

Planning Board  
Village of Tarrytown  
Regular Meeting 7 pm  
February 26, 2024

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

ABSENT: Dr. Friedlander

Ms. Raiselis opened the meeting at 7:00 p.m. 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 [meszaros@tarrytowngov.com](mailto:meszaros@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

Ms. Mendez Boyer and Mr. Gaito both acknowledged that they have read the minutes of the meeting of August 28, 2023 as submitted, and believe them to be accurate.

Ms. Raiselis moved, seconded by Ms. Mendez-Boyer, to approve the minutes of the August 28, 2023 meeting, as submitted.

The secretary recorded the vote:

Mr. Gaito:	Yes
Chair Raiselis:	Yes
Ms. Mendez-Boyer	Yes
Mr. Marte:	Abstain
Mr. Aukland:	Abstain
Motion carried.	3 -2 (abstentions)

APPROVAL OF MINUTES -December 28, 2023 – There was no quorum of the Board to approve these minutes; they will be considered at the next regular meeting.

APPROVAL OF MINUTES - January 22, 2024

Mr. Aukland moved, seconded by Mr. Gaito, with Ms. Mendez abstaining, to approve the minutes of the January 22, 2024 meeting, as submitted.

The secretary recorded the vote:

Mr. Aukland:	Yes
Mr. Gaito:	Yes
Chair Raiselis:	Yes
Mr. Marte:	Yes
Ms. Mendez-Boyer	Abstain
Motion carried.	4 -1(abstention)

ADJOURNMENTS:

Ms. Raiselis announced the following 3 adjournments:

1. 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.
2. Catalyze Tarrytown White Plains Road Microgrid, LLC  
120 White Plains Road  
Site plan approval for the installation of an electrical substation.
3. Nicole Doniger Strom – New Public Hearing (pending a ZBA determination)  
68 Leroy Avenue  
Site plan approval for the construction of a two-story addition to a single-family residence.

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

Site plan approval for the construction of a transit-oriented development consisting of 88 residential units with retail space, covered parking (Lot 38), additional exterior parking on Lot 37 (applicant's property) and on adjacent MTA Property, with related site improvements.

George Distefano appeared, representing the applicant, Hudson Harbor Station, LLC. He introduced Dan Pennessi, their in-house Attorney, and Dave Lombardi, the site design project manager, with JMC Site Development, who are both available to answer questions. Mr. Distefano noted that the plans have not changed dramatically since last month. Engineering details such as utilities, infrastructure, and construction phasing have been worked out in detail with Mr. Pennella. In addition, the proposed affordable housing agreement with the Housing Action Council has been incorporated into the draft Resolution. Mr. Distefano noted that they have received the draft Resolution and have submitted comments to the Board. Ms. Raiselis advised that their comments have been received and she would like to briefly go over and discuss the proposed changes to the draft resolution as follows:

Page 5 – Flood Hazard Area – Ms. Raiselis noted that the applicant would like add language at the end of this sentence which is underlined as follows: "the subject site is located in an X flood zone in the effective flood zone maps, and AE flood Hazard Zone, with a Base Flood Elevation (BFE) of 9, based upon preliminary flood zone maps." Mr. Pennella had no objection to adding this language.

Page 7 - Correct date to reflect latest revision of plans to February 8, 2024. Mr. Pennella agreed that this was the correct date.

Page 10 – Specific Condition b. – Stormwater Management Agreement - The applicant wanted to add language that the plan would be “Reasonably” satisfactory to the Village Engineer. Ms. Raiselis asked Mr. Pennessi for an explanation. A brief conversation took place about the stormwater management plan which was described in detail on page 6 of the draft Resolution. Mr. Pennessi thought that this section should be cross referenced with this condition since it relates to the detailed plan. Counsel Zalantis said that the plan and the agreement to maintain stormwater are two different issues and it should not be cross referenced. Mr. Pennella explained to Mr. Pennessi that the stormwater agreement language provides that the applicant agrees to maintain the stormwater facilities after the project is completed. In order to clarify this matter, language was added in Section b. to reference the plan, “as depicted on the approved plans”, which eliminated the need to add the word “reasonably”. Both the Board and applicant agreed that this added language clarified the issue.

Page 10 – MTA Agreement - Ms. Raiselis asked Mr. Pennessi why they are asking to change the MTA lease period to 49 years, instead of the 50 years or more as proposed in the Resolution. Mr. Pennessi noted that 49 years is a standard term for ground leases and it is also used in the credit markets, allowing for an extension. The MTA has advised them that they use 49 years as their standard for all of their ground leases. They can certainly achieve 49 years, and will try to get 50 years. Rather than hold up the process, Ms. Zalantis suggested changing the language to 49 years and adding a provision to the draft Resolution that, “If the MTA lease is not renewed subject to the same terms, the applicant must come back before the Planning Board at least 2 years prior to the expiration of the MTA Agreement and provide a parking study, by an expert parking consultant, and, if necessary, as determined by the Planning Board, in its sole discretion, the Applicant shall provide additional parking on-site and/or off-site”.

Page 10 - G: Utilities and infrastructure - The applicant would like to reduce the amount of the bond to \$650,000 from the \$1,000,000 bond which the Village has proposed. Mr. Distefano advised that they have submitted a worksheet outlining the costs to complete the infrastructure, in the amount of \$525,000, for the Boards review, using RS means industry data. They have increased this amount to \$650,000, which is above average. They thought that the \$1,000,000 figure provided by the Village Engineer was excessive.

Ms. Raiselis referred to Mr. Pennella's worksheet using the same scope and information from a recent Village project which she believes to be more accurate. She noted that this area is in the hub of the Village and if the applicant abandons the project, this amount is needed in order to protect the Village. Mr. Distefano believes that the \$1,000,000 number is aggressively high compared to the numbers they usually see, and asked that they not be penalized for the care and cost of that high of a bond.

Ms. Raiselis asked the other Board Members to weigh in on how they felt about reducing the amount of the bond.

Mr. Marte said using RS means to determine figures is not acceptable to him. Mr. Distefano said that the \$525,000 was the baseline that they have raised this amount to \$650,000. Mr. Marte said that this Board has just done a similar project so they are going by actual numbers in this market. Mr. Distefano noted that they too have done recent work in the area, and referred to the City of Yonkers, and they too have significant experience in estimating this type of work.

Mr. Pennella noted that the distinction between his estimate and the applicants is that the RS means is used in the private industry, and not for public projects. Public projects are subject to the prevailing wage, and increase costs substantially. He believes that the estimate he provided was on the low side and is a fair number. It is based upon the minimal improvements that must be done at this site, if abandoned, which include bringing the water into the building to provide fire protection, whether built or not. The sewer could be started, but if not completed, it would be capped by the Village, which would require funding. Stormwater improvements will need to be completed to protect the village as well. The basic infrastructure would need to be installed, which would include catch basins and collection systems, and roadway improvements will also need to be completed. Mr. Pennella noted that the Village has to comply with Section 103-D of the General Municipal Law for Public Bidding requirements and this also increases the cost of doing work in the public v. private sector. Mr. Galvin noted that it could add 25% or more onto the cost of the work. Counsel Zalantis advised that there is language included in the Resolution that reduces the bond when certain work is completed.

Ms. Mendez-Boyer noted the history of a developer in the Village, which has been expressed by the public, and they have to be very careful and make sure that if the project is abandoned, the Village is protected, and the property is brought back to a level that is safe for the community. Ms. Raiselis agreed.

Mr. Aukland asked Mr. Pennella if there is a particular area in his worksheet that raises the costs from the applicant's worksheet submission, or is it across the board. Mr. Pennella said it is generally spread out. Mr. Aukland asked about the procedure of monitoring the work and how the bond would be reduced over time. Mr. Pennella said the reduction is based upon the completion of each utility. He advised that the bond could be easily reduced by 35% when the stormwater is done, which could be done in a short period of time. Counsel Zalantis noted the completion of each phase is subject to the satisfaction of the Village Engineer, before the bond is reduced.

Mr. Distefano noted that they will be paying for the cost and care of the bond and he asked if the Board will be willing to meet in the middle, at \$750,000, as a compromise.

Ms. Raiselis said she does not think so but would be happy to hear from the other members. Mr. Gaito does not think the difference in the bond amount is a lot. Mr. Pennella said it is usually about 6% of the bond amount.

Ms. Raiselis asked each Board Member if they have any inclination to reduce the amount of the \$1,000,000 bond.

Ms. Mendez-Boyer trusts Mr. Pennella's number.

Mr. Aukland also defers to Mr. Pennella's number.

Mr. Marte defers to Village Engineer Pennella's estimate. He believes he has provided real factual numbers in his estimate. He also removed some of the scope in his assessment.

Mr. Gaito agreed that the bond should remain as is and not be reduced. The prevailing wage is a big number and increases the amount of the estimate by at least 30%.

Ms. Raiselis does not believe that the bond should be reduced. This Board has to protect the Village as much as it can, and it will remain at \$1,000,000.

Mr. Aukland noted that the sooner the work is done, the sooner the bond can be reduced. Mr. Pennessi said it will only go down by 40%, until the Certificate of Occupancy is issued. He noted that in the past, the Village has also accepted a Letter of Credit from the applicant and asked if the Board would be open to receiving a Letter of Credit.

Ms. Raiselis said they have not had much luck with a Letter of Credit and without going into detail, they would like the bond.

Ms. Raiselis moved on to the next item to consider:

*i. (2) Affordable and Fair Market Housing –* With regard to payment of utilities for the additional 4 affordable units that are added, Ms. Raiselis asked Mr. Distefano to explain why utilities are excluded. Mr. Distefano said that this was part of what was discussed at the work session with the Housing Action Council (HAC). They discussed that the landlord would not pay for the utilities for the additional 4 affordable units and that the tenant will be responsible for utilities.

Mr. Marte asked if the owner will reduce the rent to account for the utilities which is standard for affordable units. Mr. Distefano said as part of their proposed agreement, utilities are excluded from the landlord payment. Mr. Pennessi also noted that this was part of the discussion at the work session.

Ms. Raiselis asked if the solar generated on the building will benefit management or the tenants. Mr. Distefano said the assumption is that the solar generated will offset about 30% to 40% of the common space charges.

Ms. Mendez-Boyer asked if residents are paying for the cost of common space. Mr. Distefano said the units are separately metered from the common space. Ms. Mendez-Boyer confirmed that the additional units will be metered separately and the affordable units will not pay for any electric for the common space.

Mr. Distefano advised that they have submitted a proposal but have not yet heard back from the Housing Action Council. Counsel Zalantis said since they have not heard back from the HAC, the Board does not know if the proposal is acceptable.

Mr. Distefano said it is their understanding that if the HAC is able to meet the proposed conditions, they will provide the additional 4 units. The (HAC) Board has to vote on this matter. As a backup, the HAC said that they could ask Westchester County Planning for additional funding, if they are unable to meet their proposal.

Counsel Zalantis noted that they anticipated having a document from the HAC before this meeting but that has not come, so we have nothing in writing from the HAC for the record. Ms. Raiselis noted that they do have the 9 required units at 60% by code. At this point, we have to keep our fingers crossed that the HAC and applicant can work together to actually make it happen and there is really nothing else that can be done.

k. Recreation fee. – The applicant is asking to pay 50% of the Recreation Fee before the issuance of a building permit, and pay the balance prior to the issuance of a Certificate of Occupancy. Ms. Raiselis advised that this is not customary for this Board. All Recreation Fees are paid before the issuance of a building permit. Mr. Galvin noted that this is common practice in other municipalities as well. Mr. Gaito said the Board should stay the course. There were no other comments and there will be no change in the payment terms of the Recreation Fee.

l. Parking spaces designated: Ms. Raiselis noted that the Village code provides that a parking space must be designated for every unit.

Mr. Distefano said that most likely, parking will be underutilized and they would like option to utilize the space in another way. Ms. Raiselis wants to make sure that if someone has a car they are not denied a space on site. Mr. Gaito said to keep the code the way it is as long as each tenant is able to have one space per unit if they need it. Mr. Pennessi commented that it is hard to manage parking when it is mandated that each unit have a designated parking space. He noted that the required number of spaces has been provided in accordance with the zoning code. Mandating a designated parking spaces under a lease agreement should be between the owner and the tenant. They would like the flexibility to manage the property as they see fit, understanding that they have a minimum parking requirement. He is happy to agree that the landlord shall not lease parking spaces to non-residents, but by dictating that each unit have a dedicated space is onerous.

Mr. Pennella advised the Board that they had a situation at Sleepy Hollow Gardens, where tenants were actually renting out spaces to other people, which forced residents to park on the nearby residential Meadow Street, which became a problem. Mr. Pennessi said that they certainly would not have that happen. The existing language in the Resolution indicates that each unit gets a dedicated assigned space. He would like more flexibility. Ms. Raiselis asked Mr. Pennessi how he would word the language. Mr. Pennessi said they will not lease spaces to non-residents or employees of the retail space, etc., but to have the Village dictate how they manage the units will be very challenging.

Ms. Raiselis said she would be happy to add a sentence that the parking shall not be leased to non-residents. Mr. Pennessi said it is up to the owner to manage the parking. Ms. Raiselis said it is up to the Village to ensure that everyone that rents a unit has a parking space, if needed.

Mr. Galvin said in Nyack, they do not have reserved parking and gives the owner the flexibility to figure it out themselves which seems to work. In the Avalon, in Mamaroneck, people actually parked on the street, rather than pay for the on-site parking and there were empty unused spaces. Mr. Distefano said they will likely charge a parking fee for each space which, Mr. Pennessi added, is an incentive to not have a vehicle.

Mr. Pennella proposed to issue a tenant a parking pass and they should have the option to use it. Mr. Pennessi said the renter may not even have a car. Mr. Pennella said then let the tenant advise the owner in writing that they do not have a car so they do not need a space. Mr. Pennella said that the goal of the village is to make sure a tenant has the ability to park on site. Mr. Pennessi asked if the Village wants to be in the Parking Management business. Mr. Pennella said no they don't, but unfortunately, they have been. They relied on the court and code enforcement to fix the situation at Sleepy Hollow Gardens. It was a very difficult task to rectify. Mr. Gaito agreed and said that parking is a constant topic of

this Board and the Zoning Board, and their goal is to contain parking on site as much as possible.

Ms. Raiselis asked if the affordable units will include the parking space. Mr. Pennessi said the parking ratio is in the plans and they have provided for the parking. Ms. Mendez-Boyer said the intent of the law is to provide parking for each unit. Mr. Distefano said it is a general ratio of 1.05, the code does not specify per unit.

Counsel Zalantis suggested language that, *"Every unit must have the opportunity to assign and use at least one parking space. Parking spaces shall not be leased or otherwise allowed to be used by non-residents or non-employees. Parking spaces must not be used for any other purpose other than the parking of vehicles."*

Mr. Pennella asked how many parking spaces are inside the garage. Mr. Distefano said 55 spaces. Mr. Pennella suggested that the interior spaces should be for specific use by the tenants only.

Mr. Aukland said if the interior spaces are just for residents only then he is good with not requiring a designated space for each unit.

Mr. Marte said the goal is to offer a space to each tenant, and if they don't want one, it can be offered to another tenant. There are 88 units so each unit should be offered a space. Ms. Mendez-Boyer agreed and said that is called equity.

Counsel advised that the proposed wording allows the owner to offer the space to another unit if that tenant does not want the space. Ms. Raiselis said this is a new parking requirement for this type of development and changes may be needed in the future, but this wording works for her.

Ms. Mendez says we have to be equitable and everyone should be offered a space. Mr. Pennessi said they are talking about an obligation for a property manager to offer parking spaces. If half the tenants decline the offer, then there may be empty spaces. Mr. Pennella just wants to avoid the situation at Sleepy Hollow.

The final agreed upon language was added as follows: "Every unit must have the option to rent at least one parking space. The interior parking spaces shall be designated for resident tenants only. The outside spaces shall not be leased or licensed or otherwise granted by agreement to non-tenants."

Ms. Raiselis asked if the Board, Counsel or staff had any further comment before this public hearing is closed.



Ms. Zalantis wanted to go back to page 10 and clarify the added language in the draft Resolution for the 49- year lease which was discussed earlier as follows, "If the MTA lease is not renewed subject to the same terms, the applicant must come back before the Planning Board at least 2 years prior to the expiration of the MTA Agreement and provide a parking study by an expert parking consultant and, if necessary, as determined by the Planning Board, in its sole discretion, the Applicant shall provide additional parking on-site and/or off-site." The Board agreed on this language.

Ms. Raiselis asked if there are any other comments from staff.

Mr. Pennella noted that the construction will be broken down in phases which he believes will work well. The demolition of the structure on Lot 37 is Phase I. It will be torn down and used for a staging and parking area. As discussed earlier, the \$1,000,000 Bond can be reduced upon completion of each utility phase. In order to determine the final SWPPP, more sequencing needs to be done with regard to removing the foundation, which will be part of the building permit process. Other than that, all of his comments have been addressed.

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

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

The secretary recorded the vote:

Mr. Aukland:	Yes
Mr. Gaito:	Yes
Chair Raiselis:	Yes
Ms. Mendez-Boyer	Yes
Mr. Marte:	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 February 26, 2024)**

**Application of Hudson Harbor Station, LLC**  
**Property: 29 South Depot Plaza (Sheet 1.70, Block 29, Lots 37 and 38 and Zone ID)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant (Hudson Harbor Station, LLC) is seeking site plan approval for the construction of a transit-oriented development consisting of 88 residential units with approximately 2,984-sf of artist workspace/storage, 3,823-sf of amenity space and 1,500 sf of art gallery space and related site improvements. These site improvements include covered parking in a garage under the building on Lot 38 with additional exterior parking on applicant's property on Lot 37 and on adjacent MTA property. There will be a Mobility Hub provided on Lot 37 that will feature a metal frame canopy structure, EV Charging stations and offer e-mobility bike and scooter share options for the public.

2. The Planning Board determined on May 22, 2023, that the proposed action was an Unlisted action under SEQRA. The Planning Board issued a Notice of Intent (NOI) to be lead agency for the environmental review. The Planning Board re-noticed the NOI on June 21, 2023 and assumed lead agency status on September 26, 2023. The Planning Board referred the application to the Westchester County Planning Department, MTA and the Village's ZBA under GML and received comments from Westchester County Planning on July 14, 2023 and the MTA on July 7, 2023. The Planning Board issued a Negative Declaration on November 27, 2023.

3. The Planning Board opened a duly noticed public hearing on May 22, 2023, and continued the public hearing on June 26, 2023, July 24, 2023, September 26, 2023, October 23, 2023, November 27, 2023, December 28, 2023, January 22, 2024 and February 26, 2024, 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's *Cover letters* dated 6/7/23 and 8/10/23 submitted with his revised plans. The Planning Board reviewed the Project's Zoning Compliance and applicant's modifications including the maximum height limit of 48'. The Planning Board has determined that the Project meets the requirements of Section 305-41(10) for the development of a Transit-Oriented Project in the Industrial zone. The Planning Board reviewed the Westchester County Planning Department's GML letter dated 7/14/23 and MTA's letter dated 7/7/23. The Planning Board reviewed the report dated 6/7/23 from JMC Engineering providing information on *Flood Hazard areas* and the Base Flood Elevation and for the building and residential units. Kimley Horn provided plans showing recommendations for pedestrian connections for the site, surrounding sidewalks and intersections dated June 7, 2023. The Planning Board has reviewed the traffic impacts of the proposed Project. This has included the *Kimley Horn Traffic Impact Report, 7/6/23* and *Trip Generation Artist Lofts, 7/6/23*. The Village retained Sam Schwartz Assoc. to conduct a *Traffic Impact Analysis* dated 11/9/23. The Village Traffic Consultant agreed that the Applicant's *Traffic Impact Study* and drawings are appropriate, and they did not find any key issues. The Board has reviewed the Applicant's *Supplemental SEQRA Narrative* dated 9/7/23 including the series of memos from JMC describing *Stormwater Management, Utilities,*

*Construction Staging Plan*, and a *memo on the Project's Affordable and Fair Market Units*. The Planning Board also reviewed the Applicant's *Visual Impact Analysis*, 9/7/23; the ARB Review of the Project with recommendations, 9/20/23. During the Planning Board review of the SEQRA document, the Planning Board reviewed the Cornell Climate Adaptive Study (CaD report) and the nature-based techniques for erosion control and storm water management and included created a new direct emergency connection between the upper lobby level in the building and the 8' exterior ramp with railings to the MTA station platform. The Planning Board also reviewed the Project's fiscal impacts and school children generation for the residential units. The Planning Board received comments and recommendations from the Consulting Village Planner in memoranda dated 5/10/23, 6/13/23, 7/12/23, 8/16/23, 11/13/23, 12/12/23, 1/11/24 and 2/14/24, a denial letter from the Village Engineer dated 6/15/23, 12/29/23 and landscape review from the Village Landscape Consultant dated 9/21/23, which the Planning Board has considered.

5. The Planning Board closed the public hearing on February 26, 2024. 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 has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below that the Site Plan application for the construction of a transit-oriented development consisting of 88 residential units with approximately 2,984-sf of artist workspace/storage, 3,823-sf of amenity space and 1,500 sf of art gallery space and related site improvements is consistent with the site plan design and development principles and standards set forth therein and is granted subject to the following conditions.

The Planning Board has reviewed the Applicant's site plan and the submitted plans for the redevelopment of a transit-oriented development on the 1.39-acre industrial property which includes Lot 37 (0.21-acres) and Lot 38 (1.18-acres). The subject property is located to the south of Depot Plaza with direct access to the Metro North Railroad's (MNR) Tarrytown station. The proposed redevelopment plan would provide a new four-story building with 88 residential units and approximately 2,984-sf of artist workspace/storage, 3,823-sf of amenity space and 1,500 sf of art gallery space. Site improvements include the development of an adjacent 3,800 sf landscaped pedestrian plaza at the foot of the stairs to the train platform. Parking will include 55 covered spaces in a garage under the building, 13 surface parking spaces on Lot 37 and 33 spaces in the MTA parking lot opposite the building. The other 30 spaces in the MTA lot will remain dedicated to MTA employees. The Applicant will provide landscaping and dark sky compliant lighting to improve the MTA parking lot. There will be a Mobility Hub provided on Lot 37 that will feature

a metal frame canopy structure, EV Charging stations and offer e-mobility bike and scooter share options for the public.

Zoning Compliance - The Planning Board has determined that the Project meets the requirements of Section 305-41(10) for the development of a Transit-Oriented Project in the Industrial zone. Specifically, the Project application has been the subject of multiple revisions during the Planning Board site plan review to clarify and comply with all use and dimensional requirements (including, but not limited to height, bulk, setbacks, etc.). The Applicant has been able to reduce the overall height of the building to an absolute maximum height of 48'-0" as specified in the Code. The Applicant has removed the stair bulkheads and provided access to and from the roof using a low roof hatch and alternating tread device. The elevations show a minimal elevator overrun that will be screened by the parapet wall around the building perimeter. The Applicant has located all HVAC condenser units toward the center of the rooftop limiting sight lines from around the project. Condensers will be screened by the parapet wall. To activate the ground floor, the Code requires 50 percent of ground floor space to be non-residential. The Applicant met this requirement by increasing the original 295 sf of retail space to 1,500 sf and transforming this space into "Art Gallery" space. Additionally, the Applicant has created individual "Artist Workshop" spaces on the sidewalk area.

Building Coverage/Setbacks – The building coverage in the underlying ID zone is 75 percent. The Village Engineer has reviewed this and determined that the project as constituted would have a building coverage of 47 percent. The Code requires side yard setbacks of 10' for each side yard. The Project's side yard on the north side of the building is 48' with the landscaped plaza. Project's side yard on the south side meets the 10' setback, the Project complies with the 10' front yard setback.

Façade - The Code requires that no façade shall exceed 150' in length without architectural features designed to break up the visual effect of the building and avoid a box like appearance. Design changes have been made to the façade to provide a more residential feeling. Applicant's architect has provided more variation around the building in terms of stepping and material variation to help mitigate the scale. Façade alternated with brick cladding and metal panel attempts to have the building read like a collection of smaller buildings. The width of the windows has been reduced to provide a more residential scale. The ARB provided a positive preliminary review on 9/20/23 and was supportive of the arts component.

Sustainability - The Applicant has committed that the Project will achieve a Green Globe Certification or similar designation and shall retain, at its cost, a LEED AP or other consultant to manage aspects of the project's design and construction. Project will be entirely electric and feature a rooftop solar array to help offset traditional energy supply and energy efficiency measures. There will be a fully integrated mobility hub offering multiple sustainable transportation options, including public transit, EV-Charging, bike/scooter storage, and pedestrian-friendly pathways. The Applicant will implement comprehensive water stewardship reduction measures, including water-saving fixtures and sustainable landscaping, to ensure efficient water use and management within the development. The proposed plan

will prioritize ecofriendly building materials, such as recycled or reclaimed materials, low-VOC paints, and energy-efficient insulation, to reduce the environmental impact of the project.

Parking – the total number of spaces for the project has increased to 101 spaces. Of this total 33 spaces are MTA spaces under Agreement for the Project's exclusive use. Another 13 spaces are available on the Applicant's Lot 37 and 55 spaces are in the garage under the proposed building for a total of 101 spaces. Given that the multi-family residential will be part of the Transit-Oriented Development as well as a mixed-use development with opportunities for shared parking, the required parking ratio for the residential units is 1.05 spaces per unit or 92 parking spaces (which is below the actual parking being provided).

Traffic Generation - the Kimley Horn Traffic Impact Report dated 7/6/23 projected that the proposed development will generate just 33 vehicles per hour. This is equivalent to one vehicle every two minutes. Currently permitted uses at the building were calculated to generate 24 vehicles per hour. Consequently, the proposed action represents an increase of just 9 vehicles per hour, or 1 vehicle every 6 minutes. The 33 project trips reflect just 3 percent of future traffic volumes that will be passing through the intersection of the Site driveway (South Depot Plaza) with Depot Plaza. Kimley-Horn provided updated information on the Edge on Hudson traffic data at the Board's February meeting. The Village retained an independent traffic consultant, Sam Schwartz Associates, to review the traffic impact analysis. The Village's traffic consultant generally agreed that the Applicant's Traffic Impact Study and drawings were appropriate.

Landscaping – The Applicant has continued the proposed sidewalk along the building past the parking lot/drive entrance. Drawings have been updated to illustrate this proposed sidewalk more clearly in front of the drive entrance. Plantings have been updated to include narrower form species and lower shrubs such as low growing sumac and various grasses to keep from overgrowing adjacent properties. To prevent the current proliferation of invasive vines, Applicant will develop an invasive species management plan to be included as part of the overall site management plan. The landscape plan and plant species have been updated to better reflect snow loading and winter road salting. The location of the trees in the parking lot have been modified so as not to conflict with the light fixture locations. The landscape plan has been updated at the south end of the building to triple the amount of upright sweetgum trees from (5) to a total of (15) and reduce the number of upright junipers from (20) to (12) with a 6' privacy fence.

Flood Hazard Areas - The subject site is located in an X Flood Zone in the effective flood zone maps, and AE Flood Hazard Zone with a Base Flood Elevation (BFE) of 9 based upon preliminary flood zone maps. Zone AE has a 1% (100-year) Annual Chance Flood Hazard. The building will be designed based upon an AE Flood Hazard Zone with a BFE of 9. The Project has been voluntarily designed to adhere to the more conservative Base Flood Elevation of 9 feet (from the Preliminary FIRM), incorporating the following flood mitigation measures: the proposed parking, utility rooms and upper lobby will be above the BFE of 9. The lower lobby, trash room and community art space will be at elevation 5.45 and, therefore, the walls and doors will be flood-proof. The residential units will be at elevation 19.74 which is above the minimum elevation of 11 (BFE of 9+2 feet) for residential units. The lowest residential units will

be located well above the minimum elevation of 11 (BFE of 9+2 feet). The applicant has created a new direct emergency connection between the upper lobby level in the building and the 8' exterior ramp with railings to the MTA station platform.

Cornell Adaptive Design Studio - The Applicant actively participated in the 2022 Climate-adaptive Design Studio (CaD) with Cornell University and the Village of Tarrytown, recognizing increasing flood risks due to climate change. In line with the goals of the study, the site plan integrates green infrastructure by substantially increasing the number of trees to reduce thermal heating and decreasing the amounts of impervious surfaces to reduce runoff. The Applicant has also created a new direct emergency connection between the upper lobby level in the building and the 8' exterior ramp with railings to the MTA station platform.

Pedestrian Connectivity - The Pedestrian Circulation Plan shows sidewalk connections between the project, Depot Plaza, and White Street & the station area, as well as the future connection to Franklin Courts. The site has two by two pedestrian cross-axes: The north-south sidewalk connects the southern end of our site with Depot Plaza and the Village beyond. The east-west sidewalk provides a new accessible route from the metro north train platform to a new connection to the neighboring Franklin Towers & Courts property. The intersection of these two pedestrian connections meets at the center of the site which is activated by the new covered plaza, cultural space, residential lobby, and mobility hub. Both axes have been designed with landscape and plantings to provide a safety buffer between pedestrian and vehicular circulation. A landscape buffer and fence has been provided at the southern edge of the property to prohibit access from the sidewalk to the train tracks as well as the industrial property adjacent to the site. The pedestrian circulation plan has also been updated to include the proposed location and design for wayfinding signage on site.

Stormwater Management – Applicant's Engineer (JMC) has prepared a Preliminary SWPPP which will be reviewed in final form by the Village Engineer prior to the issuance of any building permit. The Village Engineer has required the use of porous asphalt throughout the parking spaces in relation to the project's SWPPP. JMC also prepared a detailed memorandum on September 7, 2023. It should be noted that this is classified by DEC as a redevelopment project. The Project reduces the amount of impervious surface within the project area and ultimately, reduces the stormwater runoff. In addition, a hydrodynamic structure is proposed in order to capture and treat the runoff from a 90-percentile rain event. JMC has indicated that the reduction in impervious surface will be accomplished by adding a number of landscaped areas throughout the project area and the use of porous asphalt throughout the parking spaces as shown on Sheet 800, Impervious Area Analysis. A total of approximately 160 trees will be planted on the landscaped islands, along sidewalks and along the perimeter of the properties. A hydrodynamic structure is proposed on an existing 36" storm pipe in South Depot Plaza to capture and treat the runoff from the 90<sup>th</sup> percentile rain event.

Water Demand – JMC has estimated a water demand of approximately 12,000 gallons per day. The existing building is served by an 8-inch water service. Applicant proposes to abandon the existing service and construct a new water main extending from the existing 8-inch water main in Depot Plaza to

the southern end of the building. The construction will include two fire hydrants, one at each end of the building. A 4-inch domestic water service will be provided to the building from the 8-inch water main. A 6-inch fire service will be provided to the building from the 8-inch water main and two fire department connections will be provided at the front of the building, opposite the stairways.

Sanitary Sewer – The existing building served by a 4-inch sanitary sewer service. This sanitary sewer service will be abandoned, and a new sanitary sewer service proposed from the northern end of the proposed building to a new manhole to be constructed over the Westchester County Department of Environmental Facilities (WCDEF) trunk sewer in South Depot Plaza. A new 8-inch private sanitary sewer main will be provided. The WCDEF has confirmed that the County trunk sewer, pump station and treatment plant have adequate capacity to serve the proposed project.

Electrical Service - The existing building is served by overhead electric along the east side of the building. The Village Engineer is working with the applicant to address his site plan comments related to staging, construction phasing, timing and water supply issues. The Applicant proposes to relocate electric underground from a utility pole to the east of the MNR commuter lot to the utility pole at the south end of the site. A pad mounted transformer is proposed at the south end of the site, as well as an emergency generator in the garage in the building.

## II. Approved Plans

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.

Civil Engineering and Architectural Plans developed by JMC Planning Engineering Landscape Architecture and prepared for Hudson Harbor Station LLC, 29 South Depot Plaza, Tarrytown, New York 10591 Civil Engineering drawings dated 2/27/23 and last revised 2/8/24 and Architectural Drawings dated 5/4/23 and last revised 2/8/24, unless otherwise noted entitled as follows:

### Civil Engineering Drawings

C-000	<i>"Cover Sheet"</i>
C-010	<i>"Existing Conditions Plan"</i>
C-100	<i>"Layout Plan"</i>
C-200	<i>"Grading, Utilities, and Erosion &amp; Sediment Control Plan"</i>
C-900	<i>"Construction Details"</i>
C-901	<i>"Construction Details"</i>
C-902	<i>"Construction Details"</i>
C-903	<i>"Construction Details"</i>
L-100	<i>"Landscaping Plan"</i>

- L-101      *"Landscaping Details"*
- CPRP-1    *"Construction Phasing & Truck Routing Plan" last revised 2/22/24*  
*(updated to include proposed crane location plan).*
- PCP-1      *"Pedestrian Circulation Plan"*
- WLS-17366 *"Lighting Plan" prepared by WLS Lighting dated 5/2/23.*

*Topographic Map prepared by Ward Carpenter Engineers, Inc. for Hudson Harbor Station LLC in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. January 30, 2018, updated & certified January 26, 2023.*

Architectural Drawings

- A.001      *"Project Data"*
- A.002      *"Existing Conditions"*
- A.003      *"Project Renderings"*
- A.101      *"Ground Floor & Roof Plan"*

Architectural Drawings (continued)

- A.102      *"Residential Floor Plans"*
- A.201      *"North & East Elevations"*
- A.202      *"South & West Elevations"*
- A.301      *"Cross Sections A & B" dated 7/6/23 and last revised 1/9/21.*
- A.302      *"Cross Sections C & D" dated 7/6/23 and last revised 1/9/24.*
- A.303      *"Site Sections" dated 7/1/21.*

**(the "Approved Plans")**

III.      General Conditions

1. 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. Plans submitted for a building permit must contain the approved resolutions from all land use boards.
2. 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."
3. 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."



4. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
5. 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
6. 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.
7. ARB Review: No construction may take place and a building permit may not be issued until the Applicant has obtained approval from the Board of Architectural Review as required in accordance with applicable provisions of the Village of Tarrytown Code.
8. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.**

IV. Specific Conditions

- a. SWPPP: Prior to the issuance of any building permit, the Village Engineer shall approve the Applicant's Preliminary Stormwater Pollution Prevention Plan (SWPPP) dated February 16, 2024 in final form pending subsurface exploration of the existing foundations revised to construction phasing. A hydrodynamic structure is proposed on an existing 36" storm pipe in South Depot Plaza to capture and treat the runoff from the 90th percentile rain event. This hydrodynamic structure will be inspected and maintained by Hudson Harbor Station in accordance with the manufacturer's Inspection and Maintenance Guide.
- b. Stormwater Management Agreement: Prior to the issuance of any building permit, a Stormwater Management Agreement for the maintenance and inspection of the

stormwater management facilities related to the Hudson Harbor Station LLC construction of a transit-oriented development consisting of 88 residential units and related artist workspace/storage, and art gallery space with covered parking (on Lot 38) and additional exterior parking on applicant's Lot 37 with related site improvements as depicted on the Approved Plans, 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. MTA Agreement - The Applicant shall enter into a long-term lease agreement with the MTA in a form that is acceptable to the Village and Village Attorney who will need to be satisfied that the parking will be available for use by the tenants on a long-term basis, such as 49 or more years. The Applicant must provide proof that the approved written long-term lease agreement (approved by the Village and Village Attorney) has been fully executed by the MTA and the Applicant prior the issuance of any building permit. If the MTA Agreement is not renewed subject to the same terms, the Applicant must come back before the Planning Board at least two years prior to the expiration of the MTA Agreement and provide a parking study by an expert parking consultant and if necessary as determined by the Planning Board in its sole discretion, the Applicant shall provide additional parking on-site and/or off-site.
- d. Staging and Management Construction Plan: Prior to the issuance of any building permit or any building permit for site work for Lot 37, the Applicant shall provide to the Village Engineer and Police Chief for approval of a more detailed traffic circulation plan during construction "*Staging and Management Construction Plan*" for each construction phase in order to safeguard County and Village infrastructure during construction and to ensure the least disruption with traffic. Said plans will identify construction equipment, construction materials and debris on the site, as well as details regarding timing and completion of construction, staging, drainage, dewatering, utilities, erosion control and curb cut details, and details of how materials, construction vehicles and heavy trucks will circulate on the Property and move to/from the site. This plan shall also provide for the staging of construction to the satisfaction of the Village Engineer and Police Chief in a manner which least impacts neighboring properties to the extent practicable and shall ensure adequate parking for construction workers and construction vehicles on-site. Plans shall be submitted and approved prior to mobilization and any site disturbance.
- e. Landscaping: All required landscaping shall be installed in a healthy and vigorous state and properly trimmed and maintained in a healthy growing condition at all times. Upon written notification, any/all dead and/or diseased plants shall be

removed immediately, and new plants installed in their place. Landscaping shall be maintained perpetually for the duration of the development. In order to prevent the current proliferation of invasive vines on the site, the Applicant will develop an invasive species management plan to be included as part of the overall site management plan. Prior to issuance of a building permit, Applicant shall provide money in escrow to be held by the Village in an amount to be established by the Village Landscape Consultant for maintenance purposes to ensure the Applicant replaces any plantings that do not survive for two (2) years. This escrow shall be required in addition to the requirement for special inspections in accordance with Zoning Code §138(D).

- f. Right-of-Way (ROW): The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure damaged or disturbed as a part of construction activities are repaired to Village standards at the Applicant's sole cost and expense prior to the issuance of the Certificate of Occupancy or anytime as deemed necessary by the Village Engineer for maintaining public access to parking lot B and facilities surrounding this site.
- g. Utilities and Infrastructure: The Applicant has committed to significant investment in infrastructure and utility improvements as part of the Project, including the relocation of public utility lines underground, sanitary sewer improvements, on-site and off-site stormwater/catch basin improvements, sidewalks, curbing, crosswalks, signage, and road striping. Prior to the issuance of any building permit, the Applicant shall provide a performance bond acceptable to the Village Attorney and Village Engineer in the amount of \$1,000,000 as established by the Village Engineer in the final estimate dated February 22, 2024 sufficient to cover the water, sewer, storm and road work. The Applicant shall be entitled to reduce the total amount of the performance bond by 10% after each improvement listed in the estimate has been completed to the satisfaction of the Village Engineer but not to exceed 60% of the original bond until all sitework is completed and ready for Certificate of Occupancy.
- h. Sustainability: Applicant has agreed to design and build a project to achieve a Green Globe Certification or similar designation and shall retain, at its cost, a LEED AP or other consultant to manage aspects of the project's design and construction. In accordance with Village Code § 305-138(D), the Village will retain a LEED certified AP consultant to review the application. Prior to the issuance of a certificate of occupancy or of completion, said consultant shall provide a checklist to the Village Engineer and certify that the applicable standards have been met and will coordinate with and provide regular updates to the Village Engineer during construction.

i. Affordable and Fair Market Housing –

- (1) In accordance with Zoning Code § 305-130, the Applicant must set aside no less than 10% of the total number of units (or at least nine units) as affordable housing made available for rent at a price established in conformance with the Code's definition of "affordability (rental unit)" (the "10% Base Units"). The 10% Base Units are identified in Exhibit E "Affordable Unit Distribution" attachment to Applicant's *Revised Supplemental SEQRA* submission dated November 9, 2023.
- (2) The Applicant has made a proposal to Housing Action Council, Inc. ("HAC") dated February 21, 2024 to fund a portion of the development costs to obtain additional affordable units. The Applicant shall construct and set-aside at least four additional residential rental units (beyond the nine units required under the Code) ("Additional Units") that shall be deemed Affordable Affirmatively Furthering Fair Housing (AFFH) units provided that the Applicant receives no less than \$225,000 per unit in individual or combined subsidies from HAC and/or the County of Westchester for the construction of these Additional Units. For these Additional Units only (and not the 10% Base Units), they shall be deemed to be an AFFH unit that is: affordable to a household whose income does not exceed 70% of the area median income (AMI) for Westchester County as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of the unit, defined as rent (exclusive of any tenant paid utilities), does not exceed 33% of 70% AMI adjusted for family size and that is marketed in accordance with the Westchester County Fair and Affordable Housing Affirmation Marketing Plan.
- (3) Both the 10% Base Units and Additional Units must comply with the requirements under Zoning Code §§ 305-130(C), 305-130(F) (entitled "Perpetuating affordability"), 305-130(G) (entitled "Unit Appearance and integration"); 305-130(H) (entitled "Minimum Floor area"); 305-130(I) (entitled "Occupancy standards"); 305-130(J) (entitled "Affirmative marketing"); 305-130(L) (entitled "Lease renewal requirements"). Proof of recording of the declaration of restrictive covenants for the 10% Base Units and Additional Units in accordance with 305-130(F) (entitled "Perpetuating affordability") must be provided prior to the issuance of a certificate of occupancy for the development.

- j. Signage and Striping Outside Site Limits: The applicant has developed signing and striping improvements beyond the subject site's property limits that would improve safety and efficiency at the subject intersection. These improvements were vetted with input from the Village of Tarrytown Chief of Police. The Applicant has committed to

implementing the improvements that it and the Village's traffic consultant have developed. Prior to commencing such work, the Applicant shall obtain approval from the Board of Trustees for said work.

- k. Recreation Fee - The transit-oriented development will provide approximately \$1,098,944 in recreation fees to the Village Recreation Fund based on the 88 units proposed @ \$12,488 per unit, which total amount must be paid prior to the issuance of any building permit.
- l. Parking. Every unit must have the option to rent at least one parking space. The interior parking spaces shall be assigned to residential tenants only. The outside parking spaces shall not be leased, licensed or otherwise granted by agreement to non-tenants.
- m. Permit Phasing: Building permits, including site and other permits, will only be issued upon completion and obtaining acceptance for use by the Engineering/Building/ DPW and Police Departments in accordance with the Construction Phasing Plan CPRP-1 last revised February 22, 2024.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve the Resolution, as modified.

The secretary recorded the vote:

Mr. Aukland:	Yes
Mr. Gaito:	Yes
Chair Raiselis:	Yes
Ms. Mendez-Boyer	Yes
Mr. Marte:	Yes

All in Favor. Motion carried. 5-0

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

Site plan approval for the construction of terraced retaining walls with patio, lawn areas, walkways, steps, hot tub, landscaping and stormwater improvements.

David Verespy, RLA, with Rock Spring Design Group, appeared, representing the applicant, Benjamin Green, and David Goessl, PE, the project engineer, both present. Mr. Verespy advised that they have addressed comments from the consulting engineer and have submitted revised plans. At the last meeting, the Board discussed moving forward with a Resolution once these comments were addressed. If there are any additional comments, they are here to address them.

There were no comments from the Board Members.

Ms. Raiselis asked if there were any additional comments from staff. Mr. Pennella advised the Board that he has reviewed the plans against the Hahn Engineering Comment Letter and found them to be mainly administrative. He prepared a memo to the Board listing these comments, which the applicant has received. A general condition has been included in the Resolution which states that prior to getting a building permit, the applicant will be required to incorporate these comments into the plans, to the satisfaction of the Village Engineer.

Counsel Zalantis and Mr. Galvin had no further comment.

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

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

The secretary recorded the vote:

Mr. Aukland:	Yes
Mr. Gaito:	Yes
Chair Raiselis:	Yes
Ms. Mendez-Boyer	Yes
Mr. Marte:	Yes
All in Favor. Motion carried. 5-0	

Mr. Gaito 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 February 26, 2024)**

**Application of Ben and Julie Green**

**Property: 25 Rosehill Avenue (Sheet 1. 80, Block 49, Lot 6 and Zone R-10)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant (Ben and Julie Green) is seeking site plan approval to construct an inground pool, pergola, 3-tiered retaining walls and associated site work including 991 cubic yards of fill in the R-10 zoning district. The property is located at 25 Rosehill Avenue. The application will also require a steep slope waiver pursuant to Section 306-67 (F) (1) (6). During the course of the review by the

Planning Board, the Applicant has modified the proposed project. The Applicant has now removed the pool and replaced it with a portable self-contained, recessed hot tub with a rigid cover. The proposed hot tub holds several hundred gallons of water. This allows for a larger lawn and play area.

2. The Planning Board on June 23, 2023 determined this to be a Type II Action under NYS DEC 617.5 (c) (10) "*construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density*".

3. The Planning Board conducted a duly noticed public hearing on June 23, 2023, and continued the public hearing on July 24, 2023, August 28, 2023, September 26, 2023, October 23, 2023, November 27, 2023, December 28, 2023, January 22, 2024 and February 26, 2024, at which time all those wishing to be heard were given the opportunity to be heard. There were no public comments made at the public hearing.

4. The Planning Board has carefully examined the Application including the Applicant Engineer's (Rock Spring Design Group) *Project Narrative* dated 8/9/23 and *Project Revised Narrative* dated 1/10/24 describing the modifications made to the Project including the removal of the pool from the project which has been replaced with a portable self-contained hot tub which only holds several hundred gallons of water. The Project's Civil Engineer has revised the modeling since there is no longer a need for hydraulic loading and to shore up the walls with additional soil. The Planning Board has also reviewed the Civil Engineer's supplemental engineering memo reviewing the alternate plan for the retaining walls dated 11/20/23. The Board also reviewed Hahn Engineering's (the Village Consulting Engineer) review of the retaining walls dated 1/6/24. The Board reviewed the Applicant Engineer's responses to the Hahn comments dated 6/12/23 and 1/22/24. The Planning Board has reviewed a revised *Steep Slope Waiver letter* dated 1/22/24 which has been updated to reflect the changes made to the project. The Applicant has also resized the rain garden to meet the *NYSDEC Stormwater Design Manual* requirements. *Sheet 2 of 11* has been revised to include reference to the landscape architect's drawings for items related to contractor temporary access and staging. This addresses a comment raised by the Village Landscape Consultant's comment in her last review dated 1/28/24. The Planning Board received comments and recommendations from the Consulting Village Planner in memoranda dated 6/23/23, 7/12/23, 8/16/23, 11/15/23, 12/13/23, 1/11/24 and 2/15/24, a denial letter from the Village Engineer dated 6/23/23, and landscape review from the Village Landscape Consultant dated 8/28/23, 11/9/23, 12/20/23, 1/28/24 and final review dated 2/15/24, which the Planning Board has considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for an area variance for accessory building coverage proposing 12.6 percent or 642 sf where 5.5 percent is permitted and for total coverage proposing 42.3 percent or 4,236 sf where 27.5 percent is permitted at a public hearing held on July 10, 2023. The Zoning Board closed the public hearing on July 10, 2023 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on February 26, 2024. 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 and the waiver for steep slopes disturbance are granted subject to the conditions set forth below.

#### **I. Findings**

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant's *Revised Narrative* prepared by his engineer, David Verespy, LA, dated 1/22/24 has been updated to reflect the removal of the pool and replacement with a self-contained recessed hot tub which holds several hundred gallons of water. This results in a larger lawn and play area. The Applicant's Project Engineer (David Goessl, PE) has revised the modeling since there is no longer a need for hydraulic loading or a need to shore up the walls with additional soil. The Village's Consulting Engineer (Hahn Engineering) and the Village Engineer have reviewed these new calculations. This Revised Narrative is made part of the findings of the Planning Board and described below:

#### **1. *Whether an undesirable change will be produced in the character of the neighborhood:***

Granting the waiver will not produce an undesirable change in the character of the neighborhood:

- a) The proposed improvements will be similar in scope and quality that are commensurate with the improvements on properties to the south of the Applicant's property and in the neighborhood.
- b) The three, tiered retaining walls will all be under 6' in height to create a level area in the back yard. The areas between the walls and below



the walls will be replanted with a mixture of native shrubs and trees at the lower level and ornamental shrubs and screening trees closer to the house. The proposed design uses a similar approach to creating usable areas as adjoining properties and in the neighborhood.

- c) The retaining walls and terraced areas are designed to mimic similar walls in the community and planted so they are not visible from the adjoining streets and neighborhood.
- d) The proposed mix of proposed plantings will help to restore the native ecosystems of the proposed mix of proposed plantings will help to restore the native ecosystems of the area and provide increased ecological services.

**2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a steep slope waiver:***

- a) The rear 2/3 of the property are all considered steep slopes. There are no portions of the property where these improvements could be located without impacting steep slopes.
- b) The proposed improvements, or any other similar improvements, cannot be completed in any other manner that does not require walls or a steep slopes waiver.
- c) The proposed improvements are located primarily in the “developed” portion of the property which allows the wooded buffer area on the steep slopes at the lower portion of the property to remain intact and undisturbed which maintains the existing character of the property from Neperan Road and Altamont Road.
- d) All steep slope disturbance will be restored and stabilized with substantial new native and ornamental plantings.

**3. *Whether the waiver will result in a change that will be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase danger of fire or flood, endanger public safety or result in substantial impairment of a slope area.:***

- a) The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood. The proposed improvements will be similar in nature to the adjoining properties. The existing conditions of the slope will be improved thus reducing storm water runoff on and off-site.
- b) The proposed development will reduce the overall quantity of steep slopes, thereby, increasing infiltration, reducing existing erosion and reducing runoff.
- c) Engineered stormwater management systems will be introduced.

**4. *Consistency of Project with Intent of the Steep Slopes Chapter:***

- a) The proposed project a more create stable and maintainable condition which will provide long-term protection from soil erosion and sedimentation benefiting the overall community.
- b) Provide an improved storm water management system, which will minimize stormwater runoff, erosion and flooding, benefiting the overall community.
- c) The Forest Management Plan and native plantings in the rear 1/3<sup>rd</sup> of the site will provide increased ecological services and provide additional buffer for the proposed improvements and adjacent roads and properties benefiting the overall community.
- d) This project will improve the site's aesthetic character and surrounding property values while maintaining, if not improving, the health, safety and welfare of the public in the neighborhood and Village of Tarrytown.

***Additional Findings by the Planning Board pursuant to §305-67 (F) (2).***

The proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area.

*As indicated above, the steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions for properties in the neighborhood. The proposed improvements will be similar in nature to adjoining properties. The existing conditions of the slope will be improved, thus, reducing storm water runoff on and off-site. The proposed development will provide a stormwater management system which will increase infiltration, reduce existing erosion and reduce run-off.*

**The granting of the waiver will be consistent with the purposes, objectives or general spirit and intent of the “Visual Character and Environmentally Sensitive Areas” section of the zoning code as listed below:**

**[1] Minimizing erosion and sedimentation, including the loss of topsoil:**

*The site is very steep and as a result has numerous areas of erosion on the slopes extending down the hill and onto the adjoining property. Erosion is undermining some of the footings around the house. The Proposed project will slow down the water coming off the developed portions of the property. The proposed drainage system will allow the storm water to have an opportunity to infiltrate on the property. The proposed walls and drainage systems will direct water away from the neighbors’ property and into the drainage system rectifying current adverse impacts on the neighbors’ property.*

**[2] Preventing habitat disturbance.**

*The proposed project occupies the developed portion of the property which will minimize disturbance to wildlife. The current wooded area provides minimal habitat opportunity for wildlife due to the lack of understory vegetation and cover. The existing lack of diversity in the forest has compromised the area’s ecological resources and effectiveness. The proposed project will create a permanent demarcation between the developed areas of the property and the woods below creating a discreet habitat zone. The Proposed plantings and forest management plan will increase biodiversity, provide habitat opportunities and provide much needed ecological services. The 8,676 Sf of the existing lot including woods and steep slopes will remain undisturbed.*

**[3] Protecting against possible slope failure and landslides:**

*The existing slopes are subject to erosion. This condition is visible in many areas. The exposed ledge is unstable and unconstituted and breaks away contributing to overall slope instability. The Proposed project will provide a stable way for the slope to transition from the house to the wooded area. The proposed wall is located to utilize the most stable areas and encapsulate the most unstable areas.*

**[4] Minimizing stormwater runoff and flooding:**

*The Proposed project will slow down the water coming off the developed portions of the property by creating level landscaped terraces and heavily planted shrub areas. The proposed drainage system and rain garden will capture the stormwater and allow it to have an opportunity to infiltrate on the property improving water quality, increasing the time of concentration and decreasing the chances of erosion. The proposed walls and drainage will direct water away from the neighbors' property and into the drainage system.*

**[5] Providing safe and stable building sites.**

*The existing footings on the house are currently being undermined by the erosion on the steep slopes. The existing slope and exposed ledge are unstable and show signs of failure. The proposed project will provide structurally sound and secure walls which will stabilize the slope, stabilize the foundation and create a safe and stable building site.*

**[6] Protecting the quantity and quality of the Village's surface**

**water and groundwater resources:**

*The existing slopes are eroding, sending sediment and debris down the existing slopes towards the adjoining property. The steep slopes move water off the site very quickly and do not allow any time for infiltration, cooling, or opportunities for increased water quality. The proposed project includes a drainage system and rain garden. The terraced walls with landscaping will slow the water down and increase infiltration and time of concentration. The drainage system and rain garden will improve water quality and a decrease in total runoff.*

**[7] Protecting important scenic vistas, slopes, rock outcroppings and mature**

**vegetation:**

*The existing site has no scenic vistas, the project area is set over 100' from the road and uphill from any viewpoints. The proposed landscaping will screen the project from adjoining roads. There are no major rock outcroppings. The majority of the existing slopes and woods will not be touched maintaining the visual character from Neperan Road and Altamont Avenue. Evergreen shrubs and native evergreens will be planted below the project area along the property line to limit views into the property. The majority of the trees on the property are invasive Norway Maple trees. There are several mature oak trees and sugar maple trees in the wooded area below the project site which will not be disturbed.*

*The proposed forest management plan will provide a better environment for these trees to survive and flourish. The Norway Maples along the sides of the house are leaning and overarching the house which creates a hazardous situation and the possibility of trees falling on the house. These will be replaced with new Armstrong Swamp Red Maples. The existing cedars and Norway spruce along the property line are beyond their useful life. Several are dead or have very minimal canopy left and provide more hazard than benefit. These will be replaced with new native evergreen trees in accordance with the requirements set forth in the village code. A forest management plan will be implemented as part of the landscaping to increase biodiversity, encourage the existing desirable species and replace the Norway maples with native desirable species.*

**[8] Preserving the Village's attractive aesthetic character and property values:**

*The existing project site is not readily visible from the roads or surrounding area. What is visible is trees and leaf litter on the ground. The proposed walls have been selected to mimic the large granite walls seen in the area. The dark color of the walls is selected to blend with the native granite and recede in the landscape. The walls will not be visible after the plantings are established. Evergreen shrubs as a screen plantings lower portion of the slope will further limit views into the site while improving the aesthetic from the local roads.*

*The proposed project will increase the value of the property and will not have an adverse effect on the adjoining properties.*

**[9] Otherwise protecting the public health, safety and general welfare of the Village of Tarrytown and its residents.**

*The existing site is private residential property and as such has limited effect on the overall public health, safety and general welfare of the Village of Tarrytown and its residents. The existing erosion and uncontrolled water coming off the site poses a specific hazard to the health, safety and general welfare of the adjoining properties, the people and village of Tarrytown. The proposed project will rectify and improve these issues. The existing large stand of invasive Norway maples has decimated the native habitat and ecology of the wooded areas on this site and throughout the village of Tarrytown. The proposed project will remove several and replace them with native long lived canopy trees improving habitat and the local ecology. The proposed forest management plan will reduce the quantity of Norway Maples in the wooded area and replace them with long lived native trees improving habitat and the local ecology.*

Additionally, the Applicant believes that this proposal meets the criteria of § 305-67 (F)(b)(2)(c) of the steep slope waiver provision, namely, that the waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant.

**Finding:** The waiver is the minimum relief necessary to relieve the hardship established by the applicant, primarily, because the disturbance of steep slopes is unavoidable and in the original application, the Applicant requested a large inground pool. Applicant has revised the Project to eliminate the proposed large inground pool and replace it with a small self-contained hot tub which holds only several hundred gallons of water. Additionally, Applicant is maintaining over 10,500 sf of the steep slopes in the rear yard which will be improved with a Forest Management Plan that will beautify the view from Neperan Road and Altamont Avenue. Finally, a stormwater management system with a resized rain garden will be installed on site to reduce run-off.

In addition, the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant’s site plan. The property located at 25 Rosehill Avenue is situated on an oversized lot of 28,042 square feet in the R-10 residential Zoning District and currently contains a single-family residence of 2,962 square feet. The lot currently features a detached 2 car garage, side and rear porches, walkways, and paved driveway for four off street parking spaces. and is served by municipal sewer, water and natural gas. The grade of the property is modestly sloped from south along Rosehill Ave to north where the dwelling, detached garage and driveway are. The area is modestly landscaped with some trees, shrubs, and a small sloping lawn area. The property to the rear contains definable steep slopes in the rear yard that vary between 33 percent and 38 percent. Road frontage is provided along Rosehill Avenue with additional frontage on Neperan Road and Altamont Avenue. The middle 1/3 of the property has a steeply sloped open lawn area and the back 1/3 is a wooded area with predominant species being highly invasive Norway Maple trees. The proposed hot tub, the two-tiered retaining walls, landscaping and drainage comprise an estimated disturbance of 7,500 sf and are within sloped areas that vary between 15 percent and 35 percent. Approximately 10,500 square feet of the rear yard, located beneath the proposed work location, is within a steep slope zone and will remain unchanged.

The proposed wall system selected for the project includes a two-tiered modular block gravity wall system for the lower section of the improvement zone. The gravity walls rely on the mass of the blocks to withstand the pressure of the earth and do not rely on or require any geogrid reinforcement or the extensive amount of excavation that comes along with conventional tieback walls. The analysis included various iterations of failure modes including sliding, overturning, bearing capacity failure, slope stability failure and seismic for which factors of safety were met. Similarly, the 5-foot height poured reinforced concrete stem wall proposed for the upper tier was designed and modeled using the same design parameters. The concern for slope failure has been further addressed with the removal of the inground pool and reduction in potential hydrostatic pressure behind the walls. The areas between the walls and below the walls will be replanted with a mixture of native shrubs and trees at the lower level and ornamental shrubs and screening trees closer to the house will screen the walls after approximately three 3 years. Construction sequencing has been included on the site plan.

The landscape plan is comprised of approximately 61 trees which exceeds the replacement requirements set forth in the code, over 100 native shrubs and a resized rain garden with native shrubs and herbaceous plantings that complies with the *NYSDEC Stormwater Design Manual*. These plantings will provide a decrease in scouring and erosion, increased slope stability, increased water uptake, increase diversity, increased habitat opportunities, increased food sources for local wildlife and increased ecological services which not currently being accommodated. There will be additional areas of plantings on the property which will utilize both native and ornamental shrubs.

The Arborist has also submitted a Forest Management Plan to address the predominance of Norway Maple in the wooded area adjacent to the limits of construction. This has been reviewed by the Village landscape Consultant who has indicated that the multi-year approach is reasonable, and addresses a Year 1 program, Year 2-5 program, and ongoing program of sapling removal. Selective tree removals in the 10"-18" caliper range for years 1 through 5 to provide canopy openings for light, and room for conservation grade replacement plantings. The Village landscaper has completed her final review dated 2/25/24 with no additional recommendations. The proposed project involves removal of approximately 14 trees, mostly Norway Maple. The Norway maples are highly invasive and provide limited ecological services; the older ornamental screening trees to be removed no longer provide screening and pose a hazard to adjoining properties.

The site currently has a limited storm water system that services the garage. The back of the house only has roof leaders that drain to daylight which has created scouring and erosion on the slopes. The steep lawn area also shows signs of erosion. The steep slopes increased run-off and reduced infiltration. As a part of this application, a new storm water management system will be installed in the lawn area along the north side of the site. This system will include three 330XLHD units. A drainage system will be installed to service the proposed improvements. The new walls and plantings will also serve to slow down run-off from the site, provide slope stabilization and allow for greater infiltration. The applicant's *Environmental Clearance form* did not identify any environmental issues other than the steep slopes waiver.

The majority of the work is adjacent to the northern property line. There is a limited area of approximately 15 LF where the proposed improvements are in close proximity to the "wall" along the property line. The existing "walls" are in poor condition. The applicant has added a note to the drawing to repair or replace damaged walls as a result of the proposed improvements. The previously disturbed side yard setback will be restored to pre-existing grade and stabilized with new top soil, seed and straw mulch.

## 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:

Set of plans prepared by Rock Spring Design Group, Landscape and site sections prepared by David Verespy, LA for *Green Property, 25 Rosehill Ave. Tarrytown, NY.* dated January 9, 2023, last revised February 4, 2024. Civil Engineering Drawings prepared by David Goessl, PE dated April 19, 2023, last revised February 1, 2024 unless otherwise noted.

### Landscape Plans and Site Sections

- Cover Sheet
- Survey of Property prepared for Benjamin Green in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. dated Oct. 7, 2015 and updated July 7, 2022 and surveyed by Ward Carpenter Engineering, Inc.
- SP-10 "Existing Conditions and Demo Plan"
- SP-20 "Overall Layout Plan"
- SP-30 "Planting Plan"
- SP-40 "Site Details"
- SP-50 "Site Sections"



- SP-51 “Site Sections”
- SP-52 “Site Sections”

Civil Engineering Drawings

- Sheet 1 of 11
  - Sheet 2 of 11 last revised 2/10/24
  - Sheet 3 of 11
  - Sheet 4 of 11
  - Sheet 5 of 11
  - Sheet 6 of 11
  - Sheet 7 of 11
  - Sheet 8 of 11
  - Sheet 9 of 11
  - Sheet 10 of 11
  - Sheet 11 of 11 “Two Tiered Redi-Rock Gravity Wall Cross-Section” dated 7/19/23, and revised 2/1/24.
- (the “Approved Plans”).

III. General Conditions

1. 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. Plans submitted for a building permit must contain the approved resolutions from all land use boards.
2. As a condition of approval 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 dated February 26, 2024 to satisfactorily address the comments from Hahn Engineering Memorandum dated January 16, 2024 in comparison to the plans submitted on February 4, 2024 to the satisfaction of the Village Engineer.
3. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
4. 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.
5. 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.

6. 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.
7. ARB Review: No construction may take place and a building permit may not be issued until the Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
8. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

Mr. Aukland commented for the record that he does not believe this application satisfies Village Zoning Code §305-67 that calls for the preservation of steep slopes and allows for the granting of a waiver when there is a demonstration of extraordinary hardship. He does not feel that this extraordinary hardship has been demonstrated and therefore will not be voting favorably on this application.

Ms. Raiselis moved, seconded by Mr. Gaito, to approve the Resolution.

The secretary recorded the vote:

Ms. Mendez-Boyer:	Yes
Mr. Aukland:	No
Mr. Gaito:	Yes
Mr. Marte:	Yes
Chair Raiselis:	Yes
Motion carried.	4 - 1

The Resolution was approved: 4 - 1

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.

Marco Torres, the property owner, appeared before the Board. Gabrielle Salman, RA, the project architect, had to leave for another appointment. Mr. Torres showed the "As is" revised parking plan which provides for three parking spaces on site, which is what is existing.

Ms. Raiselis asked Mr. Pennella to update the Board on this application. Mr. Pennella advised that the applicant appeared before the Zoning Board on February 11, 2024 and presented the project with a parking plan proposing 3 spaces on site. This will require a greater variance for parking spaces from the Zoning Board. There were only three Zoning Board members present at this meeting. They did not seem to have any concern with the parking plan which will have the least disturbance to the neighboring properties. The plan has been revised to reflect two parallel spaces in the rear rather than the tandem parking. Moving forward, the applicant will seek the required variances from the Zoning Board at their March 11, 2024 meeting. The plan will be forwarded to the Village Landscape Architect for review. The applicant will return to this Board for site plan approval pending approval of the variances.

There were no comments or questions from the Board. There was no one in the public to comment on the application.

Ms. Raiselis read the description of action into the record. The entire SEQRA document is attached as "Exhibit A" to these minutes:

"The proposed action is the legalization of a non-conforming and non-permitted four-family dwelling from a previously documented two-family dwelling located at 81 North Washington Street in the M-1.5 (Multi-Family) District. The subject property is a 6,377-sf parcel on the west side of North Washington Street approximately 100' to the south of Wildey Street. The property is occupied by a two 1/2 -story residential building. The basement includes a 2-bedroom unit (831 sf). The 1st floor has a 3-bedroom unit (1,025 sf). The 2nd floor has another 3-bedroom unit (985 sf) and the attic has a 1-bedroom unit (717 sf).

The property has a free-standing, one car garage with three other parking spaces. Two parallel parking spaces are on the south side of the driveway at the back of the driveway. The third space is located on the north side of the driveway adjacent to the house. This alternative parking would maintain the three existing parking spaces "as is". This would benefit the property by maintaining the rear yard with trees and grassed area. The driveway would be improved with decorative pavers with 3/8" gravel. The rear yard has been maintained with a setback of 45'. The 4th proposed parking space in the rear yard has been restored to grass. The existing garage door would be removed and replaced as required.

The Applicant is seeking area variances from the ZBA for side yard setbacks, and a parking variance where 10 spaces are required. Site plan approval is required. The Applicant also requires an area variance from NYSDOS to permit window wells which are next to the property line.

Proposed Action - There are no changes to the existing building footprint nor to the size and number of dwelling units in the building. Application consists of interior renovations and alterations to the existing structure, including handrails, proposed windows wells, insulation, changes to existing stairs, fire rated walls and other code related improvements. The attic level and egress path will be fully sprinkled.

#### SEQRA Determination of Significance

Based on the Planning Board's review of Part 2 of the EAF, a revised *Parking Lot Site Plan* (2/23/24) and the Consulting Village Planner's *Planning Board Work Session memoranda* (12/12/23 and 1/11/24), the Planning Board has determined that the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration."

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve the Negative Declaration for this action.

The secretary recorded the vote:

Mr. Aukland:	Yes
Mr. Gaito:	Yes
Chair Raiselis:	Yes
Ms. Mendez -Boyer	Yes
Mr. Marte:	Yes

All in Favor. Motion carried. 5-0

#### ADJOURNMENT

Mr. Aukland moved, seconded by Mr. Gaito, to adjourn the meeting at 8:50 p.m.

All in favor. Motion carried. 5-0

Liz Meszaros, Secretary

EXHIBIT A

Gabrielle Salman, R.A  
81 N. Washington St.

NEGATIVE DECLARATION  
SEQRA ACTION

FILED 2-27-2024  
VILLAGE CLERKS OFFICE  
*[Signature]*

Agency Use Only (If applicable)

Project: 81 North Washington St.

Date: 2/19/24

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is the legalization of a non-conforming and non-permitted four-family dwelling from a previously documented two-family dwelling located at 81 North Washington Street in the M-1.5 (Multi-Family) District. The subject property is a 6,377-sf parcel on the west side of North Washington Street approximately 100' to the south of Wildey Street. The property is occupied by a two 1/2 -story residential building. The basement includes a 2-bedroom unit (831 sf). The 1st floor has a 3-bedroom unit (1,025 sf). The 2nd floor has another 3-bedroom unit (985 sf) and the attic has a 1-bedroom unit (717 sf).

The property has a free-standing, one car garage with three other parking spaces. Two parallel parking spaces are on the south side of the driveway at the back of the driveway. The third space is located on the north side of the driveway adjacent to the house. This alternative parking would maintain the three existing parking spaces "as is". This would benefit the property by maintaining the rear yard with trees and grassed area. The driveway would be improved with decorative pavers with 3/8" gravel. The rear yard has been maintained with a setback of 45'. The 4th proposed parking space in the rear yard has been restored to grass. The existing garage door would be removed and replaced as required.

The Applicant is seeking area variances from the ZBA for sideyard setbacks, and a parking variance where 10 spaces are required. Site plan approval is required. The Applicant also requires an area variance from NYSDOS to permit window wells which are next to the property line.

Proposed Action - There are no changes to the existing building footprint nor to the size and number of dwelling units in the building. Application consists of interior renovations and alterations to the existing structure, including handrails, proposed windows wells, insulation, changes to existing stairs, fire rated walls and other code related improvements. The attic level and egress path will be fully sprinkled.

(continued on following page)

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Village of Tarrytown Planning Board	
Name of Lead Agency	February 26, 2024
Joan Raiselis	Chair
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>[Signature]</i>	<i>Robert A. [Signature] AICP</i>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Project:

81 North Washington St.

Date:

2/19/2024

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## ***Environmental Assessment Form***

### ***Part 3 – Continued - 81 North Washington Street***

#### **Community Character**

The Applicant has submitted street photographs and aerials showing the multi-family development pattern and associated parking on properties along both sides of North Washington Street. This includes a 24-unit, three-story apartment building at 69 N. Washington to the south. Properties along Storm Street at the rear of the subject property are also in the M-1.5 zone. The residence to the rear (60 Storm St.) is a 4-family dwelling. Properties across North Washington Street from the subject property are in the M-2 zone. The house to the north at 85 North Washington Street has 5 units. The 3-story apartment building at 89 North Washington Street contains 6 units. Based on the property photographs, aerials provided and field analysis, the use of the subject property is consistent with the overall character of the surrounding community.

#### **Parking Lot Layout**

After reviewing several alternative parking configurations, all of which were considered to be not conducive to parking lot maneuverability, the Village Engineer and Planning Board discussed an alternate plan maintaining the existing parking. This alternative plan would maintain the three existing parking spaces "as is". This would include the two tandem parking spaces on the south side of the driveway near the back of the driveway. The third parallel parking space would be on the north side of the driveway near the front of the driveway adjacent to the residence. At the suggestion of the Village Engineer, another alternative was proposed that would have the two tandem parking Spaces # 2 and # 3 changed to be adjacent to each other at the rear of the driveway. This change would allow each vehicle improved maneuverability and direct access from the driveway. The original proposed 4<sup>th</sup> parking space in the rear yard has been restored to grass. Both alternative parking plans would maintain the rear yard with trees and grassed area. The rear yard will have a setback of 45'. The driveway would be improved with decorative pavers with 3/8" gravel. The existing garage door would be removed and replaced as required, maintaining the garage at the rear of the residence.

The property's revised parking plan now contains a total of 3 parking spaces, which is one space less than the four existing units. Several of the surrounding properties provide *less* parking than the one (1) space per unit. Accordingly, the Applicant's existing three (3) units at the subject property are consistent with the character of the surrounding community. However, this will require an increase in the parking variance requested from the ZBA.

#### **Stormwater Management**

The Applicant's Engineer has designed a retention system for the property that includes three cultec 330 chambers with a holding capacity of 593 gallons. A new trench drain will be installed in the driveway. A subgrade drainage pipe (4") will connect to the cultec chambers. Drainage from new gutters and footings will be directed into the cultec system. The Applicant's Engineer also provided a Soil Erosion Control Plan as part of the stormwater management plan. There is no existing stormwater management system currently on site.



### **Environmental Constraints**

The subject property is not located in a floodplain nor is it within a wetland area. There are no identified environmental issues for the site. A review of SHPO's Cultural Resource Information system (CRIS) has not identified any historic or archeological sites contiguous to the subject property.

### **Landscape Plan**

The Applicant will install a proposed green evergreen landscape with approximately 13 shrubs extending along the perimeter of the north side yard from the existing garage and continuing along part of the rear lot line. This will buffer the parking area. The revised parking plan now includes adding permeable pavers in the turning area rather than the grass, since the Village Engineer thought that the grass would be torn up too quickly. The Village Engineer provided a sample of the paver system that is considered as permeable and indicated that any manufacturer with similar features would be acceptable. The screened garbage /recycling area has been shown on the revised plan along the driveway.

### **SEQRA Determination of Significance**

Based on the Planning Board's review of Part 2 of the EAF, a revised *Parking Lot Site Plan* (2/23/24) and the Consulting Village Planner's *Planning Board Work Session memoranda* (12/12/23 and 1/11/24), the Planning Board has determined that the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

