

Planning Board
Village of Tarrytown
Regular Meeting 7 pm
December 28, 2023

PRESENT: Chair Raiselis, Members Friedlander and Alternate Member Marte,
Counsel Zalantis; Village Engineer Pennella; Secretary Meszaros

ABSENT: Members Aukland, Gaito and Mendez-Boyer, Planner Galvin

Ms. Raiselis opened the meeting at 7:03 p.m. She 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 to the Board and the applicant in advance of the meeting.

APPROVAL OF MINUTES - August 28, 2023 and November 27, 2023

There was no quorum to approve these minutes. They will be considered at the next regular meeting.

ADJOURNMENTS:

Ms. Raiselis announced the following two adjournments:

Gotham Design Planning and Development

25 South Washington Street

Site plan approval for the redevelopment of the property to include the razing of the existing two-story single-family home and 1½ story detached garage in order to construct a new three-story primary structure with 3 dwelling units.

Catalyze Tarrytown White Plains Road Microgrid, LLC

120 White Plains Road

Site plan approval for the installation of an electrical substation.

CONTINUATION OF PUBLIC HEARING - Hudson Harbor Station LLC – 29 S. Depot Plaza

George Distefano appeared, representing the applicant, Hudson Harbor Station, LLC. and advised that there have been no substantial changes to the site plan since last month, as indicated in their cover letter. He was hoping to receive final comments from the Board this evening so that they can be compiled and addressed before the next work session. He advised that he has been working with Mr. Pennella to address technical comments and they will also be incorporated into their January submission.

Ms. Raiselis inquired about the existing fuel tank which is shown on a portion of their property. Mr. Distefano advised that this tank encroaches 2 feet onto their property and will

be removed. He is not sure where the owner plans to relocate it at this time, but they have reached out to the owner to start that conversation. Mr. Pennella noted that this tank stores No. 2 Heating fuel oil, not motor vehicle oil. They will work with the property owner to get it relocated and the relocation could be a condition of approval prior to the issuance of a building permit for the construction.

Ms. Raiselis asked Mr. Distefano if he has made any progress with the Housing Action Council about providing additional affordable units. Mr. Distefano advised that Rose Noonan has been out of the office for a good portion of this month and they have not been able to reach her. Ms. Raiselis noted that she is anxious to hear back about the possibility of using some of the “Housing Good Works” money to get more affordable units at this development. Mr. DiStefano said he will follow up to see if anyone else in this housing office can assist them with this matter.

Mr. Pennella advised that he is working with the applicant to address his site plan comments related to staging, construction phasing, and water supply issues.

Mr. Marte would like to see the access and maintenance agreements with the MTA to ensure sidewalk maintenance to include snow removal.

Ms. Raiselis would like Mr. Canning to appear at the next work session to address the updated Edge on Hudson traffic data.

A conversation took place about the wayfinding signs that will be installed on the property. Mr. DiStefano noted that the MTA has provided a manual for typical standards. Ms. Raiselis would like some uniformity throughout the village and, if not exactly the same, the signs should complement what is existing. Mr. Pennella advised that he will provide a template of the signs that were used on Broadway. He noted that the ARB may have some jurisdiction over this since the signs are on the private property. Mr. DiStefano agreed to coordinate with the village and the MTA on this matter.

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

Mr. DiStefano asked if he could receive a copy of the draft conditions that Mr. Galvin was preparing for the Board’s review and, if possible, if he could receive and additional comments from the Board members not present this evening. Secretary Meszaros will forward the draft conditions and will ask for any additional comments on this site plan from members not present this evening.

Ms. Raiselis moved, seconded by Dr. Friedlander, to continue the public hearing.

The secretary recorded the vote:

Chair Raiselis:	Yes
Dr. Friedlander:	Yes
Mr. Marte:	Yes
All in favor. Motion carried.	3-0

Ms. Raiselis introduced Alex Marte to the Board, who will fill the unexpired term of Alternate Board Member Ms. Mezey, who recently resigned.

CONTINUATION OF PUBLIC HEARING -Benjamin and Julie Green- 25 Rosehill Avenue

David Verespy, RLA, with Rock Spring Design Group, appeared, representing the applicant, Benjamin Green, also present. Mr. Verespy noted that they have been before the Board for some time and have made some significant changes over time. Most recently, they have relented and have removed the pool from the project due to the Board’s concerns raised at the last meeting. They have replaced the pool with a portable self-contained hot tub which only holds several hundred gallons of water. He showed the location of the hot tub and the reconfiguration of the steps for easier circulation. He advised that David Goessl, the project engineer, has revised the modeling since there is no longer a need for hydraulic loading and to shore up the walls with additional soil. With regard to tree replacements, it is his understanding that this can be part of the Forest Management Plan. Ms. Raiselis would like to verify with Ms. Nolan that the tree replacement program can be a part of the Forest Management Plan.

Mr. Verespy noted that the removal of the pool is a major change. He showed the stone wall (pile of rocks) off of the side on the adjacent property, which was discussed at the last meeting. He noted that calling this a wall is overgenerous, but if damaged, it will be replaced or repaired in kind. In addition, they will be revising the drainage calculations to reflect the removal of the pool and deck, and will also resize the rain garden.

Mr. Verespy asked the Board if they are at a point in this discussion where they can button everything up and move forward with the next steps toward approval.

Dr. Friedlander would like to move forward.

Ms. Raiselis said it is a good compromise and the applicant will have a bigger yard and play area.

Mr. Pennella advised that since they have eliminated the pool, if the slope were to fail, the existing trees and forest management plan would prevent the walls from ending up at the bottom of Neperan Road. Mr. Verespy noted that they may pin the wall or set the bottom on concrete.

Mr. Verespy showed various views of the walls for the benefit of Mr. Marte, the new alternate Board Member, and pointed out that the proposed plantings with the shrub layer will screen the walls after about 3 years. They will address the landscaping comments and they are comfortable with the wall engineering calculations submitted.

Mr. Pennella will review the calculations. He advised that all details with regard to access and staging during construction need to be put on the plans. Ms. Raiselis would like them to stay as far away as possible from the line of trees and walls that separate the two properties during the construction. Mr. Verespy said this can be done. In addition, the steep slope narrative waiver request needs to be updated to address the revised plan.

Ms. Raiselis noted the next steps to move forward include a full review of the engineering, and landscape comments need to be addressed which include the discussion about the north side of the property and the tree count. Hopefully, by next month, a draft resolution can be authorized for the Board’s consideration.

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

Dr. Friedlander moved, seconded by Ms. Raiselis, to continue the public hearing.

The secretary recorded the vote:

Chair Raiselis:	Yes
Dr. Friedlander:	Yes
Mr. Marte:	Yes
All in favor. Motion carried.	3-0

CONTINUATION OF PUBLIC HEARING

Joseph G. Thompson Architect PLLC - 93A Highland Avenue

Joseph Thompson, RA, the project architect, appeared before the Board and advised that the landscape comments have been addressed to Ms. Nolan’s satisfaction. Mr. Pennella noted that he has been working with Ms. Nolan and Mr. Galvin and they have incorporated conditions into the resolution with regard to tree protection which have been forwarded to the Board for their consideration. He advised that the neighbor at 93 Highland Avenue has

applied for a curb cut modification for access to their property which will resolve the existing shared driveway access between the two lots. Mr. Thompson said they will work with the owner of 93 Highland and keep access clear during construction of the home and ensure an adequate window for the owner of 93 Highland Avenue to complete their driveway work in the spring.

Dr. Friedlander moved, seconded by Ms. Raiselis, to close the public hearing.

The secretary recorded the vote:

Chair Raiselis:	Yes
Dr. Friedlander:	Yes
Mr. Marte:	Yes
All in favor. Motion carried.	3-0

Dr. Friedlander 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 December 28, 2023)

Application of Joseph Thompson, R.A.
Property: 93A Highland Avenue (Sheet 1.110, Block 75, Lot 5.2 and Zone R-10)

Resolution of Site Plan Approval

Background

1.The Applicant, Joseph Thompson, R.A, on behalf of the owner, August Nigro, requested site plan approval for the construction of a new, 2-story, 4-bedroom, single-family residence with a two-car attached garage on a property at 93 Highland Avenue which was subdivided into two parcels in 2014. The new parcel at 93A Highland Avenue is 12,843 sf in the R-10 zone located at the southwest corner of Highland Avenue and Gunpowder Lane. The original plans have been revised to comply with the FAR.

2.The Planning Board determined on August 28, 2023, that the proposed action was 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 including provision of necessary utility connections and the installation, maintenance and/or upgrade of a drinking water well or a septic system”*.

3.The Planning Board conducted a duly noticed public hearing on August 28, 2023, and continued on September 26, 2023, and December 28, 2023, at which time all those wishing to be heard were given

the opportunity to be heard. The Planning Board received and placed the following email dated September 1, 2023, into the record from Mr. Robert Stevenson on behalf of Tappan Hill Mansion expressing concern regarding the proposed structure and its proximity to the left of their entrance and impact on the parklike atmosphere for guests entering their venue.

4. The Planning Board has carefully examined the Application and *Project Narrative – Nigro Residence* from the Applicant’s Architect, Joseph Thompson, RA, dated September 15, 2023 describing the revisions to the Civil and Architectural Plans including conformity to the FAR and front yard setbacks requested by the Village Engineer, the *Denial Letters* from the Village Engineer dated May 31, 2023 and August 24, 2023 indicating requirement for variances for the FAR and Front Yard and calculations by Village Engineer for FAR by floor, *Neighborhood Study* dated March 31, 2023 showing photographs of homes in the nearby neighborhood, *the Environmental Clearance Form*, *the Zoning Table* shown on drawing S-2, the set of architectural plans dated June `5, 2023 and site plan set dated March 31, 2023 and last revised December 7, 2023 including proposed site plan and zoning table, stormwater plan, erosion control plan, grading and utilities and proposed landscaping plan. The Applicant’s Engineer has designed a stormwater management system with 12 stormwater units located in the front yard and partially under the driveway. Additionally, all roof leaders are tied into the infiltration system. The Planning Board also received comments and recommendations from the Consulting Village Planner in memoranda dated August 16, 2023, September 12, 2023, October 20, 2023, November 13, 2023 and December 12, 2023, from the Village Landscape Consultant in a staff review dated September 12, 2023, September 21, 2023, October 18, 2023 and final review dated December 22, 2023, which the Planning Board has considered.

5. The Planning Board closed the public hearing on December 28, 2023. 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. In reviewing the application and proposed site plan, the Planning Board determined that there was no encroachment or disturbance of the steep slopes, and a steep slope waiver was not required.

The Applicant’s proposed project is located on a 12,843 sf subdivided property in the R-10 district. The proposed 2 ½-story single-family residence will be developed on an existing vacant corner lot with 119.5’ frontage along Highland Avenue. The Project proposes to construct a 3,490-sf residence on the subject property. The residence will include 4-bedrooms on the 1,420-sf second floor. The residence has been sited away from Highland Avenue to a distance of 26’.5” to conform to the 25’ front yard setback in the R-10 zone. The residence now complies with the zoning requirements of the R-10 zone. The proposed

impervious surface is 4273-sf which is within the maximum allowed of 7,965 sf for impervious surface. A review of the *Environmental Clearance Form* shows no steep slopes, wetlands, flood zones, critical environmental areas, historic landmarks or districts, and coastal areas. The Applicant has designed a stormwater management system with 12 stormwater units located in the front yard and partially under the driveway. Additionally, all roof leaders are tied into the infiltration system. There is also a trench drain overflow in the driveway. Construction access has been relocated, and the existing pavement will be maintained at a distance of 50' from the road. A soil erosion plan has also been provided indicating that disturbance to the property will be 0.06 acres of the site. All utilities including sewer and water must be connected on Highland Avenue. There will be no connections on Gunpowder Lane. The notation has been placed on the Drawing S-1 to remove the entire existing driveway area to the existing step on the adjacent property. The driveway grade has been revised in response to the Village Engineer's comments (Drawing S-2).

The landscape plan indicates that the following eight trees will be removed: Crabapple (12", 17" DBH), Oak (18), Spruce (16") and Pine (34", 33', 26", and 14"). There are 12 existing trees (Pines, Oaks, and Maples) on the site which will not be removed. Tree protection details have been included on the landscape plans. The Village Landscape consultant conducted a final review dated December 22, 2023, and indicated that the Applicant had revised the landscape plan reflecting her recommendations to include exclusively native trees and shrubs, tree removals have been updated, the drip lines of trees to remain have been included and a note on the utilities plan indicates that hand excavation is required to preserve tree roots. Replacement trees are (1) Eastern redbud, (3) Flowering dogwood, (1) Magnolia virginiana, (1) Maple, and (3) Eastern white pine.

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:

-Architectural Plans prepared by Joseph G. Thompson, PLLC for *Nigro Residence, Tarrytown, New York* dated 6/15/23, unless otherwise noted. The Civil Site Plans were prepared by Jorge B. Hernandez, RA, AIA, ARQ Architecture – *Planning & Engineering for Proposed Residence at Highland Avenue, Tarrytown, New York* dated 3/31/23 and last revised December 7, 2023, unless otherwise noted.

Architectural Plans

- A1.01 - "First Floor Plan and FAR Table"
- A1.02 "Second Floor Plan"
- A2.01 "Front Elevation"
- A3.01 "Sections"
- A3.02 "Sections"

Civil Site Plans

- T-1 *“Title Sheet”*
- S-1 *“Demo/Erosion Control Plan & Details”*
- S-2 *“Proposed Site plan, Zoning Table & Details”*
- S-3 *“Proposed Grading & Utilities Plan & Details”*
- S-4 *“Proposed Stormwater Plan”*
- S-5 *“Proposed Landscape Plan, Plant Images, Legend & Details”*

(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) 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.

- (f) Building Department Plans must include the name of the certified arborist who prepared the Existing Tree Legend information (Sheet S-5).

IV. Specific Conditions

- a. Prior to the issuance of a building permit plans for the installation of a fire sprinkler system shall be submitted for review and approval for compliance with Chapter 166 Fire Sprinklers.
- b. Prior to the issuance of a building permit, approval for the proposed driveway and curb cut is to be obtained from the Department of Public Works.
- c. Permanent property corner monuments must be installed in accordance with §263-15 prior to the issuance of a building permit.
- d. Due to the proximity of utility excavation to the root zone of tree #1 White Oak 20” dbh, and wall construction near trees #9 Red Maple 18” dbh and #12 White Pine 16” dbh, the Applicant’s arborist must be present during the pre-construction meeting to identify root protection measures to be implemented, and throughout excavation and construction of this work to perform root pruning and construction monitoring for preservation of these trees.
- f. Tree protection fencing must be inspected by the Village Landscape consultant prior to the start of any construction.
- g. The soil stockpile area must be located outside the dripline of the existing trees as approved by the Village Engineer.

Ms. Raiselis moved, seconded by Mr. Marte, to approve this resolution.

The secretary recorded the vote:

Chair Raiselis: Yes
 Dr. Friedlander: Yes
 Mr. Marte: Yes
 All in favor. Motion carried. 3-0

CONTINUATION OF PUBLIC HEARING – Gabrielle Salman, R.A - 81 N. Washington St.
 Site plan approval for the change of use and legalization of a non-conforming four-unit multi-family dwelling, documented as a two-family dwelling.

Dr. Friedlander moved, seconded by Ms. Raiselis, for the Planning Board to assume Lead Agency for the environmental review of this project under SEQRA.

The secretary recorded the vote:

Chair Raiselis: Yes
 Dr. Friedlander: Yes
 Mr. Marte: Yes
 All in favor. Motion carried. 3-0

Gabrielle Salman, RA, the project architect, appeared before the Board, representing the owner of the property, Mr. Torres, also present. She presented the revised plan which allows for one parking space in the garage area. She showed on the plan that there is an adequate turning radius for cars to maneuver out of the spaces. She has also shown the location of the garbage storage area on the side of the property. Ms. Raiselis asked if it was possible to move the garbage storage area could be moved further back. Ms. Salman advised that they feel this is the best location and they will screen the area with trees so it is not visible.

At the last meeting, the Board suggested that Ms. Salman explore the possibility of providing grass pavers for the entire parking lot. Ms. Salman showed the area in the rear where they will install the grass pavers. Mr. Pennella advised that the area where the cars need to maneuver in and out of the driveway may deteriorate more quickly with the grass pavers which will require more maintenance over time and noted that the village is experiencing deterioration of the grass pavers at Patriot’s Park. He suggested a permeable decorative paver with 3/8” gravel as a better solution for the applicant. The Board and Mr. Torres, the owner, agreed to install permeable pavers in this area but will keep the grass pavers where the parking spaces are proposed.

Counsel Zalantis and Mr. Pennella both advised for the record that a judgment was passed with the village court. It was not a legal settlement as the applicant has indicated, and the court matter has nothing to do with this Site Plan Application review before this Board.

Mr. Pennella also noted that the Department of State is an involved agency under SEQRA and the applicant will require approval of the window wells which are next to the property line. He will review the revised site plan that was submitted. In Mr. Galvin’s absence, the secretary will ask Planner Galvin to forward any additional information that the applicant is required to submit in order for the Board to make a SEQRA determination.

No one was present in the audience to comment on this application.

Dr. Friedlander moved, seconded by Ms. Raiselis, to continue the public hearing.

The secretary recorded the vote:

Chair Raiselis:	Yes
Dr. Friedlander:	Yes
Mr. Marte:	Yes
All in favor. Motion carried.	3-0

ADJOURNMENT

Dr. Friedlander moved, seconded by Ms. Raiselis, to adjourn the meeting at 8:02 p.m.

All in favor. Motion carried. 3-0

Liz Meszaros, Secretary