

Planning Board
Village of Tarrytown
Regular Meeting
May 27, 2020 7 pm

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

ABSENT: All Present

Chairman Friedlander called the meeting to order and at 7:15 p.m.. The meeting is being held via 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. All members are present this evening. 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 icon to speak or *9 on their phone.

Approval of Minutes – February 24, 2020

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the February 24, 2020 regular meeting as submitted. All in favor. Motion carried.

Approval of Minutes - April 27, 2020

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the April 27, 2020 regular meeting as submitted. All in favor. Motion carried.

Dr. Friedlander announced the following adjournments:

CONTINUATION OF PUBLIC HEARING

Artis Sr. Living
153 White Plains Road
Construction of a 64 Bed Alzheimer/Dementia Facility.

Hebrew Congregation of N. Tarrytown and
Tarrytown a/k/a- Temple Beth Abraham
25 Leroy Avenue
Construction of a 4,895 +/- s.f. two-story addition with renovations to the existing building and other related site improvements.

CONTINUATION OF PUBLIC HEARING - Peter Bartolacci – 67 Miller Avenue

Removal of a railroad tie wall and construction of retaining walls and landscaping of rear yard.

Mr. Pennella reported that they received information back from Fusion Engineering on behalf of the applicant in response to the Hahn Engineering Report on May 14, 2020

and are awaiting comment from Hahn. There are still some discrepancies with slope stability analysis as it was not provided since it was explained that it was on rock.

Mr. Birgy recused himself from this application. Mr. Ringel removed him as a panelist during the discussion.

Dr. Friedlander noted for the record a letter received from Geraldine Baldwin received on May 26, 2020 which will become part of the record attached as "Exhibit A".

Dr. Friedlander asked if anyone in the public would like to speak.

Peter Bartolacci, of 67 Miller Avenue, asked Dr. Friedlander if he still had outstanding questions. It was his understanding the his engineer has responded to the Hahn comments and Hahn is reviewing this now. Counsel Zalantis said they are waiting for Hahn's review of what was submitted. Mr. Bartolacci just wants to make sure that there are not any additional outstanding questions and that the Board is waiting for the Hahn report. If there are, he would like to address them. Counsel Zalantis said there could be more questions, but they have to get the report first. Dr. Friedlander confirmed that they are waiting for the Hahn report and there are no outstanding questions.

Mr. Tedesco moved, seconded by Ms. Raiselis, to continue the public hearing. All in favor. Motion carried.

Mr. Loja called into speak, but it was not for this application. He was unable to connect.

Mr. Birgy was promoted back to a panelist and re-joined the meeting.

CONTINUATION OF PUBLIC HEARING—Srs. of Sacred Heart of Mary—32 Warren Ave.
Driveway widening, construction of retaining walls, and demolition of existing structure.

Mr. Galvin advised that the public hearing was closed at the last meeting and no comments have been received for the 10 day period.

Mr. Aukland read through portions of the Resolution and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(ADOPTED MAY 27, 2020)

Application of Sisters of Sacred Heart of Mary and Marymount Convent
Property: 32 Warren Avenue and 90 Wilson Park Drive
(Sheet 1. 50, Block 20, Lots 59.2 and 70 and R-40 Zone)

Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval for the widening of the existing 11' wide driveway to provide appropriate access for the Tarrytown Fire Department, new stepped retaining walls with associated drainage improvements, and the removal of a building and parking area for conversion to lawn with ornamental trees. The site is adjacent and upslope of Tarrytown Lakes Park Trail for property known as the Marymount Convent and located at 32 Warren Avenue and 90 Wilson Park Drive.

2. The Planning Board on September 25, 2017 determined this to be a Type II Action under NYS DEC 617.5 (c) (2) *"replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes ..."*

3. The Applicant made a preliminary presentation before the Planning Board on September 25, 2017 and, thereafter, the Planning Board conducted a duly noticed public hearing on October 23, 2017, February 26, 2018, May 30, 2018, March 25, 2019, May 29, 2019, January 27, 2020 and April 27, 2020, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the *Environmental Clearance Form*, the *Zoning Compliance Form*, Applicant's *Project Narrative dated March 2019 and January 2020* and Applicant's *Site Plan Narrative dated January 2020*. Additionally, the Applicant has provided supporting planning documents and technical information pertaining to the wall replacement.

5. The Planning Board has received comments and recommendations from the Consulting Village Planner in memoranda dated 9/14/17, 10/11/17, 11/16/17, 2/13/18, 5/16/18, 3/12/19, 4/9/19, 5/13/19, 1/13/20, 2/12/20 and 3/10/19, from the Village Landscape Consultant in staff reports dated 2/21/18, 5/14/18, 1/29/20, 3/25/20 and a final review dated 4/24/20, from Hahn Engineering (the Village's Consulting Engineer) in reports on the Applicant's wall calculations dated 1/29/20, 2/3/20 and a final review dated April 24, 2020 with no additional comments, from the Applicant's Engineer in a letter dated March 2, 2020 addressing the landscaping and engineering comments from the Village Landscape Consultant and Hahn Engineering which they have considered.

6. The Planning Board closed the public hearing on April 27, 2020. The Board provided a ten-day written comment period after the closing of the public hearing. At the Planning Board's May 27, 2020 meeting, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval and the waiver for steep slopes disturbance are granted subject to the conditions set forth below.

I. Findings

The Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein. The Planning Board has also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village's Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board has reviewed the Applicant's site plan. The Subject property consists of two parcels located respectively at 90 Wilson Park Drive and 32 Warren Avenue. Both parcels are located in Residential (R-40) zoning district. The parcel located at 32 Warren Avenue (Marymount Convent) includes a residential structure and several institutional structures. The Convent is a retirement home for Roman Catholic nuns. For this parcel, the Applicant is seeking to obtain approval and permits for widening the existing 11-foot wide driveway to a full 26' wide travel way to provide compliant fire access. A permit to build a new retaining wall to replace the existing wall that will be removed due to the driveway widening is also being requested. A second wall will be added downhill of this wall. The upper retaining wall is proposed to be 12' from the bottom block to the top of the wall. After backfilling, there will be 6' reveal between the upper and lower retaining walls. The lower wall is 9'4" in height with a reveal of 6'6". The proposed walls will be natural, unstained grey. Wall calculations have been reviewed by Hahn Engineering and provided to the Village Engineer. A proposed guide rail has been extended to run the entire length of the upper retaining wall. The Applicant's revised plans which provided for a two-tiered wall system will result in a significant reduction in the number of trees being removed as well as improving the aesthetic views from the Village walking trail downhill from the walls. A rendering of the walls from the Village walking trail has been provided by the Applicant at the request of the Planning Board.

For the parcel at 90 Wilson Drive to the north, the existing 3 story building and associated structures will be demolished. The parking lot to the east and west of the building will be removed and converted to lawn and eight ornamental trees. A new split rail fence will be installed around this green area. The remaining parking area will be resurfaced and re-stripped. Several parking spaces which currently encroach across the eastern property line on Village property will be removed. Replacement spaces are proposed to be constructed along the northern edge of the reduced parking area. Applicant has noted on the plans that the

asphalt, concrete and other materials will be cleaned up from the Village property along the applicant's eastern property line at 90 Wilson Park Drive.

New catch basins will be added to convey runoff from the revised parking lot and control erosion. The landscape plan has been reviewed by the Village Landscape Consultant in a staff report dated 3/25/20. In response, the Applicant revised the plans and submitted them for review. These revised plans were reviewed by the Village Landscape Consultant who provided a final review dated 4/24/20 with no additional recommendations.

The total anticipated disturbance at the project site is approximately +/- 1.25 acres. This area includes approximately 0.6 acres of impervious surface that will be removed and converted to lawn. Drainage improvements will be constructed downstream of the walls with additional stabilization and runoff improvements along the trail. Drainage improvements will include five new catch basins and improvements to the existing drainage channel running east to west through a culvert under the existing trail. A review of the project area and its surroundings indicates that there are no wetlands on the project site, but the Tarrytown Reservoir is located behind the Convent. The Tarrytown Reservoir is located within 300' of the new retaining walls and within 500' of the pavement demolitions. Erosion and sediment control measures will be in the form of silt fence down gradient of the disturbed areas. These measures are depicted on the Existing Conditions and Removals Plan and will remain in place until the area is fully stabilized with asphalt or grass. Disturbances from construction activities will not impact the integrity of the reservoir water.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board as follows:

Plans prepared by J. Robert Folchetti & Associates, L.L.C. for Marymount Convent Site Plan Application dated March 2017 and last revised December 5, 2019 unless otherwise noted as follows:

- G-1 *"Drawing Index, Legend, Symbols and General"*
- G-2 *"Existing Conditions & Boundary Survey"*
- G-3 *"Overall Site Layout"*
- G-4 *"Staging and Erosion and Sediment Control Plan"*
- G-5 *"Retaining Wall Replacement – Tree Plan"*
- G-6 *"Retaining Wall Replacement – Existing Conditions & Removal Plan"*
- G-7 *"Retaining Wall Replacement – Boring Data Plan"*
- G-8 *"Retaining Wall Replacement – Driveway Plan & Profile"*
- G-9 *"Retaining Wall Replacement – Retaining Wall Plan, Profile and Section"*
- G-10 *"Retaining Wall Replacement – Retaining Wall Plan and Sections – II"*
- G-11 *"Retaining Wall Replacement – Stormwater Drainage Plan and Profile"*

- G-12 *"Retaining Wall Replacement – Vegetative Restoration Plan"* revised 2/25/20
 - G-13 *"90 Wilson Park Drive – Existing Conditions & Removal Plan"*
 - G-14 *"90 Wilson Park Drive - Boring Data Plan"*
 - G-15 *"90 Wilson Park Drive – Grading & Restoration Plan"* revised 2/25/20
 - G-16 *"Typical Details – I"* revised 2/25/20
 - G-17 *"Typical Details – II"*
 - G-18 *"Rendering"* dated February 2020
- (the "Approved Plans").

III. General Conditions

- (a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
- i. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk.
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to

the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (d) **Commencing Work:** No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. **Specific Conditions:**

- (1) **Landscaping:** All landscaping on the approved planting plan shall be installed and maintained for 24 months in accordance with Note #20 on Sheet G-12 and Contractor shall be required to post a one-year maintenance bond for all vegetative restoration and plantings in accordance with Note #23 on Sheet G-12 (*Vegetative Restoration Plan*) revised February 25, 2020.

Prior to the issuance of a building permit, the following shall be completed to the satisfaction of the Building Inspector /Village Engineer:

- (2) Applicant shall clean up asphalt, concrete and other material placed by the applicant from Village property along the applicant's eastern property line from the proposed wall to 90 Wilson Park Drive.
- (3) Applicant shall install concrete monuments in accordance with §263-15 F. along the eastern portion of the property line where the work will be taking place to 90 Wilson Park Drive.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site plan application. All in Favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – E.F. Schools, Inc. – 25 Irving Avenue
Construction of a new single family home.

Mr. Galvin advised that the applicant requested adjournment pending preparation and review of final stormwater plan. The Landscape Plan has been approved with no additional comments. Mr. Pennella is waiting to finalize the stormwater. Mr. Pennella lost his connection again but Mr. Galvin advised that this is the only item pending and Mr. Pennella has been working with the applicant to finalize the plan, which is minor in nature. This application has also received ARB approval.

Mr. Tedesco asked if anyone in the public wanted speak. No one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing at the June meeting. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING—LEXINGTON 202 GROUP LLC-29 S DEPOT PLAZA
 Re-referral by Board of Trustees for review and recommendation of a petition for zone change to allow for 88 residential units above a self-storage facility with parking.

Dr. Friedlander asked Counsel Zalantis about the proposed zoning text. Counsel Zalantis said there is a proposal for 88 units but the zoning application itself is to allow the mixed use development in this zone and there is text that the applicant has provided to us. Chairman Friedlander would like to review the zoning text. Counsel Zalantis agreed.

Mr. Galvin said that the SEQRA process includes the zoning petition and the site plan.

Linda Whitehead, partner with the law firm of McCullough, Goldberger and Staudt, appeared before the Board representing Lexington 202 Group and Collins Enterprises with respect to the property located at 29 South Depot Plaza. Dave Smith is also present. Her client is not here, but may be listening in. She referenced some bullet point comments that were submitted yesterday to the Board following up on the Board site visit and the items that this Board raised at their May 14th work session. She acknowledged that the village has retained a consultant to review the materials that they have submitted. With regard to the zoning text, they are asking that the density be included in this text; it was not included in the original draft text. The Board had asked them to include units per acre to allow the 88 units. They will work on the draft zoning text and get it back to the Board before the next work session.

There was some discussion about the other parcel down the road. Her client is the owner of this one parcel and they do not control that parcel. The owners of that parcel are upgrading and she does not think they have any intention of going anywhere anytime soon. What they are proposing is to re-develop this underutilized, vacant land into a TOD that really lines up with the Village's Comprehensive Plan as well as the County's. They are proposing 9 affordable rental units with the remainder at market rate, which is very different than other housing that exists in this village. It will fill a niche that is missing in the village and is appropriate for a Transit Oriented Development.

With regard to putting the parking under the building, this is not something that her clients are willing to consider. It actually doesn't work because the foundation is four feet above grade and you can't access it, but aside from that point, it is just not part of the proposal. To be blunt and honest, Ms. Whitehead said if the Board pushes them to that, she thinks that her client will just go ahead and build the approved self-storage facility. It is not meant to be a threat, it is just a fact. They also do not want the village consultant's to spend any time or money looking into this option because it is not an option that they will consider.

With regard to the MTA parking, the MTA are very supportive of this project and TOD projects in general. They have created a whole new division to focus on these types of projects at the train stations in the area. They are working on a draft for a long term lease for the use of the parking lot with the MTA which includes improvements in both parking lots and upgrades to be done at her client's expense. She is hoping that the

Board will set a parking ratio to be included in the text amendment (which the village consultant just retained may be working on). She advised that having a lease in place with the MTA would be required before they could get site plan approval. At this point, they are asking for a recommendation to the BOT for the text amendment through a SEQRA process. Assuming that the BOT approves this amendment, they would then return for site plan approval. This Board would not approve this site plan project without this long term lease in place.

They have also provided an updated schedule showing that the FAR and DENSITY are consistent with other developments in the area with respect to height. At the request of the BOT, the height has been limited to 60 feet and they have been referred back to this Board.

With regard to the character of the neighborhood, there are two-10 story buildings in the immediate area so this building would not be out of character for this area. They think it will add something new to the architectural integrity of this area with the mix of the heights.

With regard to the truck traffic that members were concerned about when they visited the site, they did a count on Tuesday, and there were 17 trucks, which is 2 trucks per hour. They understand that Monday and Tuesday are the busiest days and, since Monday was a holiday, it may have made this Tuesday even busier. These trucks are also trespassing onto MTA property and they are working to stop this. The road will be made wider and will allow things to move more smoothly. They will also be installing pedestrian crosswalks and other types of traffic calming safety features to manage the use by the trucks and pedestrians.

This is a changing area and this is what the village wanted. They can't change it all at once since they don't control the other property. The area is moving from industrial to residential and this is the first step. They will be adding pedestrian amenities, the plaza, sidewalks, the access to the platform, and improving parking with landscaping and lighting.

They would like the opportunity to discuss things with the village consultant. They think it would be helpful to them and ultimately to the Board. It is her understanding that the Board should have a consultant's report by the next work session. They want to make sure the process keeps moving and would like to know if there is any other information that they can provide to the Board to help them through the SEQRA process so that the Board can make a determination and recommendation to the Board of Trustees.

Dr. Friedlander asked the Board members to comment or ask questions.

Ms. Raiselis asked Ms. Whitehead how the Board can approve a zoning change for 88 units with this density, without an MTA parking agreement in hand.

Ms. Whitehead said that the zoning text would include a requirement that, for the project to move forward, it would have to provide a parking ratio of whatever is determined, and

that parking ratio would have to be met. If they can't meet that ratio, then they would not be able to move forward with the project. They believe that they will have an MTA agreement in place before site plan approval.

Ms. Raiselis said you are asking for that density and if you can't provide for that density why is the Board recommending this zoning. The project could be less dense and there is some parking. She feels that they are putting the chicken before the egg.

Ms. Whitehead said that the zoning sets the parking requirement and they would need this parking for any project. Providing the parking will be a site plan issue. The zoning, if adopted, does not give her client the right to build. They will need site plan approval and, if they can't provide the parking, there will be no project, even though they have gone through the process of getting the zoning adopted.

Mr. Aukland feels that the MTA needs to come through on the parking agreement.

Mr. Tedesco understands Ms. Whitehead's comments and if they can't provide for the parking, then they would have to reduce the number of units. He agrees with Mr. Aukland and hopes that the MTA comes through.

Mr. Birgy thinks that they are putting the cart before the horse. It seems like a lot of wheels are spinning. The applicant has responded to some concerns but what concerns him the most is that they are locked into the foundation and footprint issue. The village is offering a lot and he does not feel that there is reciprocity. They seem to be hitting a number of walls here with things that the developer is not willing to do or cannot do. He feels that the MTA parking should be solved before they move forward and that there needs to be an understanding of how they are going to move forward.

Dr. Friedlander asked Ms. Whitehead about the issue of density and parking and traffic and wanted to know what they could build as of right with a 1 to 1 ratio, under current conditions with the MTA parking. Ms. Whitehead said that the area is not zoned for residential.

Dr. Friedlander asked about the setbacks in the zoning text. Ms. Whitehead said that there are only side yards since there is an existing building. Dr. Friedlander would like to review the zoning text with regard to setbacks at the work session.

Dr. Friedlander asked Ms. Whitehead how much parking they could provide around the building without the MTA parking. Ms. Whitehead said she does not have that number right now but they would have to lose the plaza which everyone wants and there would not be enough units to make the project feasible. The project cannot happen without the MTA lot.

Dr. Friedlander said the Board would like an analysis to demonstrate the number of units to make it viable. The original plan was for one floor of storage and two floors of residential and now they are at 88 units. There is an undercurrent of an assumption that says they need more units to make the more feasible but there has never been an

economic or financial analysis to demonstrate that this is number that you need to make the project viable. He would like to see the evidence to justify what they are requiring.

Ms. Whitehead said that the original plan with the 2 floors of residential still relied on the MTA for parking. They could have provided about 15 spaces in that plan.

Dr. Friedlander asked about providing parking on both sides of the road. Ms. Whitehead said that they cannot narrow the road and they always anticipated using the MTA lot for parking. It is just a fact. They will look into it.

Dr. Friedlander asked about providing parking on lot 37. Ms. Whitehead said that there was a discussion for the future use of the property but about 10 or so cars could fit on that lot. Dr. Friedlander said he understands what the village wants with regard to the comp plan, but they want also want parking for the residents, so if you need more spaces, this lot is another alternative to think about. He is trying to think how many units they can get without going to the MTA.

Ms. Whitehead said that they want to go to the MTA and feel it will be a benefit to the village to improve the parking lot, and if they don't get an agreement, their client will build the approved self-storage facility. For her client to make the residential work, as he believes the village wants, he needs the parking, and that is why from day one, when residential was considered, he reached out to the MTA.

Dr. Friedlander asked Ms. Whitehead to provide information to the Board with regard to how many units are needed to make this a viable project.

Ms. Whitehead said she will speak with her client about this but wanted to point out the village comprehensive plan calls for this area to have a greater density. This isn't just about financial feasibility, this is an area where you want to be adding density.

Dr. Friedlander said we are obviously adding density. The question is how much density do they need. We want to know if it is too much density and, how much is too much.

Mr. Tedesco commented that if the MTA does not provide enough parking for the 88 units, the applicant would have to consider reducing the density to provide the necessary parking so the applicant must be thinking along the lines of how much density reduction is possible to make the project viable. He thinks that this kind of density reduction information would be helpful to the Board.

Ms. Whitehead said her client is in discussions with the MTA and will spend significant money to improve the lots. The MTA is very supportive of the density. She will try to get this information to the Board.

Dr. Friedlander feels it is misleading to say that there is a public benefit to improve the parking lot. He wants to know what are the benefits to the village other than the fact that there will be more residential units close to the train station. They have to justify

density issue in terms of the parking ratio and the traffic and what other benefits the village gets and he looks forward to continuing the conversation. He asked if other Board Members had any more comments.

Ms. Raiselis commented on the ramp accessibility to the residents. If this ramp connects to the Franklin Courts and Towers to the train station in a public and lovely way, that could benefit more than just the residents who live there.

Ms. Whitehead said they are looking into making a walking connection from Franklin Courts to access the platform through the plaza rather than having to walk around which will be a benefit to the village by making the area more pleasant to the Franklin Court residents.

Ms. Raiselis said, in terms of general benefit, the elimination of the barrier between Franklin courts and the lot will make the whole area beautiful and is welcomed.

Dr. Friedlander asked if anyone in the audience would like to speak.

Mr. Ringel advised that no one in the audience is raising their hand.

Ms. Whitehead asked if they can go ahead and speak with the village consultant directly or is that something that the Board is not willing to consider. Dr. Friedlander is not sure that this is a desirable procedure unless maybe if it was done at a work session. Counsel Zalantis said that the way the staff suggested was that any dialogue go through the staff and if applicant needs to speak with consultant, it should go through the staff. Dr. Friedlander agreed.

Mr. Aukland would not want the Board to be a bottleneck so he would be open to a joint review if that is desirable.

Counsel Zalantis said at this point we are waiting for the consultant to weigh in so she is not sure what discussions need to occur between the applicant and the consultant. The consultant will make a report to the Planning Board.

Dr. Friedlander agreed and said we have to hear from our consultant first and if we need to have them talk to you, we will instruct them to do that.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING– 17 Washington Hill LLC – 15 and 17 N. Washington Street

Linda Whitehead, partner with the law firm of McCullough, Goldberger and Staudt, appeared before the Board for the properties located at 15 N. Washington Street and 17

N. Washington Street, owned by 15 Washington Hill LLC, and 17 Washington Hill LLC, respectively.

Dr. Friedlander asked if anyone in the public had any comment. Mr. Ringel said there is no one in the audience who is raising their hand.

Mr. Galvin advised that Mr. Pennella has reviewed the stormwater plan and his comments have been incorporated into the draft resolution.

Mr. Birgy moved, seconded by Mr. Aukland, to close the public hearing. All in favor. Motion carried.

Mr. Birgy read through portions of the Resolution and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted May 27, 2020)**

**Application of Washington Hill LLC
Property: 15 and 17 North Washington Street
(Sheet 1.40, Blocks 14 and 16, Lots 4 and 5 and M-1 and GB Zones)**

Resolution of Site Plan Approval

Background

1.The Applicant requested site plan approval for the renovation of an existing three-story warehouse building into three dwelling units to include the demolition and replacement of a small addition to allow access to the units on 17 North Washington Street in the General Business (GB) zoning district. Site layout changes are proposed on the adjacent lot at 15 North Washington Street in the M-1 zoning district to accommodate associated parking.

2.The Planning Board on April 27, 2020 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot"* and, therefore, no further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on April 27, 2020 and May 27, 2020 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the cover letter from Applicant's Attorney dated March 17, 2020, cover letter from Project Architect dated May 11, 2020 describing plan modifications and received comments and recommendations from the Consulting Village Planner in memoranda dated March 10, 2020 and April 13, 2020, a resolution

from the Village Board of Trustees dated March 2, 2020 designating the front brick façade of the structure at 17 North Washington Street as an historic landmark, and a final review letter dated May 19, 2020 and a denial letter dated February 7, 2020 from the Building Inspector/Village Engineer which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for a permit to allow a structure certified as an historic landmark to be converted into three dwelling units and approve variances related to parking requirements at a public hearing held on March 9, 2020 and continued on April 13, 2020. The Applicant was requested to provide revised drawings to show the marked-out parking access easement areas on 15 North Washington and identify how specific parking spaces would be allocated for tenants of 17 North Washington Street. The Applicant provided these revised plans (*Drawing A-002 revised 3/16/20*) and information which the ZBA reviewed at their April 13, 2020 meeting. The ZBA closed the public hearing and approved the request to allow the historic landmark structure at 17 North Washington Street to be converted to three units and approved the parking related variances to allow the shared use of parking spaces for 15 and 17 North Washington at their April 13, 2020 meeting.

6. The Planning Board closed their public hearing on May 27, 2020. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

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

The Planning Board has reviewed the Applicant's site plan and application for adjacent properties located at 15 and 17 North Washington Street. The subject property at 17 North Washington Street is a 3,333-sf lot located on the west side of North Washington Street approximately 66' south of Central Avenue in the GB (General Business) district. The adjacent lot at 15 North Washington Street is in same ownership as 17 North Washington Street. This property is 10,457 sf in the M-1 zone. It contains a frame structure fronting on North Washington Street with 3 residential units. This property received site plan approval for an additional fourth unit in the two-story brick building at the rear (former trolley building) as well as the current parking configuration.

The driveway at 15 North Washington Street is shared with the 17 North Washington Street property. The driveway provides access to the two-story brick building at the rear of 15 North Washington Street. This brick building contains 1 residential unit with 11 parking spaces on the property. The three parking spaces on 17 North Washington encroach upon the 15

North Washington Street property. The Applicant intends to amend the parking areas at 15 North Washington to create additional spaces on the ground level of the single-family building, and to allow portions of the parking spaces at 17 North Washington to encroach over the property line. The proposed units on 17 North Washington will make use of three (3) parking spaces on 15 North Washington in addition to those spaces located wholly or partially on 17 North Washington Street. The parking requirement at 17 North Washington Street for the proposed three units is 7.5 spaces (rounded up to 8 spaces). The Applicant proposes to meet these requirements by developing five parking spaces at the rear of the brick building on the subject property and use three spaces on the adjacent 15 North Washington property. Applicant has provided a revised drawing showing the parking spaces on both properties and marking out the proposed parking access easement areas for shared parking. Applicant will provide a parking access agreement acceptable to the Village Attorney to guarantee this shared parking arrangement. Two of the dwelling units shall have two dedicated spaces in tandem with appropriate signage shown on the site.

The site at 17 North Washington Street is occupied by a three-story brick storage warehouse building built in 1907 which is now vacant. There is also a two-story wood frame structure at the rear of the property. The Planning Board previously approved the building for commercial and residential use on May 29, 2015.

The property at 17 North Washington Street is in the GB district. It is bordered by the M-1 district to the south and the RR district to the east across North Washington Street. Multi-family uses are located to the north, south and east of the property. To the south is the 15 North Washington property in the M-1 district. To the north is a single-family residence and a glass shop with residence above in the GB zone.

The Applicant is proposing to renovate the interior of the main structure to accommodate three residential units within the existing building. There will be three 3-bedroom units on each of the three floors. Each unit will be approximately 1,770 sf. The two-story wood frame structure at the rear of the main building is proposed to be demolished to make room for parking and a smaller addition for building access. The rear decks for each unit on floors 2 and 3 have been modified to align with the end of the building. The covered parking area for the four spaces will remain but will now only be covered by a roof and will not include a common terrace area over the garage. The roofed garage will be located 10' from the property line where there was formerly no setback. The terraces are located 28' from the rear property line. The rear retaining wall will be repaired with a privacy fence installed on top of the wall.

The existing site at 17 North Washington Street is completely impervious. The proposed action is a redevelopment project which requires a 25% reduction in water quality volume is required. Applicant proposes a 10' wide grass area and a stormwater system under the parking area to achieve this goal. Applicant's plans show the proposed stormwater management system with supporting calculations. Any proposed off-site discharge of stormwater will require an agreement with the affected property owner and submitted to the Building Department before the issuance of the building permit for 17 North Washington Street.

For 15 North Washington Street, the drain leader that is hung on the building along the northern property line drains to the rear of 17 North Washington Street. This drain leader will be replaced with a 6 " gutter and 4" leader directed into a new drywell located on 15 North Washington Street. In order to alleviate drainage issues noted above that was brought up by the adjoining neighbor the work on this property can be performed administratively by obtaining a building permit prior to the issuance of the building permit for 17 North Washington Street.

On March 2, 2020, the Village Trustees designated by local law the front brick façade of the structure at 17 N. Washington Street, including the "1907" emblem, the existing configuration of the window openings, the signage-type and/or mural painting on the brick and the metal decorative feature above the existing large wooden doors, as an historic landmark. The Applicant will adhere to the Board of Trustee's resolution and maintain the historic brick facade of the building including the 1907 emblem, window configurations and other designated historic details on the front façade. Stormwater management review has been reviewed by the Village Engineer and found to be acceptable.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Plans by Design Development, PLC prepared for N Washington LLC, 17 N Washington St, Tarrytown, NY dated July 2, 2019 and last revised May 27, 2020 unless otherwise noted entitled:

- G-000 "Cover Sheet and General Information" last revised 3/5/20
- A-900 "Existing Streetscape"
- A-001 "Architectural Existing and Approved Site Plans"
- A-002 "Architectural Proposed Site Plans"
- A-003 "Proposed Stormwater Drainage Plan"
- A-004 "Proposed Stormwater Drainage Calculations (Based on 6" Rain Event)"
- A-101 "Existing Building Plans"
- A-102 "Proposed Building Plans"
- A-103 "Proposed Building Plans"
- A-201 "Existing Building Elevations"
- A-202 "Proposed Building Elevations"
- *Survey of Premises Designated on the Tax Maps for the Village of Tarrytown/Town of Greenburgh: Section 1.40: Block 16: Lot 5: Street Address: 17 North Washington Street. Property Situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York. Surveyed June 12, 2019 by Erik J. Link, Land Surveyors P.C.*
- (the "Approved Plans").

III. General Conditions

- (a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
 - i. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work**

performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions:

- Prior to the issuance of a building permit, the Applicant shall provide a legal instrument acceptable to the Village Attorney for a parking access easement to benefit 17 North Washington and permit parking and access on 15 North Washington as marked out on *Drawing A-002 revised 3/16/20* and which assures the continued existence of the parking facility to serve said structures or land uses as long as they may exist. Such agreement shall also guarantee that upon the termination of such joint use, each subsequent use of the premises will provide off-street parking facilities for its own use in accordance with §305-40.C (6) and §305-44 of the Tarrytown Zoning Ordinance. Upon approval by the Village Attorney as to the form and substance of said easement, the easement shall be filed with the Westchester County Clerk and proof of recording shall be submitted to the Building Department.
- Any proposed off-site discharge of stormwater will require an agreement and/or easement with the affected property owner and submitted to the Building Department before the issuance of the building permit for 17 North Washington Street.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site plan application. All in Favor. Motion carried.

CONTINUATION OF PUBLIC HEARING—Theodora Pouloutides—59 N. Washington St.
Site plan approval to permit a fifth dwelling unit in the basement.

Dr. Friedlander asked Mr. Galvin if he has any comments with regard to the Negative Declaration.

Mr. Galvin said the applicant has responded to request to provide detail on parking and the number of units and a revised site plan on the parking lot and it works better. They have also provided information on stormwater and drainage issues which have been incorporated into the draft Negative Declaration.

Dr. Friedlander asked if anyone in the public would like to speak.

John Loja, the owner of property behind 59 N. Washington Street, said there is a water problem behind his house which he is hoping to get resolved. There is no solution yet.

Mr. Pennella said he reached out to Mr. Loja since he was aware of a problem. At site plan, the water can be redirected into a dry well to prevent run off from the corner of this property.

Mr. Loja asked about the drywell procedure. He was not happy about the drywell installed by his father's house. He is worried that it will not correct the problem and the water will eventually go into his basement and destroy his land.

Mr. Pennella advised that the difference here is there will be a percolation system. There is a difference in elevation but we will keep it away from the property line and this will be reviewed at site plan. He will look at that at site plan review. Tonight the Board is here to consider a negative declaration so that the application can move forward. The drainage on the other property has nothing to do with this application. Mr. Loja understands that this property has nothing to do with his, but he wants to emphasize that his home sits 3 feet below the neighbor behind them and, every time it rains, there is a water problem. He has spoken to the neighbor at 59 N. Washington Street and they have not finalized anything yet. He is willing to work with them. In the future, maybe he will look into finishing his basement as well.

Taylor Palmer, Attorney with the law firm of Cuddy & Feder, appeared on behalf of the applicant and said just to clarify, Mr. Loja has met with his attorney and said that he will not require any work by his client to address the drainage issue and he indicated that he would perform the work himself on his property. His client met on site with Mr. Loja to address the drainage issue which included a visit of a contractor. He does not know about the issue on Mr. Loja's father's property but again, his client has been working with Mr. Loja and the attorney and it was their understanding that this matter was settled and that Mr. Loja would be in support of this project this evening. So it certainly comes as a surprise as we thought this was addressed at the May 17, 2020 site visit as indicated in their letter and he thinks Mr. Loja mentioned this evening that he will continue to work with his client to address the issue.

Mr. Galvin said the applicant will work with village engineer to alleviate stormwater issues raised. He asked Mr. Pennella if he has any other comment.

Mr. Pennella said it appears that Mr. Loja is willing to work with 59 N. Washington but is objecting to a drywell so there has to be another alternative. Maybe Mr. Palmer can clear this up. Mr. Galvin thought that they were talking about moderate drywells on 59 N. Washington Street but that would have to be reviewed at site plan to come up with a solution.

Ms. Raiselis asked Mr. Pennella what the best solution is so water does not go into Mr. Loja's basement.

Mr. Pennella said that between Mr. Loja's basement and the property, there is a distance of at least 30 feet. A solution would be a drywell that is deep enough to prevent the horizontal flow of the water since there is that difference in elevation. There is no easy answer, it will have to be explored. Maybe they can pitch the driveway toward N.

Washington Street. Dr. Friedlander suggested that the 2 parties should meet to discuss this with Mr. Pennella to come up with a solution.

Mr. Ringel advised Dr. Friedlander that both Mr. Palmer and Mr. Loja would like to comment.

Counsel Zalantis said that the applicant should be given an opportunity to present and we should hear from whoever wants to speak.

Mr. Palmer said with regard to the SEQRA review, this application will be back for site plan review but they will be going back to the Zoning Board of Appeals. Mr. Loja appeared at the Zoning Board meeting, but did not speak at that meeting. Again, the issues were resolved on site, they had a contractor prepare a list of deliverables, which was a matter of removing roof leaders, and Mr. Loja agreed to that. So they are not sure about the additional communications this evening but this should not prevent them to proceed with a Negative Declaration.

Counsel Zalantis asked Mr. Taylor if they need consent from Mr. Loja to put in the drainage.

Mr. Palmer said they prepared a proposal and Mr. Loja said they did not include drywells which may be alternative issues. They were actually taking water from a property north of them so, once those improvements are made any water going onto Mr. Loja's property will be reduced. He received an email from Mr. Loja's attorney saying that they are not requiring his client to do any work to address the drainage problems and indicated that he will perform the work himself. Again, this should not change a SEQRA determination since this matter will be discussed at site plan.

Counsel Zalantis said she is worried about memorializing the proposed mitigation so that the SEQRA review can be complete in the Negative Declaration.

Mr. Palmer said they are agreeing to address the drainage issue and will work with the village engineer to make sure it is an implementable solution. Mr. Galvin commented that this language is included in the Negative Declaration.

Mr. Loja called in again and appreciates the Board's efforts. He wants to emphasize that he did not get a letter until today with regard to legalizing the apartment. He has water issues. He also advised that a lot of people in his area do not know about this application. He just wants extra time to work it out so everyone is happy. There is no agreement with his lawyer yet. He renovated his house. He appreciates that the village is protecting the neighborhood.

Mr. Palmer said, for the record, the public hearing was noticed for the Zoning Board meeting, which was attended by Mr. Loja. The Planning Board meeting was a continued public hearing so additional mailed notice would not be provided.

Ms. Raiselis asked Counsel Zalantis to advise the Board of the next steps with regard to SEQRA and site plan. Counsel Zalantis said if the Board were to issue a Negative Declaration at this meeting, this is not the final say on the project. Once the Negative Declaration is adopted, the applicant will go back to Zoning for the variances and, if approved, would then return to the Planning Board for site plan review. So this Board would have opportunity to ensure that all of the drainage issues are adequately addressed and resolved.

Dr. Friedlander asked Mr. Tedesco to read the Negative Declaration.

Mr. Tedesco said only a portion of the Negative Declaration will be read and the entire Negative Declaration will be provided to the applicant and recorded in the minutes of this meeting. Mr. Tedesco read the Determination of Significance into the record which is attached as Exhibit "B" at the end of these minutes.

Mr. Tedesco moved, seconded by Mr. Aukland, that the proposed action will not result in any significant adverse environmental impacts and therefore a negative declaration should be issued for the proposed action. All in favor. Motion Carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the hearing on site plan when appropriate. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Annsville Ventures Inc. – 15 Baylis Court

Samuel F. Vieira, RA, the project architect, appeared before the Board to seek a re-approval of a site plan application for the construction of a three family dwelling at 15 Baylis Court.

Dr. Friedlander asked if Mr. Galvin if he had any comment.

Mr. Galvin advised that the Landscape Plan has been approved, the applicant has updated the Steep Slope Waiver and they have also reviewed the stormwater plan. He has prepared a draft resolution for the Board's consideration this evening.

Dr. Friedlander asked if anyone in the public had any comment. No one in the public had any comment.

Dr. Friedlander asked if any Board Members had any additional questions.

There was no further comment from any Board Members.

Mr. Birgy moved, seconded by Mr. Aukland, to close the public hearing. All in favor. Motion carried.

Mr. Birgy read through portions of the Resolution and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted May 27, 2020)

Application of Annsville Ventures Inc.
Property: 15 Baylis Court (Sheet 1.40, Block 16, Lot 38 and Zone M-1)

Resolution of Site Plan Approval

Background

1.The Applicant requests site plan approval to construct a new three family dwelling on vacant property located at 15 Baylis Court. The proposed construction is adjacent to 17 Baylis Court. This application under different ownership was originally approved by the Planning Board on May 23, 2016. The application is the same as the previously approved project except for the new owner and a newly added easement along the common boundary line with 17 Baylis Court providing access to the rear yard of this residence. .

2.The Planning Board on April 27, 2020 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *“construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...”* and, therefore, no further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on April 27, 2020 and May 27, 2020 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including Applicant’s cover letter dated February 11, 2020 and received comments and recommendations from the Consulting Village Planner in memorandum dated April 13, 2020, from the Village Landscape Consultant in a staff report dated April 22, 2020 and final review dated April 28, 2020, and comments from the Village Engineer/Building Inspector in a denial letter dated February 6, 2020 which they have considered.

5.The Zoning Board of Appeals reviewed the Applicant’s request for several area variances including minimum distance between multi-family structures, minimum street frontage, side yard setbacks, parking in the front yard and a variance for 1.5 parking spaces at a public hearing held on March 9, 2020 and continued on April 13, 2020. The ZBA required Applicant to provide revised drawings showing the three parking spaces in front of the three garages. Applicant provided the requested drawing and the ZBA closed the public hearing and re-approved the requested variances for the project at their April 13, 2020 meeting.

6.The Planning Board closed the public hearing on May 25, 2020. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

IV. Findings

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The applicant's *Narrative* prepared by his architect and dated April 23, 2020 is made part of the findings of the Planning Board and described below:

The Planning Board has reviewed and considered the *Steep Slopes Narrative* dated April 23, 2020 from the Applicant and the Applicant's Steep Slope Site Plan dated March 19, 2020 documenting the 983 square feet of steep slope disturbance. The steep slope disturbance is at the front of the property where the applicant's garage will be built into the hillside with three additional parking spaces in front of the building. The Applicant's project accounts for the 50 percent loss factor for the lot, resulting in a reduced lot size of 7,287 square feet based on (305-67-B).

Neighborhood Character: The applicant states that there will be no undesirable change in the character of the neighborhood. Since the steep slopes are in the front of the lot any development of the property would require disturbing them for access. This is the area in which the applicant is constructing a three-car garage into the hillside and three parking spaces in front of the building. The steep slopes are mainly rock outcropping and lawn. Therefore, there would hardly be any disturbance of vegetation. The steep slopes in this particular site are also man made. The hillside was cut to create Baylis Court when it was originally developed. Most of the adjacent homes on the west side of the street have retaining walls to mitigate this site condition.

Alternate Feasible Method to achieve benefit sought by applicant: Since the steep slopes are located in the front of the property, there is no feasible alternative other than to request a "Steep Slope Waiver" for construction of the building and providing off street parking.

Impact on Other Properties The applicant states that the minimal slope disturbance of 983 sf will not have a detrimental or injurious effect in the area of the subject property. The proposed three-family building will actually be built on the flat area west of the steep slopes. Due to the width of the driveway and parking area, the building itself and side walls will retain the earth and effectively eliminate most of the slopes on the property. The proposed site plan provides for three parking spaces inside and three outside. This will require approximately 300 cubic yards of rock removal instead of the 700 cubic yards required by the original plan which proposed six spaces in the garage and three outside.

Consistency of Project with Intent of the Steep Slopes Chapter: The applicant states that the granting of the waiver will be consistent with the purposes, objectives or general spirit and intent of the “Visual Character and Environmentally Sensitive Areas” section of the zoning code as listed below:.

- (1) Minimizing erosion and sedimentation: *Erosion control plan as previously submitted and approved, minimizes erosion and sediment run-off.*
- (2) Preventing habitat disturbance: *The steep slopes are small in area and located in the front of the property between two developed lots. The slopes are mainly rock and lawn. There will be very little, if any, habitat disturbance.*
- (3) Protecting against possible slope failure: *Based on the proposed side retaining walls and building location, along with the fact that the steep slopes are mainly rock, there is little or no risk of slope failure.*
- (4) Minimizing stormwater runoff and flooding: *Storm water management plan has been previously submitted and approved.*
- (5) Providing safe and stable building sites: *The site work, retaining walls and foundation will be the first phase, thus creating a safe and stable building site. (See No.2).*
- (6) Protecting the quantity and quality of the Village's surface water and groundwater resources: *See No. 4, which addresses the protection of the quantity and quality of the Village's surface water and groundwater resources.*
- (7) Protecting important scenic vistas, slopes, rock outcroppings and mature vegetation: *The front yard is not a scenic vista that needs protection.*
- (8) Preserving the Village's attractive aesthetic character and property values: *The project has been designed to conform and integrate into the already developed build-out of the street, thus preserving the aesthetic character and property values of the neighboring properties.*
- (9) Otherwise protecting the public health, safety and general welfare of the Village of Tarrytown and its residents: *The project conforms to the allowable land use as per the local zoning code. It has also been previously reviewed and approved by all necessary review boards within the Village of Tarrytown,*

Additionally, the Applicant believes that this proposal meets the criteria of section 305-67 (F)(b)(2)(c) of the steep slope waiver provision, primarily because the area of steep slopes is small in scale, disturbance is unavoidable and in the original application, the Planning Board requested the proposed six-car garage be reduced to three-car garage, effectively reducing the projected removal of fill from 700 cubic yards to 300 cubic yards.

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

development principles and standards set forth therein. The Planning Board has also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village's Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board has reviewed the Applicant's site plan. The project has received the necessary area variances from the Zoning Board of Appeals. The initial project had been revised during the previous Planning Board review. These approved modifications remain in effect. They included the reduction of the curb cut on Baylis Court from 35' to 15'. The former curb cut would have eliminated three on-street parking spaces on Baylis Court. The reduced curb cut resulted in the loss of only one on-street parking space. The site plan was also revised to include only a three-car garage with 3 spaces outside instead of a six-car garage. This reduced rock removal by over 50% to under 300 sf.

The landscape plan that was approved remains the same. The plans include a landscaped island on each side of the driveway. These landscaped islands have been noted as snow storage areas. A sugar maple with a 4" caliper is proposed to be planted in each island on either side of the driveway. The existing tree buffer area at the rear of the property will not be disturbed. Arborvitae plantings will be used for screening along the northern and southern property line. Other flowering shrubs will be planted along the walkway and stairs leading to the units as well as in the entry courtyard to the individual units. The landscape plan was reviewed by the Village Landscape Consultant in a staff report dated April 22, 2020. Applicant provided revised plans reflecting the recommendations of the Village Landscape Consultant. A final Landscape review dated 4/28/20 was provided with no additional recommendations.

There is significant ledge in the front of the property. The Applicant's original plan with six spaces in the garage and three outside would have required the removal of 700 cubic yards of rock. The revised site plan provides for only three spaces in the garage with 3 outside parking spaces located in front of the garage. This reduces the rock removal by over 50 percent to under 300 cubic yards.

V. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board as follows:

Plans by Samuel F. Vieira, Architect P. C. prepared for *Proposed 3 Family: Annsville Inc. 15 Baylis Court, Tarrytown, NY 10591* dated April 29, 2016 and revised March 1, 2019 unless otherwise noted entitled:

- SP-1 *Proposed Site Plan (Zoning), Zoning Chart and Steep Slopes Plan,*
- SP-2 *Proposed Landscape Plan and Streetscape*
- FP-1 *Proposed First and Second Floor Plans*

- EL-1 *South Side and Front (East Side) Elevations*
- EL-2 *North Side and Rear (West Side) Elevations*

Stormwater Management Plans prepared for Proposed Multi-Family Dwelling, 15 Baylis Court, Village of Tarrytown, Westchester – New York by Hudson Engineering & Consulting, P.C. dated 2/11/16 and last revised 4/24/20

- C-1 *Stormwater Management Plans*
- C-2 *Profile & Details*

Topographic Survey prepared for Annsville Ventures Inc. Property Situate in the Village of Tarrytown, Town of Greenburgh, County of Westchester, State of New York prepared by Contractors' Line and Grade South dated August 16, 2001 and revised February 13, 2019.

Map prepared for Annsville Ventures Property Situate at Baylis Court, Town of Greenburgh, County of Westchester, State of New York prepared by Contractors' Line & Grade Surveyors, D.P.C dated September 5, 2019.
(the "Approved Plans").

VI. General Conditions

(f) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):

- iii. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- iv. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(g) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

- (h) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (i) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (j) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.**
- (k) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season.

VII. Specific Conditions:

- (1) Driveway shall be permeable pavers or equivalent surface approved by the Village Engineer.
- (2) Any retaining walls shall be made of natural stone or with facades made of natural stone.
- (3) Any road openings done on Baylis Court including but not limited to utilities, sanitary sewer lines, water service, manholes and or catch basins will result in the roadway being re-paved curb to curb by the Applicant.

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

- (a) Applicant will submit to the Building Department as part of the Building permit for Rock Removal their Narrative overview of

measures and protocols to be taken before and during the rock removal process including on-site monitoring by a third party engineer for review and approval by the Village Engineer; the approved Narrative will be incorporated into the Building Permit for Rock Removal.

- (b) Applicant will provide to the Building Department an escrow amount in an amount satisfactory to the Village Engineer that will remain in effect until the rock removal phase has been completed in its entirety.
- (c) Applicant will provide proof of insurance and add the Village of Tarrytown Building Department and adjacent property owners at 13 Baylis Court and 17 Baylis Court on individual certificates as additional insured on the policy.
- (d) Prior to the issuance of a Building Permit for site work and construction of the three-family residence, the building permit for the rock removal will be closed out by the Building Department.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the site plan. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Azizi 25 South Broadway Realty LLC – 25 South Broadway

Samuel F. Vieira, RA, the project architect, appeared before the Board to seek site plan approval for 25 South Broadway.

Dr. Friedlander asked if Mr. Galvin if he had any comment.

Mr. Galvin advised that he has prepared a draft resolution for the Board's consideration this evening to include a condition that the applicant provide payment into the parking fund in the amount of \$3,000.00 for parking that the applicant is unable to provide on-site.

Dr. Friedlander asked if anyone in the public had any comment. No one in the public had any comment.

Mr. Vieira asked when payment was due to the parking fund. Mr. Galvin said it should be paid prior to receiving a building permit.

Ms. Raiselis moved, seconded by Mr. Aukland, to close the public hearing. All in favor. Motion carried.

Ms. Raiselis read through portions of the Resolution and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

RESOLUTION

**VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted May 27, 2020)**

**Application of Azizi 25 South Broadway Realty LLC
Property: 25 South Broadway (Sheet 1.70, Block 35, Lot 3 and RR Zone)**

Resolution of Site Plan Approval

Background

1.The Applicant requested site plan approval for the conversion of a one-dwelling unit into two dwelling units above a retail space in the RR zoning district. The single apartment on the 2nd and 3rd floors is proposed to be changed into two separate apartments with one unit on each floor. The application also proposes the construction of an 8 ½' x 15 1/2 ' addition at the rear of the building to accommodate an enclosed staircase for access and emergency exits for all three floors.

2.The Planning Board on April 27, 2020 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot"* and, therefore, no further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on April 27, 2020 and May 27, 2020 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the cover letter from the Applicant's Architect dated February 4, 2020 describing the history of the property and the present application and received comments and recommendations from the Consulting Village Planner in a memorandum dated April 13, 2020 and a denial letter from the Building Inspector/Village Engineer dated January 15, 2020 which they have considered.

7.The Zoning Board of Appeals reviewed the Applicant's request for an area variance for minimum lot area and a parking variance for three spaces at a public hearing held on March 9, 2020 and continued on April 13, 2020. The additional dwelling unit requires three parking spaces. The ZBA required the Applicant to investigate providing permit spaces in the surrounding area. The Applicant returned with the results of his investigation and reported that there were no permit spaces available in the nearby parking lots. The ZBA reviewed this information and closed the public hearing. The ZBA approved the requested variances at their April 13, 2020 meeting with the condition that a contribution of \$3,000 shall be made into the Village Parking Fund in lieu of providing three on-site parking spaces.

8. The Planning Board closed their public hearing on May 27, 2020. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

VIII. Findings

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

The Planning Board has reviewed the Applicant's site plan and application. The subject property is a 4,480-sf parcel occupied by an existing three-story structure on the west side of South Broadway adjacent to the South Broadway municipal parking lot. The building at 25 South Broadway contains the Azizi Custom Tailor Shop on the first floor with a single apartment on the second and third floors. The Applicant is seeking a site plan approval to change the single apartment on the 2nd and 3rd floors into two separate apartments with one unit on each floor. The new apartment on the 3rd floor would become a 1,029 sf, two-bedroom unit while the new apartment on the 2nd floor would become a 794 sf one-bedroom unit. The tailor shop on the first floor would remain as is. The application also proposes the construction of an 8 ½' x 15 ½' addition at the rear of the building to accommodate an enclosed staircase for access and emergency exits for all three floors. The Zoning Compliance Form and Environmental Clearance Form have been provided with no issues identified. The proposed change of use would be a conforming use in the RR zone. There are no off-street parking spaces provided. The Applicant reviewed the surrounding area for the availability of permit parking spaces but reported back to the ZBA that there were no spaces available. As a condition of the ZBA's approval of the parking variance, a contribution of \$3,000 into the Village Parking Fund was required in lieu of providing the three required on-site parking spaces.

IX. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Plans by Samuel F. Vieira, Architect P.C. prepared for the *Renovation/Change of Use: Azizi Property, 25 South Broadway, Tarrytown, NY 10803* dated October 14, 2019 and revised February 4, 2020 unless otherwise noted entitled:

- A-1 "Existing Floor Plans and Zoning Chart"
- A-2 "Proposed Floor Plans"

- *Survey of Property Prepared for Azizi 25 South Broadway Realty LLC Situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, New York Surveyed by Scott B. Gray, Licensed Land Surveyor, TC Merritts Land Surveyors dated May 30, 2019 and Map prepared June 12, 2019.*
(the “Approved Plans”).

X. General Conditions

- (l) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

- v. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- vi. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

- (m) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

- (n) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (o) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all**

permits issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions:

- (1) Prior to the issuance of a building permit, the Applicant shall contribute a total of \$3,000 into the Village Parking Fund for the three (3) parking spaces required that cannot be provided on-site, as is permitted by Zoning Code § 305-63(C)(7)(d).

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the site plan. All in favor. Motion carried.

NEW PUBLIC HEARING – Wilder Balter Partners, Inc. – 62 Main Street

Bill Balter, of Wilder Balter Partners, Inc., the applicant, appeared before the Board for a new Public Hearing on this matter upon referral by Board of Trustees for review and recommendation of a Zoning Petition for the proposed Family YMCA of Tarrytown redevelopment project to create a "Senior-Community Floating/Overlay District" to allow for the development of an affordable, mixed income, senior/multi-family building and for site plan approval pending the adoption of the proposed district.

Dr. Friedlander asked Mr. Galvin to give a report.

Mr. Galvin advised that application is before the Board to review and make a recommendation to the Board of Trustees for of a Zoning Petition and then site plan approval. The Planning Board assumed lead agency status for the Unlisted Action at its April 27, 2020 meeting. The project proposed 108 units with 118 parking spaces and an additional 70 parking spaces for municipal use. The applicant will be targeting a Gold v4 LEED certified building with a green roof courtyard and solar collectors. The applicant will be providing bicycle parking and has provided the Board with information on the tenant relocation plan. The applicant will work with the Housing Action Council in implementing the tenant relocation. The relocation plan has been sent to the New York State Department of Community Renewal for review and will be forwarded to this Board. The Applicant has funding in place to provide apartments for tenants off-site while construction is in progress and tenants will be relocated to the new apartments after building is completed. Kimley-Horn has previously submitted a report on the Development Potential for Proposed SC Floating/Overlay Zone by Kimley-Horn dated March 5, 2020. The report discusses the five eligible properties with lots at or exceeding 20,000 sf in the M-1.5 zone in addition to the YMCA property. The properties include: 1) 18 North Broadway (Landmark Condominium); 2) 20 Wood Court (nursing home); 3) 17 Wood Court (existing condo); 4) 5 Wood Court (existing MF building); 5) 105 Wildey Street (community center). Since there were questions raised at the last Planning Board meeting, this report has been resent to the Planning Board members for their May

meeting. The applicant has previously provided supplemental information as part of the SEQRA review:

- Part 1A Literature Search and Sensitivity Assessment, Tarrytown YMCA Development Project prepared for Kimley Horn by Hudson Valley Cultural Resource Consultants (February 2020)
- Fiscal Analysis, Tarrytown YMCA prepared by Kimley-Horn dated March 5, 2020
- Renderings of the Project's facades from Main Street and Windle Park looking east dated March 9, 2020

Kimley Horn has also developed a *Parking Ratio Memo* by John Canning, Kimley-Horn dated 2/18/20.

- Memo includes overnight parking survey at 10 senior communities developed by WB in the Hudson Valley and Long Island. These projects are not located in downtown areas and are all auto dependent.
- Survey indicates that the peak parking demand varies between 0.64 and 0.74 parked cars per residential unit, with an average of 0.69 parked vehicles per unit.
- Using the Average Rate, a maximum parking demand of 75 vehicles would be projected at the Tarrytown facility, without crediting its downtown location.
- ITE information (Parking Generation, 5th Edition) indicates a peak parking demand ratio of 0.64 parked vehicles per unit. That would translate to a peak parking demand of 70 vehicles for the proposed 109 units at the Tarrytown YMCA Project.

They have received the SHPO review for archeological survey dated 4/24/20 which concurs with the Applicant's determination that all alternatives to retain the historic portions of the building were explored. SHPO recommended that Applicant develop a Memorandum of Understanding (MOU) with SHPO incorporating suggested mitigation measures. In addition to other stipulations, the Applicant is proposing a history wall as a focal point in the first-floor lobby including photographs, documentation, interpretive signage, archived materials and a description of the building style and architectural significance.

The applicant has provided access on the other side of the building going up toward Main Street and is preparing renderings of the building looking north from the adjacent residence to the south. And he will be moving the building back from the residence to the South end which will be provided before the next work session.

Mr. Tedesco asked Mr. Balter for an update on the relocation plan narrative. Mr. Balter said that this plan has been prepared by the Action Housing Council which has been submitted to the HCR (NYS Housing Community Renewal) which they will need to approve before we submit it to others. Once it is done, he will forward this to the Board. It is a straight forward plan which provides temporary relocation for all the residents now. No one will be evicted. When construction is completed, the relocated residents will benefit with having an apartment vs. a small bedroom.

Dr. Friedlander asked how large the bedrooms were. Mr. Balter said they are studios and one bedrooms. Ms. Giordano, the project architect said that the studios are a minimum of 450 s.f. and the one bedrooms are 650 s.f. Mr. Balter said many are larger, these are the minimum sizes. Because it an adaptive reuse, there are unique units since they have to work with the architecture.

Dr. Friedlander asked if anyone in the audience has a comment. Mr. Ringel reached out to the audience and asked for public comment on the YMCA project. No one raised their hand.

Ms. Raiselis asked if they have thought about adapting to something more responsive to pandemic architecture. She referenced the proposed courtyard in the plan.

Mr. Balter said that they have about 3,500 existing apartments; many of them are senior apartments. They have had to close their common areas since mid-March. This is uncharted territory and they are looking at it.

There were no other comments from the Board.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing. All in favor. Motion carried.

NEW PUBLIC HEARING - Paul and Maria Birgy - 740 South Broadway

Conversion of designated village historic landmark from a one family dwelling into two family units.

Dr. Friedlander read the public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference at 7:00 p.m. on Wednesday, May 27, 2020**, to hear and consider an application by:

Paul and Maria Birgy
740 South Broadway
Tarrytown, NY 10591

For site plan approval for the conversion of a designated village historic landmark from a one family dwelling into two dwelling units.

The property is located at 740 South Broadway is shown on the Tax Maps as Sheet 1.220,

Block 128, Lot 28.5 and is located in the R-20 zoning district.

Please visit <https://www.tarrytowngov.com/home/events/26424> 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 22, 2020 by email to: Imeszaros@tarrytowngov.com or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

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

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

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Zoning Board
May 15, 2020

The mailing receipts were received and the signs were posted.

Mr. Birgy recused himself from this meeting. Mr. Ringel removed Mr. Birgy as a panelist.

Dr. Friedlander asked Mr. Galvin to update the Board.

Mr. Galvin reported that this is a site plan review for the conversion of one-family residence to two-dwelling units for a structure certified by the Village Board of Trustees as historic.

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

The Acker house is an 1,800-sf, single-family residence. The Acker House is a 2-story wood frame structure with height of 17.5'. The maintenance building to the rear is 3,192 s.f. and was not included in the historic designation by the Village Board.

The proposed action includes the historic restoration of the Acker House and the conversion of the maintenance building into an additional one-bedroom, single family residence (caretaker's house). A new open concrete paver patio with wood pergola will be attached to the southeast corner of the converted maintenance building.

The maintenance building will also have a three-car garage including a wood shop. The applicant is providing two additional outdoor parking spaces to the south of the maintenance building providing 5 spaces on site. There is an existing asphalt driveway from East Belvedere Lane providing access to the garage and outside parking. The site contains five parking spaces with four spaces required.

This Board can indicate that this is a proposed action is a Type II action based on 617.5 (c) (11) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot"*

There is no site disturbance nor changes to any of the buildings' footprints. The proposed action consists of interior renovations to the two existing structures with no increase to impervious surfaces on the site.

Applicant appeared before the ZBA on April 13, 2020 to apply for a permit pursuant to Village of Tarrytown Zoning Code § 305-18(C)(3) and Zoning Code § 305-44(B) to allow a structure certified by the Village Board of Trustees as historic to be converted from one-family residence to two-family dwelling. The ZBA reviewed this request and approved it at the Board's April 13, 2020 meeting.

The owner has indicated that he will be using historic society in terms of consulting on types of plants for the landscaping.

Dr. Friedlander asked Mr. Barbuti, the project architect, to present. Mr. Barbuti said Mr. Galvin gave a detailed report. He wanted to add that they are proposing 50 inch high fence wall along Broadway and E. Belvedere which was indicated on the plans.

Mr. Raiselis questioned why there is no increase to impervious surface even though there is a parking space added. Mr. Barbuti said all the areas that surround the maintenance building are existing asphalt pavement.

Mr. Galvin would like the pre and post impervious surface indicated on the plan. Mr. Barbuti agreed.

Mr. Pennella said he spoke with Mr. Barbuti that this is a redevelopment project so there is a possibility of a trench drain or rain garden to show 25 % stormwater reduction on the plan.

Dr. Friedlander asked if the Board members had any further comment. No one has further comment.

Dr. Friedlander asked Mr. Ringel if the public has any question or comment. Mr. Ringel advised that no one is raising a hand.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing. All in favor. Motion carried.

Mr. Birgy was promoted back to the meeting.

MS4 ANNUAL REPORT STORMWATER MEETING

Village Engineer Pennella briefly described the Stormwater Management Report, a draft of which was posted on the village website and duly noticed. This meeting is open to comment from the public.

Mr. Pennella advised that the village continues to do inspection of the SWPPP sites. Out of the 40 outfalls, 4 violations have been issued and one stop work order. They have 4 active sites in the cycle this year: Greystone, which is theoretically not active but is but is a permitted site by the DEC, Wilson Park Drive - Toll Brothers, Losee Park, and Lyndhurst. A truck wash station was also installed at the highway garage, inside the garage, rather than outside. They have also submitted a notice of termination for Gracemere and closed it out. Post construction practices letters will be mailed to ensure compliance with required inspections which are documented and recorded. The Stormwater Report will be revised and finalized and submitted to the DEC by June 1, 2020, and the final report will be available on the village website.

Dr. Friedlander asked if anyone had a comment. There were no comments.

BOARD DISCUSSION - First Site Plan Application Review/Request for Comment

Town of Greenburgh - Planning Board - Case No. 20-08
Greystone PUD District - Carriage Trail, Tarrytown, NY

Dr. Friedlander gave a brief history of the project. The Planning Board was Lead Agency for this project which was approved for 8 lots in Tarrytown and 12 lots in Greenburgh. According to this information received, the Town of Greenburgh is asking for comment on a site plan; however, Dr. Friedlander does not recall seeing any information about the zone change and why the village was not an involved agency in the SEQRA review. He would like to know if the Town followed the appropriate requirements and asked Counsel Zalantis to comment on her perspective and then ask each Board member to comment.

Counsel Zalantis said it is unclear to her how the project evolved to this stage without coming back to this Board since the Tarrytown Planning Board was Lead Agency for the original project and there seems to be a substantial change in the project that was reviewed through SEQRA and that this Board issued Findings in connection with.

It is her understanding that there are 14 more additional accessory units that are being proposed in this site plan which may have impacts to the village and any concerns of this Board should be conveyed to the Greenburgh Planning Board.

Ms. Raiselis said it seems that there were issues with this project before, in terms of the water and sewer, and asking to potentially double the structures in the Greenburgh area

has merit for some serious environmental review. It seems remarkable that a new review was not mandated for this project before the zoning was adopted. She would like staff and counsel to look into this matter to see what happened and why the village is being asked to comment now as opposed to being involved through the zoning process.

Ron Tedesco said the facts are that this Planning Board was Lead Agency under SEQRA and the zoning was in violation of the SEQRA findings. He feels that the Greenburgh Town Board should rescind the zoning and bring the proposal back to the Tarrytown Planning Board for a SEQRA review.

Dr. Friedlander is upset that the Planning Board was not involved in the SEQRA process to determine the impacts of the additional density. He strongly objects and feels that a letter should be drawn up since when the project was approved, they were promised that only the density on the Greenburgh side would be 12 units and any changes should have been considered by the Planning Board before any action could be taken by another entity or jurisdiction. He moved that the village attorney in conjunction with village staff, write a very strong letter opposing this project until it goes through the appropriate procedures, seconded by Ms. Raiselis. All in favor. Motion carried.

ADJOURNMENT

Dr. Friedlander moved, seconded by Ms. Raiselis, to adjourn the meeting at 9:25 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary

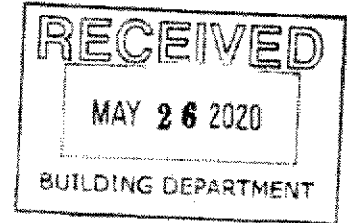
EXHIBIT A

GERALDINE BALDWIN PUBLIC COMMENT SUBMISSION

**SITE PLAN APPLICATION
PETER BARTOLACCI
67 MILLER AVENUE**

May 22, 2020

Honorable Chairperson Friedlander and Members of the Planning Board
Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591



Re: 67 Miller Avenue – Bartolacci Application
Parcel ID # 1.70-40-4

1. Revised Plans dated 5/5/ 2020 (submitted after the May 14, 2020 Work Session of the Planning Board) are COMPLETELY INADEQUATE TO ADDRESS THE SIGNIFICANT ISSUES RAISED by the Hahn Engineering Memo of March 19, 2020
 - A. There is NO ANALYSIS OF SLOPE STABILITY – page 5 of the Revised Plan submitted on behalf of Applicant reads: “Slope stability analysis will be addressed at the time of excavation for the wall footing is done, due to the need of information regarding the existing soil conditions at that elevation. Necessary change will be made to address slope stability compliance.”

This is totally RIDICULOUS! Only when the contractor, who is NOT an Engineer, excavates the steep slope will he determine if the project is feasible?!!
 - B. The Revised Plan indicates ONLY the lower wall will be “pinned” to bedrock; HOWEVER, the two walls are joined and there is NO ASSURANCE that should the upper wall fail, the lower wall will not also fail and the whole huge mass of concrete descend onto the downslope properties.

The sole indication of “bedrock” in the vicinity of the upper wall is 25 feet below the surface based on a single drilling. Nothing will be “pinned” to that rock.

Can it be demonstrated that the algorithm used to determine the factors for strength against wall overturning, wall sliding, bearing and global slope failure are NOT INADEQUATE GIVEN THE FACT THAT THE WALLS ARE LINKED?

The upper wall will add overburden to the lower wall and to the existing rock wall shared with the downslope property. Can the algorithm used be demonstrated to be adequate to demonstrate all factors of safety for both walls?

- C. There is NO PROVISION FOR HYDROLOGICAL PRESSURE BUILD UP BEHIND THE HUGE WALLS on the Revised Plan. Enhanced rain associated with the current climate change will surely build up and cause the huge walls to fail just like the failed wall on the neighboring property.

- D. There is NO PROVISION FOR MAINTAINING RUNOFF on the 67 Miller Ave. property. Applicant's Engineer's answer (page 3 of Berte Letter, submitted after the May 14, 2020 Work Session) clearly indicates there is no existing system and the Revised Plan does not provide the required system to handle water runoff.
2. There needs to be a reasonable response to the Letter of Ms. Wilson of Blanchard & Wilson, LLP dated April 27, 2020 explaining why there has been absolutely NO Adequate SEQRA evaluation of this project. Such a project which proposes a complete alteration of the steep slope and surrounding environment and poses a significant threat to the downslope properties on Riverview Avenue demands an Environmental Review.

We have heard no rational explanation. The EIA submitted in 2013 and again in 2017 which misleadingly alleges a simple "repair and replacement" of the railroad tie wall gives no hint of the evaluation needed for the new construction of 2 huge concrete walls now proposed.

3. There needs to be a reasoned response to my Comments submitted for the April 27, 2020 Planning Board meeting re misleading /false statements in the Applicant's re-submission of the earlier Letter for a Waiver to destroy the entire steep slope.

In summary, since all the significant issues raised by the Hahn Engineering Memo have not been addressed in writing, and since the issues re SEQRA and the Waiver of the Steep Slope Protections have not been critically evaluated, this application should be rejected.

Geraldine F Baldwin
May 22, 2020

EXHIBIT B

NEGATIVE DECLARATION

**SITE PLAN APPLICATION
THEODORA POULOUTIDES
59 N. WASHINGTON STREET**

Short Environmental Assessment Form Part 3 Determination of Significance

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

The proposed action is the approval of a fifth dwelling unit in the basement of an existing residence at 59 North Washington Street in the M-1.5 (Multi-Family) District. The subject property is a 0.14-acre parcel at 59 North Washington Street occupied by a two-story residential building. The building contains five existing units with a free-standing garage containing one parking space and four other parking spaces in the rear yard. The rear yard and parking are accessed by an asphalt driveway on the south side of the building. The subject property's existing building contains five residential units including: two 1-bedroom units on the first floor, a 1-bedroom and 2-bedroom unit on the second floor and a 1-bedroom in the basement. Applicant is seeking area variances from the ZBA including a variance to allow the fifth dwelling unit and site plan approval from the Planning Board.

Proposed Action

There are no changes to the existing building footprint and no changes to the size and number of dwelling units in the building. The Application consists of interior renovations for the basement apartment including rebuilding stairs and platform entry, installing new rail and widening opening to the entrance, providing artificial light and mechanical ventilation to the living room. These appear to be all code related improvements. Additionally, a fire sprinklered system will be required for the fifth basement apartment in addition to other code compliant improvements.

Community Character

Applicant has submitted a Narrative providing property information, street photographs and aerials showing the multi-family development pattern and associated parking on properties along both sides of North Washington Street. This includes a 24-unit, three-story apartment building just one property to the north of the subject property. Properties along Storm Street at the rear of the subject property are also in the M-1.5 zone. Properties across North Washington Street from the subject property are in the M-2 zone. Based on the information provided in the Applicant's Narrative as well as field analysis, the use of the subject property is consistent with the overall character of the surrounding community.

(continued on following page)

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Tarrytown

May 27, 2020

Name of Lead Agency

Date

Dr. Stanley Friedlander

Chair

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Robert James Galvin, AICP Consulting Village Planner

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Environmental Assessment Form

Part 3 – Continued - 59 N. Washington Street

Parking Lot Layout

Applicant provided a site plan showing parking spaces and a vehicular maneuvering diagram to access these spaces. Upon review, this proposed layout was not considered conducive to parking lot maneuverability. Applicant also explored the removal of the existing garage which provides one inside parking space and storage. The garage removal did not result in an increase in the number of parking spaces on-site but could provide additional space for maneuverability in the parking lot. In response to the Consulting Village Planner's suggestions, the Applicant's architect provided a site plan with an alternative parking lot configuration (SK-1 dated 10/17/19, revised 5/7/20 and last revised 5/20/20). The modifications included placing two parking spaces head on into the front of the existing garage (spaces #1 and #2). Space #3 has been relocated to the north side of the lot closer to the existing spaces #4 and 5. This configuration provides better maneuverability for the lot's existing vehicles. Applicant will work with the Planning Board in finalizing the parking lot configuration during the site plan review process.

The property's existing parking lot contains five spaces. This is a ratio of one space per unit. Several of the properties provide less parking than the one (1) space per unit that the Applicant presently provides. Accordingly, the Applicant's existing five (5) units at the subject property are consistent with the character of the surrounding community and actually exceeds what several other properties provide in the area.

Stormwater Management

The Village Engineer at the April Planning Board meeting indicated that the resident at the rear property (40 Storm Street) had complained about water coming off of the applicant's driveway onto his property. The Applicant met with the owner on May 17, 2020 and discussed his concerns regarding drainage. While the subject property is almost completely impervious, the drainage issue may be mitigated through directing the roof leaders from the south side of the residence into dry wells. This drainage mitigation had been described to the Applicant. Both the Applicant and the owner determined that a solution similar to what was described can be implemented to resolve these drainage concerns. The Applicant will review this mitigation approach with the Village Engineer and finalize with the Planning Board in site plan review.

Environmental Constraints

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

SEORA Determination of Significance

Based on the Planning Board's review of Part 2 of the EAF, the Applicant's *Narrative* (4/27/20, 5/7/20 and 5/20/20), the Consulting Village Planner's *Site and SEORA Review* (3/17/20), a revised *Parking Lot Site Plan* (5/20/20) and the Consulting Village Planner's *Planning Board Work Session memoranda* (3/10/20, 4/13/20 and 5/12/20), the Planning Board has determined that the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

Agency Use Only [If applicable]	
Project:	59 North Washington Street
Date:	May 15, 2020

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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