefore requires approval from this Board for a change of occupancy and parking. The space is approximately 1,500 s.f. and will be used for “Americare” offices for home health aide training and administrative functions. They have received approval from the Zoning Board on October 13, 2022 for 4 off-site parking spaces that they are not able to provide onsite. He reminded the Board that he appeared last month for site plan approval for the retail level of this building that will be used for an antique store.

Mr. Aukland asked if this is a medical/overnight use as defined in the code. Mr. Barbuti advised that it is not a medical use; the offices will be used for home health care training.

Ms. Raiselis asked if any staff members had questions.

Mr. Pennella advised that the applicant will be paying \$4,000.00 into the village parking fund for 4 parking spaces, prior to the issuance of a permit.

Ms. Raiselis asked if anyone in the public wished to comment. No one appeared.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Mr. Gaito read through portions of the draft Resolution. A copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

RESOLUTION

VILLAGE OF TARRYTOWN PLANNING BOARD

(Adopted October 24, 2022)

Application of JB Realty Enterprises LLC

Property: 21 North Broadway (Sheet 1.40, Block 18, Lot 4 and RR Zone)

Resolution of Site Plan Approval

Background

1. The Applicant represented by David A. Barbuti, Architect, PC requested site plan approval for a change of occupancy for the second-floor office space unit from existing office to an office for Americare located at 21 North Broadway in the RR (Restricted Retail) zoning district. The Project will not include any interior renovations. The second-floor office space unit is 1,500 sf, including open office space, an executive conference room and bathroom facilities. There will be no exterior work on the building.
2. The Planning Board on October 24, 2022, determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *“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, but not radio communication or microwave transmission facilities”* and, therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on October 24, 2022, 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 including the *Cover Letter* from the Applicant’s Architect dated August 15, 2022, describing the project, the Architect’s sealed set of plans dated August 10, 2022, including site plan, architectural plans for the second floor and an area location map showing that the site is within walking distance of the Municipal Parking Lot on Main Street or McKeel Avenue. The submitted application provides the requirements for off-street parking under §305-

63 C (7) (d) as well as the *Zoning Compliance Form*, and *Survey*. The Planning Board has reviewed the resolution of the Zoning Board of Appeals dated October 13, 2022, and received comments and recommendations from the Consulting Village Planner in a memorandum dated October 11, 2022, and a *denial letter* from the Building Inspector/Village Engineer dated September 7, 2022, indicating that Applicant will be required to obtain a variance for four off-street parking spaces in the RR zone, which the Board has considered.

5.The Planning Board also received and reviewed a *Narrative* dated September 22, 2022, from the VP of Americare describing the operations of this Home Health Care Agency and its proposed office use, including the recruitment of nurses and therapists and monthly training classes for New York State certification as home health aides. Americare anticipates that the agency will be running one training class per month for three-week period with a maximum of 20 students. Students will receive both classroom and skills lab training. The trainees will be from the local area and focused on lower Westchester. The Agency stated that the majority of students at their other sites use public transportation . They believe that this would be similar to their Tarrytown site. Similar to other tenants along North Broadway, all deliveries will be accepted on North Broadway between 7 am to 9 am. Deliveries will use parking spaces in front of the building. There will be no double parking along North Broadway. Trash and recycling will be picked up by a private carter (Suburban Carting) at least once per week. Pick up will along North Broadway in the early morning hours.

6.The Zoning Board of Appeals reviewed the Applicant’s request for a parking variance for four off-street parking spaces at a public hearing held on October 13, 2022. The ZBA approved the requested variances at their October 13, 2022, meeting with the condition that the Applicant shall make payment into the Village Parking Fund for the four off-street parking spaces to the satisfaction of the Planning Board and Building Department and that all deliveries are made before 10:00 a.m. and that deliveries be made in small vans and not trucks.

7.The Planning Board closed their public hearing on October 24, 2022. 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 a 5,820 -sf parcel occupied by an existing, two-story brick building located three parcels (approximately 50’) to the south of Central Avenue. In July 2022, the Planning Board reviewed and approved the

conversion of the first floor to an antique store. The property is within walking distance to the Municipal Parking Lot on Main Street or McKeel Avenue. The Project will not consist of any interior alterations in the second-floor office space. There will be no exterior changes to the building and no new utilities will be brought into the site. There will be no lighting added to the exterior of the building.

The Planning Board reviewed the *Americare Narrative* dated September 22, 2022. Applicant has indicated that similar to its other sites, a monthly training class will be planned for NYS Certification of Home Health Aides. The maximum number of students allowed would be 20; students would receive both classroom instruction and hands-on skills lab training. It is Applicant's experience that in the other six sites, the majority of students would use public transportation. The Tarrytown site also benefits from the proximity of two Municipal Parking lots on Main Street and McKeel Avenue. Similar to other storefronts along North Broadway, deliveries will be accepted on Broadway between the hours of 7 am to 9 am. Trash and recyclables will be removed from the premises by a private carting company (Suburban Carting) at least once a week. Pick up will be along Broadway and will be in the early morning hours. As a condition of the ZBA's approval of the parking variance, a contribution of \$4,000 into the Village Parking Fund pursuant to §305-63 C (7) (d) was required in lieu of providing the four required on-site parking spaces. There will be no increase in impervious surfaces on the property and no new utilities are being brought to the site. There is no proposed landscaping, or additional exterior lighting to the property.

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:

Plans by David A. Barbuti, Architect, PC prepared for *the Proposed Interior Alteration for: Americare, 21 North Broadway, Tarrytown, New York* dated August 10, 2022, unless otherwise noted entitled:

- SP1 "Site Plan"
 - A1 "Second Floor Plan"
- (the "Approved Plans").**

III. General Conditions

1. 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.
- 2. 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
- 3. 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.
- 4. 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:

- (1) Prior to the issuance of a building permit, the Applicant shall contribute a total of \$4,000 into the Village Parking Fund for the four (4) off-street parking spaces required that cannot be provided on-site, as is permitted by Zoning Code § 305-63 C (7) (d) in the RR district.

Mr. Aukland moved, seconded by Dr. Friedlander, to approve this Resolution.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

NEW PUBLIC HEARING – Joseph DeNardo – 1 Emerald Woods

Ms. Raiselis read the following 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, October 24, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Joseph DeNardo
86 Main Street
Irvington, NY 10533

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

The property is located at 1 Emerald Woods and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.90 Block 112, Lot 15 and is located in an R-60 Zoning District.

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

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

By Order of the Planning Board
Lizabeth Meszaros
Secretary to the Planning Board

Dated: October 14, 2022

The mailing receipts were received and the signs were posted.

Jim Annicchiarico, PE, the project Engineer, appeared before the Board to seek site plan approval for the construction of a single-family home at 1 Emerald Woods which received prior site plan approval from this Board in 2017. Site plan approval has elapsed since Mr. DeNardo has not filed a building permit which brings him back to this Board. Mr. Annicchiarico advised that the plans have not changed since 2017. It is the same plan for a single-family home just under a half acre, pre-existing, non-conforming lot. They have provided a landscaping plan and an erosion and sediment control plan, and will install culverts to pick up the entire impervious surface of the house itself. Mr. Gaito asked how

large the house was and how many cutlecs they are proposing. Mr. Annicchiaricio advised that the house is 5,000 s.f. The stormwater plan has not been finalized yet but the property can hold up to 6 cultecs.

Ms. Raiselis asked if any staff wished to comment.

Mr. Pennella advised that this property has received Planning Board approval twice and each time both approvals expired. The original house was demolished. Mr. DeNardo came back in 2017 and was granted approval. He reminded the Board that the lot is part of the original Emerald Woods subdivision which required variances for lot size and coverage, which were also approved by the Zoning Board in 2017. The reason they are before this Board is because the applicant did not file the required building permit within the two years of site plan approval.

Mr. Gaito asked if they have gone to Zoning Board yet and what the lot coverage was that was granted last time. Mr. Annicchiarico advised that they still need to go to Zoning and will need a variance of 2.25% for coverage. Mr. Annicchiarico said the driveway could be skimmed a bit; there are walkways and only a small patio, and all will be impervious.

Ms. Raiselis asked Mr. Pennella to comment.

Mr. Pennella said there is only 1,000 s.f of existing pavement on site, so anything proposed above that will have to be treated. The landscape plan will need to be more robust since there are more homes and it will need to be reviewed by the Village Landscape Architect. The turnaround in the front driveway will be used for turning only, not parking and should be noted on the plan.

Mr. Aukland confirmed with Mr. Pennella that the zoning code has not changed since the 2017 site plan approval.

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

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Ms. Raiselis asked how the home will be heated. Mr. DeNardo said it has not been decided yet. Ms. Raiselis noted the global warming crisis and 40% of greenhouse gases come from buildings and encouraged him to consider electric, solar panels, or hyper insulation.

Ms. Mendez-Boyer referred to a plan sheet of surrounding properties submitted that appeared to be outdated. Mr. Annicchiarico agreed and said the sheet was submitted with the prior application to show the surrounding properties. Mr. Pennella confirmed that this sheet and some other information does not need to be presented and he will contact the engineer. He advised that the applicant will have to comply with the 2020 Building Code HERS (Home Energy Rating System) requirements. In addition, the Notice of Termination for stormwater has been closed and this is the last lot remaining for the subdivision.

There was no one in the audience to comment on this application.

Mr. Aukland moved, seconded by Dr. Friedlander, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

ADJOURNMENT

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to adjourn the meeting at 9:00 p.m.

The secretary recorded the vote:

Member Mendez-Boyer:	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Friedlander:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	5-0

Liz Meszaros, Secretary