

Planning Board  
Village of Tarrytown  
Regular Meeting  
May 24, 2021 6 pm

PRESENT: Chairman Tedesco; Members Friedlander, Aukland, Raiselis, Birgy  
Alternate Member Gaito, Alternate Member Mendez-Boyer; Counsel  
Zalantis; Village Engineer Pennella; Village Planner Galvin; Secretary  
Meszaros.

ABSENT: All present

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

Mr. Raiselis moved, seconded by Mr. Aukland, to approve the minutes of the April 26, 2021 meeting as submitted.

Mr. Tedesco asked for a roll call vote:

Member Friedlander: Yes  
Member Raiselis: Yes  
Member Aukland: Yes  
Member Birgy: Yes  
Chairman Tedesco: Yes

All in favor. Motion carried. The minutes were unanimously approved: 5-0

Mr. Tedesco announced the following adjournment:

CONTINUATION OF PUBLIC HEARING

Sunrise Development, Inc. (contract vendee)  
99 White Plains Road

Site plan approval for 85 units of Service Enriched Assisted Living/Memory Care  
Housing pending adoption of Zoning Amendment by the Board of Trustees.

CONTINUATION OF PUBLIC HEARING -39-51 N Broadway Associates - 39-51 N Broadway

Re-referral by Board of Trustees for review and recommendation of a Zoning Petition to allow for the development of a mixed-use project in the RR zone and for site plan approval for 47 proposed residential units with retail and off-street parking pending adoption of the zoning by the Board of Trustees.

Mr. Tedesco opened the public hearing giving a brief summary of the status of the project. He stated that the revised plans submitted have been very responsive to the concerns of the Planning Board as well as the public with the following significant changes: a reduction from 5 to 4 stories with retail at street level. The second and third stories are stepped back 5 feet and the fourth story is stepped back 10 feet. The density has been reduced from 80 units to 47 units and the restaurant has been eliminated which should reduce the amount of traffic impact compared to the prior uses. The fourth floor has also been reconfigured to accommodate a future CVS with a drive-thru window for the pharmacy. Mr. Galvin has provided the applicant with a number of issues that the Board had requested at the work session and he would like the applicant to respond to each of them. A complete response may not be possible but it will be useful for the public to hear as much information as possible this evening. In addition, he would like the applicant to provide their response in writing to the Planning Board members and staff.

Mr. Aukland noted for the record that this is not a site plan review. This Board will be studying this proposal in conjunction with the proposed zoning amendment in order to make a recommendation back to the Board of Trustees if a fourth story of residential is acceptable as opposed to the current zoning which allows for the two stories above retail.

Mr. Tedesco said the Board is in the early SEQRA review process and it is important to be able to consider all public comment, Board comment, and to have all the needed information. An important determination for any SEQRA finding is for the applicant to show that the impacts of the proposed project will be equal to or less than the existing traffic/parking conditions along Broadway and its surrounding streets. He asked the applicant to respond.

Richard O'Rourke, ESQ., with the law firm of Keane & Beane, appeared on behalf of the applicant and introduced his partner and colleague, Jennifer Gray, who will be addressing the questions of the Board, along with John Canning, the project traffic consultant. Mr. O'Rourke advised that they have significantly downscaled the proposal with an alternative approach to amending the zoning code and asked Jennifer Gray to comment.

Ms. Gray briefly summarized the submitted amended petition for the benefit of the public. She explained that the initial petition was for proposed text amendments to the RR district with adjustments to parking and an increase in height from 3 to 5 stories. In response to comments made at the April Planning Board work session, they have amended the zoning petition, and are proposing a "Broadway Corridor Revitalization Floating/Overlay District" to include 47 units while maintaining the CVS store. She explained that a floating/overlay is a tool used by many municipalities since it was upheld by the NYS Court of Appeals back in 1951. A district is created in the code and properties that meet the code requirements can apply to be legislatively mapped and zoned in the district. Two legislative acts are required. The first is to create the district in the code, and the second is to apply it to the physical property by mapping it, but only if the property meets the eligibility requirements. Tarrytown

has created a couple of these districts, specifically, the Alzheimer/Dementia Floating Zone along 119 and the Senior Community Floating/Overlay for the YMCA project.

They too are proposing a floating/overlay district in their amended petition. No other property would be able to utilize it unless they demonstrate eligibility. Based on their analysis, the only other property that would qualify are the Kaufman properties to the north of their site, which is everything from their site up north to the current Snap Fitness. The Lyceum building property would not qualify because it does not meet the requirement of a minimum of 1 acre in size. The eligibility requirements they are proposing in the local law include the requirement of a proposed mixed use development consisting of more than one principally permitted use; the property has to be located in the RR district on the west side of North Broadway between Central and Dixon with frontage on North Broadway; the applicant would have to demonstrate vehicular access to a side street; a minimum lot area of 1 acre through one uniform lot or an assemblage of continuous lots with ownership. In addition, the zoning dimensional requirements that they have proposed are very similar. The biggest differences are the height, which is increased from 3 to 4 stories and an adjustment in the required parking to allow 1.5 parking spaces per dwelling unit.

With regard to the question of the comparison between the maximum build out under existing zoning versus their proposal, they determined the most critical limiting factors seem to be coverage and parking. Those are the two determining factors as far as what can be built on a site. Looking at the existing zoning, if they were permitted to develop without increasing existing non-conforming parking position, they believe the maximum build out would be 21,000 s.f. of retail and 36 dwelling units. That would be complying with the current height limitations of this district, which is two floors of residential with ground floor retail. For comparison, they are proposing just under the 21,000 s. f. that they believe would be the maximum retail under the existing zoning, and 47 dwelling units, which is 11 dwelling units more than what they believe would be the maximum build out. Ms. Gray asked John Canning, the project traffic engineer, to explain how they arrived at this maximum buildout in further detail.

John Canning, of Kimley-Horn, the project traffic consultant, addressed the Board and showed the site layout. He noted that they have looked at the property from two principal aspects. With regard to coverage, the property is split down the middle by the zoning line shown. The front of the property is the RR district, which allows 50% coverage. The back is in the M-2 district, which allows 20% coverage. They assumed if they proceeded under the existing zoning, that a blended coverage would be allowed. So, the back at 20% of 20,000 s.f. is 4,000 s.f. of coverage, and the front at 50% of 50,000 s.f. would be 25,000 s.f. Therefore, the permitted coverage for the entire lot would be 29,000 s.f. To stay under coverage, they would have to have 29,000 s.f. on the combined lots. Because it is an oddly shaped lot, they would put the building in the front, which has the higher coverage anyway. They determined that they could get approximately 23,000 s.f. of coverage on the ground floor. Some of that would be for the lobby and the entrance into the apartments. Then they

would have 21,000 s.f. of retail, and above that would be two floors of apartments, 18 units per floor.

With regard to the parking requirements, for retail, the calculation was based on 1 space per 300 s.f. of retail, plus 1 space per employee, in accordance with the code. They assumed, based on industry standards, that you would have one employee based for every 2,000 s.f. of retail. They also assumed that there would be no waiver of the change of the parking requirements for residential, which would be 2.5 spaces per residential unit. They also assumed that they would be permitted to maintain the existing parking nonconformity. He explained that, under existing conditions, the building is developed with 37,000 s.f. of retail, which requires 142 parking spaces; 73 have been provided, so there is already of parking deficit of 69 spaces. On this basis, they assumed that if there's already a parking deficit of 69 spaces, which has been working, then that would be acceptable. When they applied those standards, they determined they could build 21,000 s.f. of retail and 38 apartment units. They would provide the 128 parking spaces under the proposed plan which would result in a deficit of around 50 spaces which is less than the 69 existing parking space deficit. They believe this is the maximum buildout permissible under code that could be achieved. The project proposed is one story higher than what is permitted under the code and has 11 more units than what could be built under code.

With regard to SEQRA question of how this project would not increase parking over the existing condition, presently, there is an existing total of 36,917 s.f. for retail. Mr. Canning presented an updated traffic study dated May 4, 2021. In table one, they compare the existing trip generation based on the ITE with retail and the CVS, to the proposed use, which had 6,000 s.f. of retail, a larger CVS, and the proposed 47 new apartments. In the morning, when there is little retail activity, the existing site would generate 56 trips. With the proposed action, it would generate 65 trips; an increase of nine in the afternoon. During peak hour weekdays, when retail activity is considerably greater, the existing buildings would generate 203 trips compared to the proposed action which would generate 170; a reduction of 33 trips. During the Saturday peak hour, the busiest time for retail, it would generate 227 trips, and the proposed action would generate 154 trips; a reduction of 73 trips. So, with an increase of 9 trips in the am, a reduction of 33 trips in the pm and a reduction of 73 trips on a Saturday, they feel that this project would not have a significant adverse impact on traffic operating conditions. In fact, they believe the project would have a beneficial impact on traffic operating conditions during the busiest times when there is retail activity on Broadway.

They also reviewed the potential impacts of the proposed zone change to the Kaufman property should that property be redeveloped. They based the same development assumptions on this property as they have on their property since the site is in the same location and is similar in size. Their property is 43,000 s.f. and the Kaufman property is 37,000 s.f. They are proposing 47 dwelling units, and 20,073 s.f. of retail. Based on their comparison, Kaufman could develop 41 dwelling units, and 17,960 s.f. retail space, which is

shown in table 3 of the report. So combined, the two properties could be developed with 87 residential units, and 38,000 s.f. of retail. They looked at the busiest peak hour and the pm and they determined that overall, there would be a net increase of 7 trips. So, the 374 trips would increase by seven trips, to 381 trips. The reason for this difference is that their property has more retail space than the Kaufman property. But again, it is only a net increase of 7 trips in the pm peak hour, which they do not believe would be significant.

Mr. Canning referred to the NYSDOT traffic volume information for Broadway that they have provided. He explained that every few years, the State places road tubes at the same location to document the volume of traffic over the course of approximately a week. The state has kept records of this activity as far back as 1977. He has reviewed their data for three sections of Broadway: the section in front of the parcel, the section north of 448 and Broadway and the section south of Benedict Avenue in Tarrytown. Based on a review of that information, they have found that traffic volumes have basically gone up and down over the course of many years. Currently, they are actually less than average and there are many explanations for this. First of all, in the 80's up to 1996, the General Motors facility contributed to the morning and afternoon traffic. Secondly, economic cycles affect the traffic. Back in 2008, before the recession, with all of that economic activity, there was increased traffic and, after the recession, traffic fell back considerably. More recently, traffic volumes have edged up again, fell during the pandemic, but now they are moving back up. Another variable was the construction the I-87 interchange which pushed traffic off of the Saw Mill Parkway and I-287 and onto the local roadways to get to the bridge. The most recent construction of the Cuomo Bridge closed the entrance ramp for a number of years which also affected the reduction in traffic; some cars may have diverted onto the Saw Mill to get to the bridge.

With regard to the traffic concerns which will come from the Edge on Hudson development, Mr. Canning reviewed the traffic study for the Edge and he noted that the origins and destinations for trips generated by that project are either to the east, to the north, or to the south, and from the former GM site, at the foot of Beekman Avenue. The most expedient way to get to the north is to go up Beekman Avenue and cut across Pocantico Street, and to the east is to go up Beekman Avenue and up to 448, and to the south, is to go down to River Road/Division Street over the H-Bridge up through Depot Plaza and then up Franklin Street to Broadway. Their study indicated that less than 2% of the project traffic and less than 20 trips in the peak hour from that entire development would use Broadway in the vicinity of the subject site. Based on the data, they determined that, number one, this project will generate less traffic than what has traditionally been generated on the property by the 36,000 s.f. of retail space. Number two, that there is capacity to accommodate additional traffic in this area on Broadway. It is his conclusion that under SEQRA, this project will not have a significant adverse impact on traffic operating conditions in the village, as a whole, or on this section of Broadway.

Mr. Tedesco asked the applicant if they have considered providing more than the 10% code required affordable housing units and if they have estimates of the rents for both the affordable and market rate units.

Ms. Gray advised that this information is included in the updated version of Part 3 of the EAF that they recently submitted which has been revised with new data based on the revised scope of the project. The applicant would comply with providing 4 affordable units as required in the code. The report also indicates that the market rates would range from \$3 to \$5 per s.f. The average size of a one bedroom is about 800 square feet. The average size for the proposed two bedrooms is 1,250 s.f. Dr. Friedlander asked Ms. Gray to do the calculations for the monthly rents. She advised that the 1-bedroom monthly rents would range from \$2,400 to \$4,000 and the 2-bedroom would range from \$3,750 to \$6,250. Mr. Tedesco noted that if the applicant is providing 47 units, then 10% of that is 4.7, and when rounded up, that is 5 required affordable units. Ms. Gray said that she would defer to the building inspector and whatever the code requires is what she will provide.

Mr. Tedesco asked if the applicant has a shadow diagram to present?

Ms. Gray said that Kimley-Horn has prepared a rough shadow study in response to concerns of shadows on Dixon Street which should paint the picture and confirm that there are no shadows over on Dixon Street based on the significant distance between Dixon Street and the proposed building. Mr. Canning showed the renderings illustrating that there would be no shadows in December at 11 am or 12 noon, when you have longer shadows. They attempted to photo represent what the restaurant stores to the north would be. In June, you can see that the shadow doesn't reach them. But, in December, the shadow does reach a little bit into the 2<sup>nd</sup> or 3<sup>rd</sup> story. Looking at over the back of the building, earlier in the morning, from east to west, in December, you can see that the shadow reaches down towards the end of the property. But for most of the rest of the year, that shadow falls well within the parking lot. And, looking towards the east, from the back of the property at 11 am or 12 noon time shadow, in December, when you have a smaller angle from the sun, it reaches a little bit into the other properties, but it is still in the parking lot. At 11 a.m., it does not reach the buildings to the north (the Kaufman property). The last slide, looking north, in the summer, the shadow falls well within the parking lot, and in December, it goes down towards the back of the property. They concluded that, for most, if not all of the year, the shadows are going to fall within close proximity of the building.

Mr. Birgy requested that Mr. Canning provide an aerial view to demonstrate the shadows. He feels this is the best way to illustrate it for the public and for the Board, to include the entire property and then show with a line how the shadow is cast from a bird's eye view. He noted that the full coverage of the building relationship is not known. As you go down Dixon Street, there are a number of properties that shut in substantially closer to the property. He would like it to be presented in concentric circles, that would show early in the morning, afternoon, noon time, and evening for December and the end of June.

Mr. Aukland said it would be helpful to him to compare what Mr. Birgy just described, with the “as of right” buildout as well, to see what the increment of this extra floor would be. Mr. Birgy asked Mr. Pennella to comment on some sort of buffer zone to protect neighboring properties. Mr. Pennella noted that the light exposure plane does not apply to commercial properties. It only applies to residential zones. Mr. Birgy was asking more about a setback buffer in the RR zone. He would like to look at the setbacks because they are essentially looking at the entire block from Central to Dixon. Ms. Gray noted that there is an 8 foot side yard setback along the side lot line that is adjacent to a residence district. This is the M-2 portion of the property. There is also a buffer area for an on-site parking setback along the side of the property boundary that adjoins a residence district, and that is 15 feet.

Mr. Birgy said it sounds like the applicant is getting the best of the situation because they are in the middle, but the adjoining property owners could be more impacted by these setbacks. Ms. Gray said that when the Kaufman property seeks to redevelop, they would have to petition the Board of Trustees to have this district that they are proposing mapped on their property in order to utilize the provisions.

Mr. Birgy feels that there should be equity and fairness to all property-owners in the RR District. He feels that whoever is first, gets the bonus that the other property owners would be less likely to get. In other words, the bigger piece of pie this applicant gets, the less the others get.

Ms. Gray appreciates Mr. Birgy’s comments and referred back to John Canning’s presentation where he mentioned that the full build out of the Kaufman property with the Coco property would only result in 7 additional trips. Under NYS case law for SEQRA purposes, there’s no requirement to look at other eligible properties for floating overlay zones, because those eligible properties will have to go through the same SEQRA process to develop their property under this code. Regardless, they did look at the full build out and it showed a negligible increase in the amount of trips.

Mr. Birgy said they all seem to agree on the need for affordable housing and he believes that the more the Board approves this discretionary zoning, every market rate unit takes away from their ability to approve affordable housing. He asked Mr. Canning to explain the 2015 traffic study which concluded that the road capacity was at its limit. It is difficult for him to understand how we continue to consider high density projects with a 19<sup>th</sup> century road infrastructure. Just from the empirical evidence that he sees every single day, the roads are really at capacity. He fears that, as the pandemic improves, we are going to see additional traffic on Broadway and the impact of the 1,100 plus Edge units with commercial space and a possible movie theater or whatever goes there, will also be funneled into the neighborhood side streets. He hopes the developer will take this into consideration. The applicant has property rights, but there are also people that live here in the village that have the right to the quiet enjoyment in their neighborhood.

Mr. Canning responded to Mr. Birgy's question about the road capacity in 2015. Mr. Canning believes that the capacity constraints in the village are primarily south of Main Street by Franklin, Benedict and Prospect where there is the four-lane highway. He believes this proposed development gives the village an opportunity to grow, increase its sustainability and vitality without adding traffic, which is what they have demonstrated. They are taking a substantial portion of traffic generating retail off the market. They actually had proposed to take more retail off the market, but they have put the CVS back, presuming that the applicant can come to terms with CVS. They are also replacing their more intense retail use with residential which is less than 10. He believes this is an opportunity for the village to fulfill its vision without adding traffic.

Mr. Tedesco said that the Board requested the applicant to summarize the community benefits for the proposed project and one of them is to preserve the CVS with a drive-thru for the pharmacy. He asked the applicant to comment on the additional community benefits.

Ms. Gray noted some of the other benefits which have been indicated in the EAF report. The project will be LEED silver certified, which will reduce the carbon footprint. They are also proposing a green roof. In addition, the project will be Fitwell certified which focuses on creating a healthy environment for the residents of the development. Based on Mr. Canning's report on the traffic, there will actually be a benefit on to the existing traffic condition as a result of the project, which takes retail offline and adds residential, which has a lower traffic producing effect and they will also be providing affordable housing units. Keeping the CVS will maintain employment opportunities and the new project will also bring feet to the street which will help the existing merchants maintain economic viability. They will also be adding parking and reducing the existing parking deficit.

Mr. Aukland asked Ms. Gray if there is the implication that you get more of the above benefits with the fourth floor added, rather than just the three floors. Ms. Gray said that is a fair assessment. Mr. Aukland asked Ms. Gray to comment on the tax revenues. Ms. Gray said there will be increased tax revenues as a result of the project. Currently, the site is in an underutilized underdeveloped state. The additional dwelling units and the sales income from the retail, will increase tax revenues.

Dr. Friedlander has a number of questions. The applicant is saying that the cost of the reduction in retail is larger than the increase in residential and the village will benefit from that. He does not see how it works out in terms of the retail traffic and residential traffic since there are different times and different peak load. He would like clarification on that. He also thinks that the right hand or left hand turns onto Broadway are going to be a major problem point in terms of blocking the people who live in the building from going north or south, unless they go into the other streets around the village, in order to get through a different intersection point. This would cause additional traffic on these streets. He would like to discuss the actual methodology used by the state and the traffic study. Mr. Canning said that between 1992 and 2020 traffic has been down. In his empirical experiences, driving in Tarrytown, whether it's to the train station, or to the park or Village Hall, or to

commercial activities, the traffic has gotten worse. The applicant referred to the state data, but he and his neighbors, friends and residents find it incredulous to say that it dropped from 26,000 to 21,000. When we see the data, and it goes against the experiences of people, then the people lose the trust or confidence in the methodology and the data collection that was used in the study. This creates this tension since he is being told that what he has experienced is not true and it didn't happen. It's much better now than it was three or four years ago and the study said it went from 6,000 to 21,000. That's a substantial drop, which needs more discussion. He also believes that whatever traffic study is done for this building should be done for the Kaufman building as well because the floating zone application is for two properties, not one. This Board has to make a recommendation to the Trustees about the floating zone application on these two properties and there is still the fundamental question about whether we're doing this in the right order, not examining the whole impact on the entire zone, and then moving back to the specifics of an application that this would apply to.

Mr. Tedesco asked if Mr. Canning could respond to Dr. Friedlander's questions by the next work session.

Counsel Zalantis requested that the applicant's current submission be reviewed by the Village's traffic consultant for this project.

Ms. Raiselis asked Ms. Gray for information about the taxes that are generated on this property. What exists now, what exists with "as of right", and what would exist with a fourth story. Also, if they could figure out how it would be affected by the Kaufman property in the same way with a parallel graph, that would be helpful. Ms. Von Ohlsen said this information is on page 40 of the supplemental EAF.

Dr. Friedlander asked for an analysis of the increases in cost in terms of units of population growth, 50 units, 100 units, 150 units versus the services rendered by the village to the population. It is also important to see what net tax benefits are not just the gross benefits. For example, for every 500 people, we add a police officer, and for every X number of children, we add a teacher. He would like to know what the net effects are, not the gross effects. The argument is, we're basically increasing density in a village, allowing the developer to have some type of improved value of their property. He would like to see the offset of what the village gets out of it. So when people say, tax revenues are going up, that is wonderful, but costs are also going up. We need to be able to cost out the net vs. gross. He would also like an examination of the increased traffic truck as well as car traffic along that roadway because this is the only major western corridor to offset north and south in the entire area other than the Saw Mill Parkway which trucks can't use. Route 9A would be the next alternative, which is already overly congested.

Ms. Mendez Boyer said it will be great to understand those historic numbers in terms of actual cars vs. trucks, because the experience that people may be having is not an increase in vehicular traffic because of the residents, but it could also be based on the additional

truck traffic that is coming onto Broadway. People may have the wrong perception that if we have less people in Tarrytown, you will have less traffic, which may not be the case. The New York State DOT is counting the same number of vehicles but it may be that there are more trucks that take up more space than cars. It is a whole different traffic impact if you have six trucks versus six cars. In terms of the cost to the village for the additional density, she would like Ms. Gray to provide the numbers based on existing infrastructure versus building new roads, and expanding new sanitary and water lines to new parcels versus using an existing location. She would like to know if the village will save money to put this additional 11 units at this location vs. at a location where new infrastructure and maintenance of that infrastructure would be needed.

Mr. Tedesco noted that issue of truck versus car traffic is important. He visits CVS often in that area and watches truck after truck go by which he thinks is a big change in traffic in the village. He would like Mr. Canning to comment on this as well and noted that online shopping has also increased and that should be considered.

Mr. Birgy has concerns about what happens to Tarrytown when the NYSDOT determines that Broadway from Sleepy Hollow to Tappan Landing has to be 4 lanes. What happens to the business district then? He would love to hear from the Chamber of Commerce on this. He feels that we are sowing the seeds to make this a 4 lane highway. He would like to know the criteria that the State uses to make it 4 lanes, etc. He feels that the village needs to do everything it can to control its own traffic and density. We cannot control what happens in other villages, but we can control what happens in Tarrytown. As a Planning Board, he thinks they need to take this seriously and have Mr. Canning look into it, in addition to the Edge on Hudson development, which is the elephant in the room.

Mr. Aukland commented that there is no prospect of making Broadway a 4 lane road. That was never an intent. All of the problems on Broadway are to do with the stop and start nature of the traffic. They have looked before at 4 lanes, and it made almost no difference to the traffic. Mr. Canning can respond to that next time.

Mr. Birgy commented that we can make choices for ourselves now, or choices will be made for us later. To say that Broadway will never become 4 lanes is absurd. The first time an ambulance, a fire truck, a police emergency vehicle gets blocked on Broadway and has to go around and it gets blocked someplace else, that will be the bottom line. He rejects the idea that Broadway cannot become 4 lanes for the record.

Dr. Friedlander asked Mr. Canning to go over the Edge on Hudson Study with regard to the 20 trips. Mr. Canning showed the Edge on Hudson study in their recent response which illustrates the traffic that they project will be generated by the project. It shows 8 trips in the am, 13 trips in the pm and 20 trips on Saturday. It shows more traffic going up Main Street, up and down Neperan and over at Beekman, but this section of Broadway is 20 trips tops.

Mr. Tedesco asked Mr. Ringel to open up the public comment period.

PUBLIC COMMENT PERIOD:

Mark Fry, of Ossining, NY, asked Mr. Canning to show Tables 1 and 2 of his presentation. He noted that section 305-63 5(c) [2] addresses the parking and loading areas and the landscaping required and it states that the minimum width of the landscaped strip shall be 2) along any boundary abutting directly on a residence district, except as specified below: 10 feet. When you apply this site plan, there is no landscaping around that parking on the west and the north side which will substantially reduce the footprint available for parking, parking lanes and the building itself. It is important that everyone understand that this has to be considered when calculating what can be built there under existing conditions. In Table 2 of Mr. Canning's presentation, something rather extraordinary has happened. It shows a requirement of 1.5 spaces per dwelling unit which is not the required parking rate. The existing required rate is 2.5 spaces per dwelling. This results in cutting the total number of parking places by 40% (2.5 to 1.5). He feels this is not correct. He referenced Table 1 on page 36 and noted that, in his experience, the Village of Tarrytown in the past 40 years has never allowed a 25% credit to be deducted from the number of trips, nor has it allowed another 5% to be deducted from that, nor has it allowed in terms of parking, the removal of up to 20% of the trip. It is not comparing apples to apples. He noted that he agrees with Mr. Birgy and Dr. Friedlander's comments and those of Howard Smith which will follow.

Joseph Serrano, of Main Street, commented that these recent projects represent an opportunity for this village to commit to true affordable housing, not just affordable housing by Westchester County standards. He thinks the village needs to have more than four or five units to do that. He is more concerned about the divisions that have emerged in the community as a result of some of the resident's mobilization against these projects. He recently became aware of an email campaign that instructed residents to call into this meeting tonight and read a script to stop members of this Board, which is a volunteer Planning Board, from destroying the character of our village. He does not believe that any of the volunteers serving on this Board or the Trustees have any nefarious agenda in their careful consideration of this and other development projects. He believes they have the best interests of the village at heart and have already responded to many resident concerns, including some of his. He believes that it is possible to address traffic concerns, manage density, create housing equity, grow our tax base, and preserve the character as a village if we all commit to working together as residents. The members of this Planning Board and the Board of Trustees deserve better consideration and treatment. They are being forced into inaction or an ill-conceived action due to some residents questioning their motives. He thinks together, we can all do better to move the village forward in an equitable and sustainable way.

Kate Press, who lives off of Altamont, was concerned about the FB post and the sort of mobilization against these projects too. She thinks that these projects are very well thought out, sustainable development projects. The village needs to have sustainable development to increase revenues. She thanked the Planning Board for taking the time, and really responding to so many of the issues that have come up. She feels that this proposal is a good one with obviously a lot of unanswered questions. Having more people being able to walk on Main Street will allow our businesses and stores to have more customers without creating as much traffic as it would if these developments were built farther away from the center of the village.

Katie Kreider, of North Washington Street, said the back of her property is right against the CVS parking lot. She noted that at the Board of Trustees meeting where they referred this project, they were concerned that it was going to cover that whole block, and they got the incorrect impression that it would not, which she has issue with. She read one of the traffic studies and does not believe that just 7 trips would be generated with all of these extra people. She referenced the 2005 traffic study, and instead of measuring the number of cars that went by or the number of vehicles, it measured the amount of time people had to sit in traffic and their frustration. It also said that adding more people to this area would actually increase that amount of time you would sit in traffic and the amount of frustration because you have people crossing the street stopping traffic from flowing. She noted that Central Avenue is already congested and the people coming out of that building will come down Central Avenue or Dixon Street. There is already increased truck and bus traffic in this area with limited sight distance making it dangerous for pedestrians. Adding more density in this area is only going to cause more issues. She thinks that some of these parking and traffic studies feel disingenuous, because she has lived here and is a walker of Tarrytown. She also drives and the rush hour is from two o'clock to seven o'clock in the evening, not just one hour. She thinks that the entire village is not looking at the big picture and she asks that the village defer any more zoning changes until there is a better understanding of the traffic impacts. Right now, supposedly, the traffic is down due to covid, but it is still terrible. It was not this bad back when Mrs. Greens and Pay Half were here. There is additional traffic happening around us and adding this kind of density is only going to make it worse. There is no way to say it is going to make it better.

Mark S., who lives in Webber Park in Sleepy Hollow, called in on the point of traffic. He is all about community development, lowering taxes and increasing the tax base, but the traffic conditions coming from the south on Route 9 are already difficult to get through. He is wondering if there is a study that considers the traffic impacts of the Edge project and this one to determine if any engineering may need to be done in the village, outside of a 4-lane road as a previous speaker mentioned. It seems that this will be more problematic with the merging of these 2 projects. He would like know how the roads can be designed so that there can be a better traffic through the village, if at all.

Dolf Beil, owner of 108 Main Street, prepared a brief slide presentation and commented on each. He showed a picture of the development and the density. He noted various studies that said the village was already at capacity in 1998, In 2005, it was at greater than capacity and in 2016, it said that there were going to be 560 trips. This is unacceptable and getting worse. Any discretionary increase should not be done. There should be no zoning changes until we see the impacts and commission a new traffic study. The next slide shows by 2022 (the X in the upper right corner) the number of housing units which indicates there are more traffic problems coming. With regard to the required parking for the development raised by Mark Fry (1.5 versus 2.5 parking spaces), he contends that this whole study needs to be examined by AKRF. The comp plan clearly encourages a resilient business environment and promotes a dynamic office district to attract and retain businesses. He would like to know how reduction of commercial space from 36,000 s.f. to 20,000 s.f. comes even close to approaching that guideline. He feels this is not in line with the comp plan and the entire project needs to go back to the drawing board. He questioned why the emphasis is on the comp plan and he found that spot zoning is illegal except if you reference that the project is in line with the comp plan. He urges this Board to look at this project holistically, figure out what the village needs and work from a top down, rather than from a bottom up approach. He also questions the public benefit for this project. Hudson Harbor contributed significant public benefits while 29 South Depot Plaza provided none. It is up to the Board to figure out whether this project will provide any real benefits to the community.

Dan Barber, lives at 47 Croton Avenue. His home looks down on the proposed project. Everyone is talking about the horrendous traffic problem, and it is only going to get worse. It is impossible to make a left hand turn at McKeel. He has to hope that somebody crosses the street so the traffic stops to allow him to get out. In addition to the traffic, he is more concerned about the beauty of Tarrytown. He has lived here for 50 years, raised his four children. They love Tarrytown; it's beauty, the lakes, the river, the new bridge and the Croton Aqueduct where hundreds of people walk by. This project would ruin the view of the river from the aqueduct. Zoning laws exist to protect the little guy. Coco's goal is to make money. We don't need to change our zoning laws so they can make more money. What should be most important is how our village looks. Why would we want a building higher than the highest building that is already there? Modern buildings are going to take away from the beauty of Tarrytown. He thanked the Board Members who expressed their knowledge of Tarrytown, rather than through numbers. All you have to do is live here to know that there is a traffic problem and common sense is going to tell you, if you build all these units here, it will only get worse.

Doug Fox, lives on N. Washington Street, near Central Avenue. He watched a Board of Trustees meeting when one of the trustees complained about the empty storefronts being an eyesore. He thinks it is sad that they are sitting there empty, but it is not because they can't be rented. It is because the landlord does not want to rent them due to the development they are proposing. They do not want to break a lease, so they basically kicked everybody out and took advantage of Mrs. Greens financial problems. The issue

here is that there is nothing to be gained as far as retail, with the way they are trying to develop that location. His opinion is this is an attempt to build residential or rental properties in order to maximize the profit on the land use. There is no interest in really helping the village. With regard to the traffic, we have a truck route, it is right next door to this, and there is some serious truck traffic and noise. At the top of Broadway and Central, there is no traffic light, which should also be addressed. It is very difficult to turn out and a danger to pedestrians. Everyone says it will be fixed later and we will take care of it, but changing the zoning will allow everyone else on that block to have the same type of zoning, which could result in more tall buildings all the way down that stretch. It is just guaranteed. He feels that we really need to go back and take a look at this. He is also surprised that no one has pointed out the fact that the police monitor can very easily tell us exactly how much traffic and at what time of day it is occurring. He has not heard anything about using that information to give a real true measure of traffic flow throughout the village.

Colin Vander Horn, of Le Grande Avenue, agrees with Dr. Friedlander and Mr. Birgy. It is nice to hear Planning Board members apply foresight to these applications. Broadway is already at a breaking point. People seem to be willfully putting on blinders to ignore existing problems. We have seen traffic returning to unsustainable levels already post COVID with the Edge not even on line yet. The real world experiences of villagers clearly differs from some of the traffic study findings. It is difficult to believe that nearly maximizing the commercial space and adding 11 additional units to the allowable number of units is going to reduce the traffic impact. He understands he is comparing the “as of right” numbers to the proposed numbers rather than the existing to the proposed but he doesn’t believe the developer is going to completely pass on a project and just release the retail spaces. Mark S. said that he was all about lower taxes and to that he would say don't hold your breath. The village has already demonstrated that if the funds exist, they will just figure out how to spend them. Unfortunately, we are already overburdening villagers, and any net benefit of development is unlikely to be passed on to villagers in the form of lower taxes. Like many others already mentioned, we will just hire additional municipal workers to accommodate the additional residents. Regarding the CVS, he would ask that the permit be considered contingent on a good faith effort to renew the CVS lease. If the developer is going to request an unreasonable rent, and then come back to the village saying they can simply not come to terms, doesn't seem like a solution. He would like to thank the developers for moving on some of these sticky points regarding the height and density. It is very much appreciated. After many meetings, listening to Kimley-Horn and the attorneys, tonight's consultants were refreshing, respectful and very knowledgeable. He does not like that the development is being proposed as a floating/overlay zone. In his opinion, it should just be applied for as a variance. That would probably give the Board the most discretion when evaluating future projects. Another member of the public mentioned organizing against these projects by villagers, and soliciting comments on meetings like this one. Whether it be on Facebook or email, he would just say that knowledge is not a bad thing. He would rather

have someone be informed and come out against his viewpoint than be uninformed and wonder what happened when these projects start to be constructed.

Peter Bartolacci, 67 Miller Avenue, questioned whether the Board should even be discussing this project right now. He believes it was sent back under false pretenses and referenced Katie Kreider's earlier remark. He saw the same Board of Trustees meeting when they were discussing an overlay zone that would cover the Lyceum building, and the two Coco properties, and nothing else. He is now hearing from this Board that the overlay covers the area from Central to Dixon, so he does not think the Board should be discussing this project since the Board of Trustees voted on it under false pretenses. He thinks Counsel Zalantis should look at this. With regard to the traffic concerns, he referred to his letter to the Planning Board, which he will reiterate. He feels that the village has a huge opportunity to reduce the amount of traffic by only allowing an "as of right" build which will lower the traffic even more, according to this developer's own traffic study. He is wondering why we would not consider this. He referenced the traffic studies, which may have been well developed, corroborated and examined, but he doesn't believe any of it. He lives and drives here and sees it every day, and the reality is very different from what he is hearing. He does not know what else to say but whatever the facts are, whatever the data is telling us, is not accurate. Broadway cannot handle more volume. He listened about the Edge on Hudson report which said that would generate practically no traffic on Broadway and he just simply cannot believe that. There will be cars that come from Edge on Hudson that will be on Broadway. With regard to the tax revenue, we like to throw out the idea that this is going to be tax generating revenue for the village, but it is really important to look at some type of breakeven point, particularly on the school tax side. There are going to be two-bedroom units in this development, so how many families or how many children could potentially move into those units and at what point is the break-even? Where do you have enough kids that you are eating up all of the tax revenue by schooling the children? This is something that needs to be considered.

Howard Smith, 7 Main Street, agrees with Colin Vanderhorn that it is refreshing to hear a very knowledgeable matter of fact approach from the presenters. Clearly, the proposal represents a thoughtful response to a lot of the concerns that have been raised around height and mass, which is much appreciated. He believes if this was a project that was just being considered in isolation, or the impact was just in isolation, and didn't have any implications for future development anywhere else, it certainly would be very much worth pursuing. With regard to traffic and the issue of turning onto Central or through that driveway between the Coco and Kaufman or on Dixon, you can't make a left hand turn on Dixon. People coming out will have to turn onto Broadway. Anyone knows that traffic comes to a standstill when people try to turn left on Central Avenue and it is nearly impossible to make a turn onto Broadway coming out from those streets. These specific issues of turning, since he does not believe it is possible to create any turning lanes, should be addressed. His larger concern is a matter of process. He feels that the Planning Board should have the opportunity to evaluate project proposals like this in the context of a village

wide or at least in terms of a core village capacity analysis. We know the streets, school buildings, the water and sewer data so we can do the calculations in terms of what the capacity is to accommodate growth in this village. There are various formulas that would be applied when it comes to how many more police fire, etc. It seems to him that before the Planning Board is asked to evaluate proposals like this, they should be aided by the tools that can be provided through a capacity analysis like this so that when they are looking at a project, they have to look at it as setting a new standard, a reference point for future development.

Beth Ann Lacey, lives on LeGrande Avenue, up the street from Dan Barber. She also feels a little incredulous about the traffic studies. She has lived here for 34 years and has worked in White Plains. Her sister lives in Ossining, so she has done the Broadway route back and forth and it can be very challenging. When you leave Mckee and hit C-Town and you have somebody going into the library, the traffic is insane. The traffic coming up Central with the trucks and the buses is also very difficult and she can't even imagine how this is going to work out. With regard to Ms. Gray's benefit of keeping the CVS, she doesn't go that CVS; she uses the one by the bridge since there is a dry cleaner and a bank. People headed toward White Plains would most likely use that CVS, since it is just easier getting into Tarrytown and has better parking. She appreciates the reduction in the height but she feels that the building is going to change the character of the town which is a mistake in the long term. She thanked the Board for listening and for their efforts.

Debra Portnoy, who lives on North Broadway, responded to Beth Lacey's comment about CVS and said that she lives in a walking community within downtown Tarrytown and people do use that CVS. Getting into their cars and driving to the CVS down by 119 would create more traffic so they need to keep the CVS. She feels that the village needs to do their own independent traffic study. She is not going to buy into a study done on behalf of the Edge on Hudson. These are the people who built a parking deck where they once were views of the Lighthouse. She also agrees with Dr. Friedlander that the Kaufman property must be considered now as one zone, not later.

Heather Haggerty, who lives on Kaldenberg, noticed that Kaldenberg was not included in the parking studies. Kaldenberg is next to Central, across from where the cars will be exiting. Other developers are watching and they are looking to see what could go at the former Hank's Alley at Kaldenberg and Central. That is owned by the Greek restaurant. So, maybe that will that be a to go or take out. Maybe, they can do a drive-up window. Then we will have 2 drive-thru's. Or maybe it will be apartment buildings. Half of Kaldenberg is not in the historical district. It is only owned by 3 or 4 people. Maybe that could be taken over. There is already a three-story building there, how high could they? With regard to the traffic, Central Avenue is hard to cross. Bicycles and pedestrian's cross Central that used to be a real street. One of the benefits of the project could actually be to increase the walkability in the village. This is a perfect example. You talk about a green roof, why not green parking? There are parking areas that could be more permeable to let in water. There is a huge

amount of infrastructure around this area that needs help. The jet truck comes out every time it rains to suck up the debris on Central and Kaldenberg. What's going to happen to all the infrastructure over there? With regard to the LEED Silver proposed, there is LEED Gold, and there is LEED Net Zero, that has been around for years now. Fitwell, as advertised on TV by Jennifer Aniston, is not what she is looking for. If we are looking for sustainability, why not use the buildings that are there and go for higher LEED standards. With regard to tax revenue, Dobbs ferry is being sued for the third time by developers to lower their taxes. She would like the Board to consider Kaldenberg. People will walk on this street and there is a lot of truck traffic. Making that left and right out of Central is really bad. She would like to make it safe and walkable for everyone.

Fran McLaughlin, who lives in the Landmark Building on North Broadway, noted that the Tarrytown Comprehensive Plan cites that Broadway is the most heavily trafficked road in the village with the most accident responses. Near the CVS, huge trucks, not small delivery trucks, start heading south about 5:30 a.m. By 6:30 a.m. the rush hour traffic starts and there is a lot of road rage. The horns start blowing because people are trying to urge the people in front of them to get through that light on Main Street before it turns as they head south to the bridge, I-287 or Route 119. It is also dangerous crossing from the east side of Broadway to Central Avenue. Once you step into the crosswalk, traffic is supposed to stop and let you pass; however, it is very rare that the traffic stops. People are in a big hurry. She is handicapped and walks with a cane. Sometimes one car will stop but as you walk out, the car going in the opposite direction doesn't stop and races right through the crosswalk. Also, on Central Avenue, it is not only the huge buses and the trucks, the fire trucks come up and they too have a difficult time turning onto Broadway. The project is proposing 70 parking spaces, 47 units, that leaves 23 spaces and when you factor in the employees that will be working, she feels that there is going to be a huge parking problem as well.

Jason Williams, lives on Dixon Street. He grew up in Pleasantville and this project mirrors a similar situation with the building that was proposed next to their post office. He was very disheartened to see the character of the Main Plaza in Pleasantville gone. It was a lost opportunity to help beautify and handle parking and traffic issues. He feels that this project in Tarrytown, even a three story, would increase the traffic more. He would be curious to see the data of the traffic impact in the long term and the effect on the school system and the need for traffic lights on Central and McKeel. It is hard to crossing Broadway without almost getting hit by a car. He is also worried about the overflow of traffic on Dixon Street because of that congestion and the character of Tarrytown in the long term. He would like to prevent what is happening in Pleasantville.

Patricia Pinkney, 18 North Broadway, a Tarrytown resident for 31 years who has served on the Historical Society, the ARB and the Warner Library. She is very concerned that the historic character of the village be maintained, while also ensuring an adequate tax base and the availability of affordable housing. She is mostly concerned about what she has seen on the recent messaging on email and social media. There seems to be an all too

frequent, unchallenged disinformation stream. The accuracy of information in this village matters. It is essential for each of us to attempt to determine whether or not we are for or against a project. Not only this, but any proposal in the village, the insinuations, and the accusations that the work and the motivations of the Planning Board members would be held suspect is really disturbing to her. Serving on the Planning Board is a huge commitment of time. Among these people, there are several architects as well as those involved in finance, historic preservation, climate and sustainability efforts. She wonders if anyone truly believes that this group of experienced and dedicated individuals are out to destroy the fabric of our village. As Tarrytown continues to consider proposals for developments that affect us all, each of us must do our best to base our opinions and decisions on accurate information and not on hyperbole.

Jeff Bergman, lives on Dixon Street. His property backs up to the Kauffman side of the site. He too has concerns about the traffic on Dixon, Broadway, North Washington, Central and Kaldenberg. The bus and truck traffic on Central, aside from being quite noisy, with parking on both sides of that street, can often be quite dangerous. His children walk to the WI school and it a constant worry. His wife was actually hit by a car walking on North Washington at the corner of Central, several years ago. He also feels that more traffic studies need to be done. He also believes that the aesthetics of the building, however nice they make it look, it's still going to be an obvious addition right in the middle of town that will block the view shed and wreak havoc on all of the adjoining properties, especially the properties abutting Dixon lane. In general, he feels that we will end up with fewer parking spaces and busier and more dilapidated roads because of all the construction equipment that will need to come through. At some point down the line there could be some tax benefit, but at what cost.

Amy Wessan, 26-year resident of Tarrytown, who lives on Main Street, is calling in again because the village is looking at another large development coming into the center of our town. She has spoken out before on other projects and she believes again that we are ignoring the historic nature of this village. The Landmark is a beautiful building across the street from the proposed project and the building presented in the first round of drawings does not fit in. It could be any building in New Rochelle or anywhere. It looks like a big heavy structure kerplunked on Broadway. There is no garden, no sitting areas, or anything on the sidewalk that would enhance the beauty of Broadway on any level. She does not see any benefit to the town and the people who live here. The traffic is also a concern. From 3 pm to 6 pm, you can sit for 20 minutes only to go a mile from the bridge to CVS. Every time a developer comes forward, there seems to be this exception to the rule, can we just have four or five floors, and then there is a negotiation backwards to okay for floors. She feels there needs to be a better plan. This building will run a full block and it will shadow the area and definitely change the feeling of the entire block. There should be a move towards making more charm to that area and not more monstrosity. She feels that the analysis and review of the proposals should consider the historic nature of this village.

Brenda Fraccaroli, lives on Park Avenue for 40 years. She has seen a huge increase in traffic over the last few years. When she goes into town, rather than making the left, she actually has to make a right and go up through other neighborhoods and then swing over to town. It is like this at all times of the day. The consultant said that there is no traffic problem south of Benedict Avenue which is not correct. In this area, at certain points of the day, nothing is moving either north or south. You can't even get into the Bridge Plaza to get to that CVS, and at time, you can't exit because they changed the light or even make a right turn on the red. She also noted that the Rockland bound commuter buses have stops all along Broadway. These blue buses are really slowing down the traffic in both directions on Broadway when they unload and pick up passengers. The only route they can go down is Central which is a visibility problem for walkers because you can't see around them. So, she believes there are a lot of issues with traffic that are not in these studies.

Jeanie, of Hamilton Place, agrees with a lot of the callers and would like to add that she is one of many people who live in the village and walk to CVS. They don't add to traffic; they manage to get around on foot without a car. She also uses the buses. The CVS is absolutely vital and needs to remain in the center of the village. She liked the comment about the building being kerplunked down. Small villages do evolve over time. Sometimes they modernize and change for the worse. She is concerned about this because Tarrytown is historical and legendary. The OCA Trail provides views of the river which would be taken away by this building, which is very important to tourism. In the process of buying her unit on Hamilton, she spent about an hour in town and walked to the bakery, had a coffee, sat on the bench outside on Broadway and then stopped at the old Steinbeck store. That was a long time ago, but she thought how charming to have a clothing store in the center of this historic village. She has lived here for many years without any stores and feels deprived just on this level since the stores have not been rented while waiting for something else to happen.

#### END OF PUBLIC COMMENT

Mr. Tedesco thanked everyone for their very important comments. The applicant had no further comment. He asked the Board Members for any additional comment.

Mr. Birgy would like Mr. Pennella to comment on the "as of right" units for this property, which were 33 at one point. He thinks it is important to get that on the record that we're not talking about 36, as the developer has indicated. He also would like to know how many parking spaces will be available to residents of the village and if there is any connection with the spaces available for the Tarrytown Music Hall and other similar events. He also would like to know if the affordable units that they provide have to remain affordable in perpetuity. With regard to density, he would urge people to go to Wikipedia and look at the density of Westchester County. The map indicates that the Sleepy Hollow area, where Hudson Harbor and the new Edge is proposed, is one of the densest areas in Westchester. It competes with the cities of Mount Vernon, Peekskill and Yonkers. He believes this is important to recognize that a village that has the same density as some of the cities is Westchester doesn't seem to make sense. He compared

Tarrytown to the Village to Irvington which has just about half as many residents per square mile. Tarrytown is twice as dense, yet we are still looking to build even more high-density urban type development. He asked Mr. Pennella to comment on the “as of right” units for the density.

Dr. Friedlander would like Mr. Pennella to also look at the Kaufman site as well when commenting on “as of right” units because he feels that they are treating the zone, not just an individual application. If the overlay zone is for both properties, he feels that they need the actual as of right density and parking requirement for both properties.

Counsel Zalantis said legally, when you do an overlay zone, every property that would like to apply this zone would have to go through a subsequent SEQRA review. At this point in time, the Board is not determining the SEQRA impacts on other potential properties, because they would have to go through their own separate analysis under SEQRA.

Dr. Friedland said, in other words, you are saying that our review doesn't apply to the other property, it only applies to this property, but we don't know if the other property will have a bigger impact.

Counsel Zalantis explained that there are two legislative determinations and this could be discussed further in executive session, or the applicant can speak to it. To further explain, there is a legislative act of applying the floating/overlay zone which floats over the existing properties, and there is a second legislative act to actually apply it to the property and map it. If Kaufman ever comes to develop the property, it would have to go through its own separate SEQRA Review and analysis. This is different than doing a text amendment, which would make it as of right for all the properties in a particular zone. Dr. Friedland asked Counsel why the Kaufman property is even included at all in the overlay zone and why is the overlay zone just for these properties. Counsel Zalantis said because those are the potentially eligible properties as defined in the proposed text. The zoning text defines the universe of properties that it could apply to.

Dr. Friedlander asked why the Chase property across the street wouldn't apply. What is the restriction or what makes them eligible. Counsel Zalantis said the Chase property across the street isn't part of the universe of properties, it is not floating over the property.

Dr. Friedlander wants to understand who is picking the size of the zone. Who provides the standards. Mr. Galvin referenced the criteria in the zoning text, the property has to be 1 acre or more on North Broadway and have access to a side street. Dr. Friedlander said that Chase would fit that criteria. Ms. Gray noted that the properties also have to be on the left side of North Broadway, between Central and Dixon.

Dr. Friedlander said this becomes an exercise in futility. You carve out something and pick the parameters that you want to have. And then when we ask about the other

parameters applying to other properties, they are not applicable. It is sort of like we are chasing our tail here. The reality is, as Planning Board members, he is concerned about the totality of the impact of making changes and they have to be careful and study the full impacts if this goes through an overlay zone. Otherwise, although it may be legal, it feels like spot zoning, because it allows one to carve out any parameter they want and apply it to a property as long as that property fits the criteria. He finds this very uncomfortable and feels that it questions the Board's integrity. Why would we say, we're going to change the zone with overlays over it? Yes, it is a Legislative Act, but the Planning Board would be complicit in that.

Counsel Zalantis said this is beyond what we can discuss here tonight. These are very important questions and the Board Members have to feel comfortable with what she suggests. She would like to continue this discussion at the work session. Have the applicant present the legal analysis to us so that the Board can review it and ask questions in order to get a better understanding. Mr. Tedesco suggested that this matter be discussed in an Executive Session.

Dr. Friedlander agreed but feels it is not a legal question, it is an issue in terms of good judgment and planning, of what the impacts are going to be, not just on this one part, but on the totality of the village. And he is comfortable saying that each time the Board considers an overlay, they are not looking at the cumulative impacts, which makes him feel uncomfortable. It is a legislative act, but if all these properties like Kaufman, Chase, 711 were individually given approvals for this overlay zone without looking at the cumulative impacts, it may be too late. As a Planning Board, they should be looking at the broader picture, not just what is put legally in front of us. He is not questioning Counsel's advice but, from his perspective, he would feel more comfortable knowing that what we are reviewing, has a low impact, before we say yes. He is not opposed to this project. The applicant has tried hard to make the project smaller, less dense with less traffic than the original proposal, but it doesn't mean that this is the only thing we have to take into consideration. We keep floating back and forth from, are we doing a zone change, or an overlay zone for a zone change or an application. He thinks it is a slippery slope for the Board. They have to understand what they are doing and he does not feel comfortable the way they are doing it. He does not know how they can get around that. We can talk about it at the work session and ask the Board what their feeling is about the cumulative impacts. He needs to have a better understanding.

Mr. Tedesco agrees with Dr. Friedlander on this point. The crux of the issue is really understanding the process, and it is hard to grasp. In terms of the legalities, we really need to understand it and he hopes the executive session will enable the Board to do really get a feel for it.

Rick O'Rourke, counsel for the applicant, agreed with Mr. Tedesco. He noted that what is before this Board is set forth in the transmittal letter, the petition, and the exhibits that they made as part of their petition. From a legal perspective, they have their opinion and he thinks that the Counsel Zalantis agrees that what is being proposed is legal. The issues that are now before the Board, as Dr. Friedlander has stated, have to do

with other concerns and considerations that you want to discuss and he agrees that the Board should have an executive session with Counsel Zalantis. They will be guided by the Board after that discussion. They will be happy to provide any legal information to the Board before the work session. He also agreed to have the traffic information prepared by Kimley-Horn, reviewed by the Village’s traffic consultant.

Mr. Tedesco thanked Mr. O’Rourke and feels that it is always tough reviewing a project which has so many ramifications. He thinks the Board agrees with him on this. The Board is trying to work toward a final proposal that will benefit the village as a whole, the neighboring community, and the applicant. He thinks that they have made a great step with the new revised plan and he can see the end of the tunnel and it's not a train coming at him. He feels that this project may be something very beneficial to the village, and would like to keep at it.

Mr. Birgy asked the Mr. Tedesco if Mr. Pennella could address his question about the “as of right” number of units that can be built and also how many spaces parking spaces will be available to the general public for parking.

Mr. Tedesco asked Mr. Pennella to provide that information to the Board at the work session.

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – Hackley School – 293 Benedict Avenue

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor’s Executive Order 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m.** on **Monday, May 24, 2021**, to hear and consider an application by:

Hackley School  
 293 Benedict Avenue  
 Tarrytown, NY

For site plan approval to demolish the existing gymnasium building and construct an additional net increase of 56 surface parking spaces on site, with stormwater and other related improvements, in connection with the proposed construction of a new Center for Creative Arts and Technology Building on property located within the unincorporated area of the Town of Greenburgh.

The property is located at 293 Benedict Avenue and is shown on the tax maps of the Village of Tarrytown as Sheet 1.120, Block 85 and Lot 1, and is in the R-20 Zoning district.

Please visit <https://www.tarrytowngov.com/home/events/33371>

for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

**Public Written Comments** will be received in advance of the meeting no later than 12 Noon on Friday, May 21, 2021 by email to: [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

**Documents** relating to applications will be provided in advance of the meeting by emailing [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or by calling 914-631-1487.

Additional approval will be required from the Board of Trustees for a Compatible Use Permit.

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

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

The mailing receipts were received and the signs were posted.

Mr. Tedesco noted for the benefit of the public that the Town of Greenburgh has indicated its intent to be Lead Agency. This Board will be an involved agency, and therefore will be reviewing many aspects of the project. He asked the applicant to make their presentation.

Mark Weingarten, ESQ., partner with the Law Firm of DeBello Donnellan Weingarten Wise & Wiederkehr LLP, representing the applicant appeared before the Board, in connection with its request for site plan and tree removal approvals, as well as a steep slope waiver to facilitate the construction of the State of the Art - 54,000 s.f. Center for Creative Arts and Technology Building together, with 56 parking spaces and related infrastructure on the Hackley Campus. He showed a slide presentation of the aerial view of the Campus, the development area, and the dotted line on the left side that represents the border between the Town of Greenburgh to the right and the Village of

Tarrytown to the left. The bulk of this proposal is proposed to be constructed within the 258 acres of the campus located within the Town of Greenburgh. The permits are sought in connection with the improvements located within the 27 acres of the campus within the Village of Tarrytown and more specifically 3.6 acres of lot one of the village tax lot, which is directly impacted. They have also filed for the requisite approvals from the Town of Greenburgh which includes site plan, tree removal and steep slope permits, as well as filing with your Village Board for the required compatible use permit. The Town of Greenburgh has declared its intent to be Lead Agency during the SEQRA process. Hackley is one of the nation's leading independent college preparatory, nonsectarian day and boarding school for students in grades kindergarten through 12. They are very proud of its history in Tarrytown. It was founded in 1899, and is fully accredited by the New York State Association of Independent Schools. He is joined this evening by Peter McAndrew, the school's Director of Finance and campus planning. Also joining him is Bonnie VonOhlsen, our planner, and Mike Junghans, the project engineer, both from Kimley-Horn, who will give a brief overview of issues relating to steep slopes, tree removal, parking, distribution, lighting, stormwater improvements, water etc. Mr. Weingarten gave a brief history and background to understand this application. In 2003, the Town Board approved a Master Plan for the Hackley Campus and also the site plan approval for two new academic buildings. At that time, a generic environmental impact statement (GEIS) was prepared for the long-range Master Plan. Additional site plan amendments were subsequently approved for various improvements contemplated by the Master Plan. This is the final component of the Master Plan; all of the previous approved components have been constructed and are now in use. He showed the existing gymnasium, which is located in the village, to be demolished, and the existing arts building, which is located on the Greenburgh side. The gymnasium has become functionally obsolete and has been replaced by the facilities in the Wellness Center, which was completed in 2019. In sum, the project contemplates the demolition of approximately 61,000 s.f. of building and adds back approximately 54,000 s.f. building, resulting in a net decrease of building square footage on the campus. The New Arts Building will replace the existing building and create a central outdoor amphitheater for performances. Together with a 550-seat multipurpose auditorium, there will be a 100-seat black box experimental studio, a technology hub of collaborative maker space, rehearsal spaces, virtual art studios, an art gallery, dressing rooms scene shop, and a control room for our students. The proposal also includes to the left of the boundary line in the Village of Tarrytown, 56 surface parking spaces and related stormwater improvements, which are outlined in their location on village property to the left of the border. None of these spaces result from an expected increase in campus traffic, they are being created for convenience only. There will be no increase in student enrollment, faculty or staff as a result of this project. He showed a picture of the new building from Tarrytown or from the west. This is what will be seen standing on the new parking lot looking towards the building to the east. He showed the view from the south looking at essentially the side of the auditorium and the river and the last picture from the east which is the Greenburgh side of the building. The building will be built into a hill and the grades are taken into account.

He introduced Michael Junghans, PE, the project engineer, to go over some specific issues related to the site plan application before the Planning Board.

Mr. Junghans showed the site plan. There are a number of features that are proposed around the building, one being an amphitheater. He showed the main pedestrian way with the main building entrance on the lower side, which creates a nice pedestrian connection between the upper portion of the campus here. As far as circulation, they are going to add a drop-off for the new building and then provide adjacent parking, which will be the primary parking for the building. As mentioned there is really no parking for these buildings in the immediate vicinity so adding this parking is going to be a major improvement toward utilizing the new Art Center. He showed the 28 parking spaces directly in the vicinity of the building that will be added and the increase in spaces in the two lots in addition to the gravel lot at the bottom. The gravel lot will actually be formalized with the same pervious material that was used at the Johnson Center which has been performing well. Together, this adds another 25 spaces by reconfiguring these lower lots which gives us a total of 56 spaces that are being added to the project.

The majority of the drainage basically just comes down the slope today behind the existing gym and then runs out the back toward the field and then eventually to Midland Avenue. The drainage will be dramatically improved by providing a detention basin for water treatment as well as water detention managing the water from this upper area as it runs down the hill and then providing an outlet to a pipe. This pipe will tie into that existing system that ties into Midland to the west. This new piping network will continue all the way around the building as well as picking up the parking areas and then being processed to a detention system and then to the detention basin to provide better control and quality of stormwater leaving the site.

He showed the steep slope plan and noted that there are a variety of steep slopes on site. The areas in gray are the steep slopes that exist today that will be re-disturbed as a part of that project. So these areas are disturbed for the construction of the existing gym as well as the existing art center and then for these parking areas. The larger dashed area, the additional areas they are going to disturb, which is a modest increase, to be able to demolish and then construct a new building as well as the parking areas. As far as steep slope impacts, they have an existing area of about point 446 acres, and they are adding an increased area of .271 acres, which is a modest increase in steep slope. They are tabulated and shown in a table for both the village as well as the town.

Tree removal will essentially only be done as you would expect in the area of disturbance. The majority of the trees to be removed are actually on the lower side of the project here along the roadway adjacent to where they are putting in the parking lot expansion, as well as the new building. He showed the landscape plan, which is very robust, not only to infill around the buildings, but to provide nice buffers for this slope, and around the existing and proposed parking area configurations. They have significantly increased the landscaping within the parking lots to give it a much more

lush feel than what is existing, in addition to some mature plantings in the rear by the amphitheater that tied into the rest of the campus.

As far as utilities on site, most utilities run through this middle corridor here and will be utilized by the proposed building as they are by the existing building. They are looking into maintaining and improving the systems as required, but there appears to be sufficient utility service available to serve as the project.

Ms. Raiselis asked Mr. Junghans to show the parking lot with respect to its proximity to Benedict Avenue. She wanted to know if it will be closer to the road than it is now.

Mr. Junghans showed the existing parking lot today and the new plan which shows the lot essentially in the same place. They just formalized it and put a nice curve onto it. Relative to Benedict, it is about the same, and falls outside the required front setback. Mr. Raiselis confirmed that there will also be some landscaping to buffer between Benedict in the parking lot. He showed the proposed perimeter trees around the lot, as well as some infill plantings on the edge of the lot to give a nice buffer from Benedict. The mature trees along the frontage will all stay; these are the ones that are integrated with stone wall with some nice infill plantings adjacent with the expanded lot. He confirmed that the hedge will remain and that they will not be changing either side of the parking lot entrance.

Mr. Weingarten noted that the parking lot is shielded from the road but they will be providing this additional landscaping. He also wanted to mention the need for this project and the school. We are living in a world where STEM teaching or in this case, they call it STEAM - science, technology, engineering, arts and math, is something Hackley wants to compete with at a national level and a building of this nature, for the arts and for technology, with the maker spaces, etc., is something that is absolutely required as we go forward in this next century in order to remain a leader.

Mr. Weingarten also noted that with regard to the water supply, there have been a number of discussions with the Village of Tarrytown and Greenburgh. During this SEQRA process, they are studying the possibility of switching from the Tarrytown water supply over to Greenburgh water. While they don't have an answer yet, they have to go through that process with Greenburgh and the Village, as an involved agency. They are looking to see if connecting to the Greenburgh water supply is a viable alternative, as they believe it may very well be, and that may be another benefit to the Village of Tarrytown for this particular proposal.

Mr. Tedesco thanked Mr. Weingarten for exploring the water issue which is a positive aspect. He also thinks the new building will be a tremendous asset to Hackley. As a physicist, he is aware of the need for this kind of building that supports science and technology which will be required for every institution in the future. Mr. Weingarten agreed and noted he served on the Board at the Cornell University Building and they

are very proud of their Roosevelt Island facility. It was a great economic benefit to the city as noted by Mr. Galvin.

Ms. Mendez-Boyer is impressed with the school moving from STEM to STEAM. She is wondering if this project could be an opportunity for Hackley to incorporate green infrastructure and stormwater management as a teaching tool for the students. Maybe they could consider using bio soils and other permeable pavers and incorporate landscaping in the parking lot. She has seen this done in other universities and she herself has worked with Harvard on a project. She feels these programs are a great teaching tool. Mr. Weingarten said green infrastructure is certainly something that they will be studying during the SEQRA process and they will continue this conversation. The last project they had with Hackley incorporated an education component of how to treat and plant the wetlands. Ms. Mendez-Boyer also noted that the use of grey water for irrigation could be explored among the so many other opportunities.

Ms. Mendez-Boyer asked what the additional 56 parking spaces are going to be used for since the applicant noted that there is no increase in students or faculty. Mr. Weingarten stated that they will be used for the building and will provide a level of convenience; to have the parking spaces close to the center when people come for performances, etc. The spaces are not required as a matter of zoning or the Master Plan. They also do not expect an increase in the cars as a result of the creation of this building since this building is replacing an existing building. For convenience, they wanted to provide more spaces to this side of the campus.

Peter McAndrew, Director of Finance at the Hackley School, noted that the current gym and Performing Arts Center essentially only have parallel parking along the edge of the loop road, which goes all the way around campus. The theater, which is primarily going to be used during the day by students, teachers and employees, will have occasional nighttime activity. They would like to be able to at least provide a small amount of quality parking, including handicap for the theater itself.

Mr. Galvin would like Mr. Junghans to comment on the lighting plan. Mr. Junghans shared the plan which just shows the placement of the fixtures along the walkways as in the parking lot. They are working with the architect to finalize those selections, and will be able to provide the cuts in the fixtures and show examples of what those are as well as the metrics. Mr. Weingarten noted that during the SEQRA process, all of these issues will be developed as part of that plan. Mr. Galvin wanted to know what will initiate the additional work in the parking lots. Mr. Junghans said that they anticipate doing all the parking lots at once.

Mr. Pennella would like the applicant to address the light shedding since they are proposing a glass building on a high hilltop which may impact Midland Avenue. The applicant may want to consider putting some screening or some form of light filtering so it doesn't impact the neighbors.

Ms. Raiselis would like to know what kind of building efficiency they are proposing since it is a glass structure. Mike Wirtz, the Head of Hackley school, said the images that were shown were more in the conceptual phase and they give the appearance of the entire building looking as if it is glass, but that is not the case. Mr. Weingarten said that they will be shooting for a gold LEED standard that will be developed through the SEQRA process. He believes that the Board will be pleased with what they come back with. They are very cognizant of energy efficiency.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$10,000.00. In addition to the usual consulting fees, there will be a need for additional engineering reviews associated with stormwater, water and sewer and mitigation measures if necessary.

Mr. Tedesco asked for a roll call vote:

Member Friedlander: Yes  
 Member Raiselis: Yes  
 Member Aukland: Yes  
 Member Birgy: Yes  
 Chairman Tedesco: Yes

All in favor. Motion carried. 5-0

Mr. Birgy asked if they have considered any kind of solar generation of electricity for the campus. Mr. McAndrew said that it is hard to imagine solar panels on the historic older buildings. They did put some solar on the new Johnson Center, which was completed three or four years ago. At this point, they don't see an ability to do it on this building. They have also investigated carports, and have some very preliminary thoughts about that. Energy conservation is part of their strategic plan of taking care of their campus and the community as well as an important educational component. Mr. Weingarten noted that his firm represents some of the larger solar installers and companies around and they have spent some time recently changing the code in Yonkers to permit the certain uses and allowing for solar. He noted that this Board may want to consider creating a code which would permit solar on something like a carport on an asphalt parking lot. Because it is considered a structure, the use winds up having all sorts of issues with the zoning code and when applicants propose this use, the Board will find that it will take many months of work to do before you can allow it. If this use is allowed as part of the code and it is available, a lot more people will apply for this solar.

Mr. Birgy was thinking more in line of creating a solar farm, since there is quite a bit of property. This will take some of the stress off of the Westchester County grid. He asked if there is any possibility that they could look into this. There may be some sort of grant program for a school facility. This would cut the cost of providing electricity to the campus. Mr. Weingarten said it will be something we can work on. They are talking to the county legislature right now about a potential for creating a model code for the

county that municipalities could take advantage of. The advent of community solar programs with Con Edison is increasing the demand. Mr. McAndrew reminded the Board that 50% of the oldest building on campus (dating back to 899) is geothermal.

Mr. Gaito asked if there were studies to maybe put the parking on the other side of the building. He understands that parking as close to the building is desired, but the campus is fairly walkable. He asked if this was considered or ever considered in the initial plan. Mr. Weingarten referred to the Master Plan, and the GEIS which was done back in 2003, at which time the siting of the buildings and lots was studied, which is one of the reasons they are not looking at that now. It's something that was previously determined. They do not have their architect with them today. They could certainly get some answers as to why the buildings are located where they are if this is an issue the Board is interested.

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

Dean Gallea, of 28 Wildey Street, and Co-chair of the Tarrytown Environmental Advisory Council (TEAC), is pleased that the developer is proposing a LEED Gold building. He noticed that there was a quick dismissal of putting solar photovoltaic on the new building. They would like to see that this new building is designed with that in mind, from the start. He likes the fact that the school is considering it for some of their other newer buildings. He also thinks that they should not be ruling out the use of solar panels on the older buildings since these panels can only been seen on the edge. It is not a progressive attitude to take toward the great need we have for reducing our dependence on fossil fuels. He would also hope that the new building will use a ground source heat pump, geothermal heating, which will help toward reducing the use of fossil fuels. If there are zoning considerations preventing the village from putting solar canopies over parking lots, that is something that the Planning Board should consider streamlining and allowing to happen as time goes on. He also likes the proposed pervious pavement.

Mr. Tedesco moved, seconded by Ms. Raiselis, to continue the Public Hearing.

Mr. Tedesco asked for a roll call vote:

Member Friedlander: Yes  
 Member Raiselis: Yes  
 Member Aukland: muted  
 Member Birgy: Yes  
 Chairman Tedesco: Yes

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING – DaVita, Inc (DaVita Kidney Care)- 200 White Plains Road

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor’s Executive Order 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m.** on **Monday, May 24, 2021**, to hear and consider an application by:

DaVita, Inc. (DaVita Kidney Care)  
2000 16<sup>th</sup> Street  
Denver, CO 80202

For a change of occupancy in accordance with §305-132(A)(1) of the Village of Tarrytown Zoning Code, to lease approximately 3,360 S.F. of space within an existing building for a proposed kidney dialysis office facility.

The property is located at 200 White Plains Road, Tarrytown, NY and is shown on the tax maps as Sheet 1.201, Block 122, Lot 4, located in the MU Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/33371>

for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

**Public Written Comments** will be received in advance of the meeting no later than 12 Noon on Friday, May 21, 2021 by email to: [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

**Documents** relating to applications will be provided in advance of the meeting by emailing [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or by calling 914-631-1487.

Additional approval will be required from the Board of Trustees for a Compatible Use Permit.

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

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

Dated: May 14, 2021

The mailing receipts were received and the sign was posted.

Charles Gottlieb, ESQ., attorney with the law firm of Whiteman Osterman and Hanna, appeared before the Board on behalf of DaVita, Inc. He introduced Paul Tirrell, the project architect, and Mike Maher, representing DaVita. The proposal before this Board is for an in-home dialysis training office, located at 200 White Plains Road. The project is for interior alterations only, aside from some minor signage and some additional

landscaping outside. The property is located in the MU zone. They have applied for a Compatible Use Permit (CUP) from the Board of Trustees, to allow for this use. The Board of Trustees referred that CUP to the Planning Board at their last meeting for this Board's consideration. They are also before this Board for site plan review for a change of occupancy at this location. The ZBA determined this proposed DaVita use is permitted in the MU zoning district as "general office". This use is consistent with similar offices that are adjacent to the MU zoning district. The office will be used for peritoneal dialysis, which provides training to patients so that they can do in-home dialysis. So, it not your typical dialysis center. He referred to his submission (exhibit II) which gives a detailed description of the use. The office is open from 8 am to 5 pm Monday through Friday. They expect to have about 10 patients per day. During the training process, patients come into the office every day for about one to two weeks. After the initial training is done, they come in twice monthly for checkups to make sure they are doing the in-home dialysis correctly. They went to the ZBA initially because there was a question of whether or not this was a permitted medical use or whether or not it was a general office use. The ZBA concluded that because it has this in-home training aspect, it is permitted as a general office use. He referred to the ZBA resolution which was submitted with his application. The ZBA Resolution lists the many different ways that they are different from your typical medical office to ensure that there was no precedent set with regard to this use. With regard to meeting the compatible use considerations, he believes that this use is consistent with the Village's 2018 Comprehensive Plan, which encourage these types of uses in the Route 119 corridor.

Mr. Tedesco said we have been told that Davita kidney care already operates the dialysis center at 155 White Plain Road. Is that essentially the more traditional dialysis center where patients go and spend several hours to be treated?

Mr. Gottlieb said that the 155 facility is a traditional dialysis center. This proposed facility is not a replacement of that facility. This facility is in addition to the 155 site and will provide training services only.

Mr. Tedesco asked if there is any sharing of employees between these two facilities. Mr. Maher said it is a complete separate entity with no shared employees.

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

Mr. Aukland would like to know how they will get rid of the hazardous waste. Mr. Maher said it will be stored in a separate room that is picked up twice weekly by a medical waste provider. Mr. Maher also confirmed with Mr. Aukland, for the record, that there is no prospect of overnight care at this site.

Mr. Aukland asked Counsel Zalantis about recording medical use as a as permitted use in the MU. Counsel Zalantis advised that the ZBA determined that this use fit in with the parameters of a general office use, for this specific case.

Mr. Pennella noted that there is one component to this application that is unique to this use. The office at this facility has an exterior door, directly to the outside, and also to the inside. The exterior doors also serves as emergency ingress and egress.

Ms. Mendez- Boyer is happy to hear that this use is going to be in the area because she has family that needs this service and to give the community the opportunity to be able to do this at home without having to visit a location three times a week is quite amazing. She was also shocked that this office building is 95% empty, and is thankful that they will be bringing some life to it.

Mr. Tedesco asked if there was any public comment. Mr. Ringel advised that there is no one in the audience who wishes to speak.

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

Member Friedlander: Yes  
Member Raiselis: Yes  
Member Aukland: Yes  
Member Birgy: Yes  
Chairman Tedesco: Yes

All in favor. Motion carried: 5-0

The Board requested that Mr. Galvin prepare a memo to the Board of Trustees with a positive recommendation for the issuance of a Compatible Use Permit for the proposed use at this site, and, if approved, authorize Mr. Galvin to prepare a draft resolution for this Board’s consideration at the June 28, 2021 meeting. Mr. Tedesco believes this is a very good use for this building and will benefit the community.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing when appropriate.

Mr. Tedesco asked for a roll call vote:

Member Friedlander: Yes  
Member Raiselis: Yes  
Member Aukland: Yes  
Member Birgy: Yes  
Chairman Tedesco: Yes

All in favor. Motion carried: 5-0

2020 ANNUAL STORMWATER MANAGEMENT REPORT

Donato Pennella, PE, Village Engineer, reported that stormwater inspections continued during Covid. The MS-4 annual report will be filed with the DEC by June 1, 2021. Their goal this coming year will be to re-inspect the outfalls. During the 2020 year they had no order to remedies and one violation, which was due to a broken water line inside a basement of an abandoned house; the basement filled up with water which mixed with oil and was carried out to a storm drain. They currently have four active sites: Greystone on the Hudson, 62 Main Street, 50 Wilson Park Drive (Convent), and the Toll Brothers subdivision, who filed a Notice of Termination. A truck wash station was built at the highway garage which was connected to an oil/water separator. Letters will be mailed to all properties that are required to do annual inspections. He thanked the Friends of the RiverWalk for doing a great job with the clean up about 3 weeks ago. Two additional village employees have gotten certified to assist with the Stormwater Management program. Superintendent of DPW, Louis Martirano and Billy McGuire, General Foreman, are now able to inspect stormwater issues and report them to the Engineering Department. This year they plan on notifying residents who live near the Convent and on Sunnyside and Union Avenues, about using fertilizer around the lakes. Ms. Raiselis asked about the existing deed restriction that prohibits the use of non-phosphorus fertilizer for the Wilson Park Drive homes. Mr. Pennella said that restriction exists but they will expand it to the other areas because stormwater from these areas also drain into the lake.

Mr. Tedesco thanked Mr. Pennella for his very comprehensive report.

Adjournment:

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 9:30 p.m.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried: 5-0

Liz Meszaros – Secretary