

Planning Board  
Village of Tarrytown  
Regular Meeting  
June 22, 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

\*\*\*This meeting is being held via Zoom videoconference 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.\*\*\*

Chairman Friedlander called the meeting to order at 7:03 p.m.

Approval of Minutes – May 27, 2020

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the May 27, 2020 regular meeting as submitted. All in favor. Motion carried: 5-0

Dr. Friedlander announced the following adjournment:

CONTINUATION OF PUBLIC HEARING

Theodora Pouloutides  
59 N. Washington Street  
Approval to permit 5<sup>th</sup> dwelling unit in the basement.

CONTINUATION OF PUBLIC HEARING - Peter Bartolacci – 67 Miller Avenue

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

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

Mr. Pennella confirmed that they have not received the revised plans in response to the June 5, 2020 plan review from Hahn Engineering.

Dr. Friedlander noted for the record a letter received on June 19, 2020 from Kristen Wilson, Attorney with the law firm of Blanchard & Wilson, on behalf of Geraldine Baldwin, which will become part of the record, attached as "Exhibit A". Each of the Board Members should be in receipt of this letter. Dr. Friedlander said that the Board will hold off on making any comments until we receive the material from the applicant.

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

Paul Berté, of Fusion Engineering, advised the Board that he has made the plan revisions and will work with Hahn to get the final sign off. He asked Mr. Bartolacci to speak about the letters from his neighbor's giving approval to do the work on the adjacent properties.

Peter Bartolacci, of 67 Miller Avenue, said he has spoken to both of his neighbors to get these letters. He advised that the property to the south is being sold so they will wait to get a letter from the new owners. He asked if that should be an issue for approval since a building permit will not be issued until the letters are received. In addition, Paul Berté has said he is working with Hahn and they are just waiting for a final sign off.

Counsel Zalantis said this is a public hearing and asked Dr. Friedlander if there is any more public comment.

Kristen Wilson, Attorney with the law firm of Blanchard & Wilson, addressed the Board and thanked the Chairman for acknowledging her letter. She is hoping to get some answers with regard to the procedural issues raised in this letter. Two of them are based on code requirements and the other relates to SEQRA provisions.

As noted in her letter, there have been recent applications before this board which have required re-noticing. It is seven years since any notice has been placed on the property. The applications which the Board has required be re-noticed had been lapsed for a couple months, or a couple of years, certainly not 7 years. She would like to know why the applicant was not required to re-notice the application. The area variance has also expired for this application in accordance with §305-118. They are beyond the time frame and the applicant has not been required to seek an extension of the variance, whereas this is routinely required with other applications. With regard to SEQRA, the EAF does not address or relate to this application since it has changed significantly since the application was before the ZBA. This is more of a reason why the applicant should have to go back to ZBA to seek a new variance for this type of wall design.

The Zoning Board Resolution was very clear that the plan before them was the one they were granting the variances for, and, any substantive changes would require the applicant to return to the ZBA. She is requesting that the Planning Board require the applicant to return to the ZBA, seek a variance for the current proposal, and have it re-noticed. These are the main procedural arguments that they would like answered.

Counsel Zalantis said this will be discussed at the work session.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing. All in favor. Motion carried. Approved: 4-0

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

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

Dr. Friedlander asked if a Resolution has been prepared for consideration.

Dr. Friedlander asked if anyone in the public or staff has any comments.

Mr. Pennella advised that he has received revised plans dated June 17, 2020 addressing all of his comments. Mr. Galvin said that these revised plans have been incorporated into the draft Resolution.

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

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

**RESOLUTION**  
**VILLAGE OF TARRYTOWN PLANNING BOARD**  
**(Adopted June 22, 2020)**

**Application of EF Schools Inc.**  
**Property: 25 Irving Avenue (Sheet 1.80, Block 43, Lot 1 and R-20 Zone)**

**Resolution of Site Plan Approval**

**Background**

1.The Applicant requested site plan approval for the construction of a new single-family residence in the R-20 zoning district.

2.The Planning Board on February 24, 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 February 24, 2020, April 27, 2020, May 27, 2020 and June 22, 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 and received comments and recommendations from the Consulting Village Planner in memoranda dated February 12, 2020, March 10, 2020 and April 13, 2020, from the Village Landscape Consultant in her staff report dated May 8, 2020 reviewing the landscape plan and her final review dated May 26, 2020, a review by the Tarrytown Historical Society of the property that found that the structure at 25 Irving Avenue has no historical significance and a stormwater and site plan review from the Building Inspector/Village Engineer dated May 18, 2020 and June 3, 2020 which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for several area variances for minimum lot size, minimum width at the front of the building and minimum street frontage at a public hearing held on March 9, 2020 and continued on April 13, 2020. These area variances are all non-conforming conditions of the lot. The ZBA requested that the Applicant revise the siting of the residence to front on Irving Avenue. The Applicant returned with revised plans showing the front of the residence facing Irving Avenue with an added front porch, walkway and a deck on the north side of the building. Additionally, plans included a new asphalt driveway along the north side of the residence leading to a garage under the house. The ZBA reviewed the revised plans, and closed the public hearing. The ZBA approved the requested variances at their April 13, 2020 meeting.

6. The Planning Board closed their public hearing on June 22, 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 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 and application. The subject property is owned by EF Schools. It fronts on Irving Avenue at 25 Irving Avenue. The property consists of 10,434 sf in the R-20 District. The property is on the west side of Irving Avenue and is 83' to the south of Neperan Road. The Tarrytown Lakes Watershed, which is a Village CEA, is situated across Neperan Road. The property is occupied by a single-family residence and surrounded by the EF campus. The property is located on high ground. The topographic map shows the high ground elevation ranges from approximately 300' to 312' extending from the northeast to the southwest portion of the site.

The application is for site plan review for the removal of the existing residence and its replacement with a modular constructed single-family residence. Applicant has provided photographs of the existing residence and the nearby homes along Irving Avenue. The new home would be 2,873 sf and is similar to other homes on Irving Avenue in the immediate area. The variances required from the ZBA included area variances primarily related to the non-conforming nature of the lot. The new three-bedroom residence will be occupied by the facility director of the EF Schools and her family. The new residence will be 2 ½ stories at a

height of 26.5' (30' is maximum height in the R-20 district). Building coverage is 12.3% which is under the 22.5% maximum coverage allowed. The impervious coverage will be 24.5% whereas a maximum of 29% is permitted in the district. The landscaping plan was reviewed by the Village Landscape Consultant in a staff report dated 5/8/20. In response, the Applicant revised the plans and submitted them for review. This plan was reviewed by the Village Landscape Consultant who provided a final review dated 5/26/20 with no additional recommendations.

Applicant has revised the siting of the proposed residence in response to ZBA comments. The front of the residence now faces Irving Avenue with an added front porch, walkway and a deck on the north side of the building. A new asphalt driveway is provided along the north side of the residence leading to a garage under the house. A trench drain will be installed at the top of the driveway. A *Sediment and Erosion Control Plan* has been provided on drawing A-2. The former proposed drywell system has been replaced with a cultec infiltration system consisting of six cultec chambers. This system will control runoff from the site while also providing water quality treatment. Applicant has revised stormwater and site plans to address comments from the Village Engineer/Building Inspector.

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:

*Site Plan and architectural drawings by Stephan Marchesani, Architect P.C. prepared for the Proposed 1 Family Dwelling for EF Schools Inc., 25 Irving Avenue, Tarrytown, NY dated November 15, 2019 and last revised June 17, 2020 and Landscaping Plan prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC dated April 27, 2020 and last revised May 18, 2020 unless otherwise noted entitled:*

- A-1 "Site Plan"
  - A-2 "Details" dated 6/17/20
  - A-3 "Front Elevation"
  - A-4 "Foundation Plan"
  - A-5 "First Floor Plan"
  - A-6 "Elevations"
  - A-7 "Elevations"
  - A-8 "Section"
  - L-1 "Landscaping Plan"
- (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.

- (f) 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

Dated as of June 22, 2020

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site plan application.

Dr. Friedlander asked for a roll call vote for each Board Member as follows:

Ms. Raiselis: Yes

Mr. Aukland: Yes

Mr. Tedesco: Yes

Mr. Birgy: Yes

Dr. Friedlander: Yes

The site plan application for the construction of a single-family home was unanimously approved. Approved: 5-0

CONTINUATION OF PUBLIC HEARING – Artis Sr. Living- 153 White Plains Road  
Construction of a 64 Bed Alzheimer/Dementia Facility.

Don Walsh, of Development Strategies, appeared on behalf of the applicant, Artis Sr. Living. He introduced Rich Williams, PE, the project engineer, who will follow up with engineering any questions this evening.

Mr. Walsh advised that they are working on materials included in Planner Galvin's memo which was discussed at the work session. He has met with the Fire Department and have had both a virtual and onsite meeting with all three fire chiefs and they were satisfied with the plan coming in and out the back that will include an emergency gate operated by a FOB. A similar arrangement will be made with the ambulance corp. They have also provided a plan to the fire department showing the proposed water access coming off of route 119 and the proposed fire hydrant locations. They are proposing a pre-connect with hoses inside the building similar to what was used at Marymount and a sprinkler system throughout the building. They are also working on hydrant access to the premises from a nearby site and will submitting information before the next work session.

A steep slope narrative was submitted on January 9, 2020 and he would like to know if it is complete. Mr. Galvin commented that it should be in typical formal dealing with specific elements of the code. Mr. Walsh asked for a review and if it needs to be re-submitted he will follow up.

Mr. Walsh advised that he has met with Police Chief Barbelet with regard to security issues. The entire review is conducted first by the NYS. After their review, copies will be submitted to this Board, and to the police, ambulance and fire departments. They don't expect any issues since they have included all of the comments from these

departments in the report. Mr. Walsh will forward a letter to Mr. Galvin regarding these comments so that it can be memorialized in the Resolution.

Mr. Walsh advised that it was their intention to use the Columbia Medical Urgent Care facility should their staff deem it appropriate, but, for the record, most of the medical decisions for transporting people, and 911 calls especially, are made by the ambulance corps. The ambulance corps has advised them that 90% of these calls do go to Phelps Hospital. Mr. Galvin said, again, he would like this information in a narrative so that it can be memorialized in the Planning Board Resolution. Mr. Walsh will work with Mr. Galvin on this matter.

Rich Williams, PE, the project engineer, submitted a set of updated drawings and an updated SWPPP. They have responded to the Hahn comments, which were technical in nature. They have added 3 stormwater planters around the building which far exceed the minimum requirements for green infrastructure. They submitted the sewer video to Mr. Pennella and will set up a meeting with Mr. Pennella to discuss his comments and recommendations.

With regard to the Nolan Landscape Report, there was a slight shift in the direction from a previous conversation. Ms. Nolan has recommended that they evaluate the trees along Martling with an arborist and focus on saving the Sugar Maples as opposed to the more invasive Norway Maples. They will be meeting on site with Ms. Nolan to incorporate her recommendations into the plan.

Ms. Raiselis asked about a report on the solar panels and energy in general. Mr. Walsh advised that the roof will have solar panels on it and about 5% of the total usage will be generated from the panels. They expect to get a letter which they will submit to the Board. The amount of space on the roof is almost all garden and trees and the HVAC units are also there. The architect has fit the panels into every inch of space.

Mr. Galvin asked for more detailed information. Mr. Walsh said he will provide this information in writing.

Mr. Birgy said the roof is very large so he can't image that 95% of the space is HVAC or other commercial equipment. He thinks that they should be able to get a substantial subsidy from the state and does not understand why they would not want to max it out.

Ms. Raiselis said she would like to see the drawing. If they can allow the facility to go on battery when needed that would also be a great advantage to the whole operation and may be put some sort of system over the pond.

Mr. Williams said that seeing the roof plan should be helpful to the Board. It is not a single flat roof. There are multiple levels on it, and the available space gets eaten up quickly.



As far as the pond goes, that portion of the site is north facing and sits lower than the balance of the site and will not receive the amount of sun to add a large solar array there. He will look into this further. Mr. Walsh said they will also provide the roof plan.

Ms. Raiselis noticed the sidewalk from 119 to the facility and thanked the applicant for this addition.

Mr. Walsh said most of the sidewalk is on the Silverman property. This will be discussed in detail with Mr. Silverman. Rich Williams said there are some logistic issues which need to be addressed so they are unable to build a straight sidewalk, but they are working through it.

Mr. Tedesco appreciates that the applicant is doing a diligent job with this application.

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

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

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

Dr. Friedlander asked for a roll call vote:

Mr. Aukland: Yes  
 Ms. Raiselis: Yes  
 Mr. Tedesco: Yes  
 Mr. Birgy: Yes  
 Dr. Friedlander: Yes  
 Motion carried: 5-0

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 Mr. Galvin for an update. Mr. Galvin said he has received a letter today from Mark Mannix of the Metro North Railroad saying that they are in discussion with the applicant to provide parking for the proposed project and are reviewing the lease agreements.

Ms. Whitehead said since the last meeting, they have received the village consultant's report from Chazen. They were pleased that, in general, it seemed to be supportive of the project with regard to the 1 to 1 parking ratio and the density. The report also cited the village and county documents that support this use at this location. They have submitted a letter to the Board last week with an updated fiscal analysis and response to questions raised in the Chazen Report. They would like to have a productive discussion regarding the zoning text and other items the Board feels that they need to in order to provide a SEQRA determination. They are not at site plan at this point. They are working with the existing building and it meets the setbacks and building coverage that is required in the underlying ID zone. This was all looked at when they subdivided

the property. They are proposing that the underlying ID provisions remain in effect except where they have specifically modified them in connection with the mixed use proposal. They have made an exception for the building and the rear yard setback which has existed for over 50 years. It is approximately 20 feet from the closest point to the platform and about 35 feet at the closest point from the tracks. It has been there for a long time so they don't see an issue with it. That is why they have proposed that the setback can remain as it exists for the existing building. Setbacks are generally there to protect neighboring properties and provide for light and air to the neighboring properties. There is no neighbor in this instance. They are also proposing to add a FAR requirement for the residential development and also a density requirement as well as the specific parking requirement. They are happy to discuss any additional items that the Board would like included in the zoning text. She noted that Ms. Raiselis indicated that she would like to incorporate some of the SAO conditions and they would like to have a discussion. They have updated the parking plan which was submitted which increases the number of parking spaces that do not need to be shared with the MTA. They are now showing 93 spaces, which exceed the one to one ratio. She noted that the two spaces for the self-storage at the south end of the building are separate and were never included in this count. In addition, the width of the spaces is 8.5 feet. She would encourage the Board to ask Chazen about this since this is something that is common today. The average car size is 6 feet wide, with many cars less. The large SUV's are about 6.5 feet wide. So, in general, the 8.5-foot space works with larger vehicles, especially when it is not transient parking and the cars are there for an extended period of time. This size is common and it is not unusual to have this reduction. The MTA has also advised that they use a standard 8.5-foot space which is where this came from. The parallel spaces will remain at 9 feet in width along the roadway. She would be happy to discuss this further with the Board.

Ms. Whitehead feels that this project brings a lot of benefits and improvements to the village. It converts an underutilized, unattractive industrial property, into an attractive mixed-use new building which will attract residents to the station area, which was one of the goals included in the village's comp plan. In addition, they will be improving the function and appearance of the poorly maintained MTA parking lots which will make the area look entirely different. The addition of the new plaza will also provide ADA access to the railroad platform. Finally, there will be a significant economic benefit, an increase in tax revenues to the village, county, town and school district. The total increase for the different jurisdictions is close to \$500,000.

Ms. Whitehead said she would like their most recent submission sent to Chazen because they think it will help address some of the issues they raised in the report. They also think it would be helpful to be able to participate in the Board's next work session to answer any questions. They do have their team with them tonight and are happy to answer any questions.

Mr. Tedesco asked Ms. Whitehead about possible consideration of alternate parking area alternatives cited in the Chazen Report. He understands that parking under the building is not being considered, but asked about the possible use of Lot 37 if they cannot get the parking agreement with the MTA.

Ms. Whitehead said that her client is confident that the agreement will work out with the MTA. The MTA is very supportive of this project. That is a decision that her client will have to make. Lot 37 is not big enough to accommodate enough parking which would require a structure. They do not have an answer to this question at this time since they are hopeful that they will have a deal with the MTA.

Mr. Collins said the maximum number of spaces that could fit in this lot is about 20 cars.

Dr. Friedlander asked how many spaces could fit it was a 3 story structure.

Mr. Collins agreed to about 60 but said there would be a need for a lot of ramp and he does not feel it would be efficient.

Dr. Friedlander asked if there has been any discussion about the MTA building a structure with the applicant. Ms. Whitehead said structured parking is very expensive and the MTA is not interested in this. This is their employee parking lot. It is not a location where they are looking to accommodate additional public parking. They have tried to provide enough parking without having to build a structure and they believe they have a plan that does that.

Dr. Friedlander said if more of the parking could go on the east, we would have less cars going over the bridge. Maybe a combined Village/MTA plan to enlarge the parking could be a beneficial solution in general for the station area.

Ms. Whitehead said those discussions were never held. If the village and the MTA would like to pursue that, it is fine. Her client is not trying to build structure parking at this point unless there was some cost sharing benefit. Structure parking is very costly.

Dr. Friedlander said the applicant has successfully built parking under his buildings at other sites. He is just asking them to look into it. It may be able to help all of the parties. To say that the applicant is not interested in structure parking is difficult to accept since most buildings in these types of areas, close to the downtown train stations, have structure parking.

Ms. Raiselis said she does not agree with that statement. Dr. Friedlander made reference to the applicant's New Rochelle development. Ms. Raiselis said that New Rochelle is a big city with a much larger population than Tarrytown.

Dr. Friedlander said it is a TOD so then we can come back to the density issue. We don't have 88 units on a small parcel of land. The question is can we find a way to provide parking for the development, the MTA and the village? This question should be addressed by every applicant that comes in front of us.

Ms. Whitehead said the units in New Rochelle are far more dense than 88 units. The 88 units are similar to other small villages. This is the first time she has heard about structured parking and she is not sure if the village's comp plan talked about structured

parking. They have provided a 1 to 1 ratio and whatever ratio is determined, they will have to find a way to provide for the parking, whether it is structured or at grade, they will have to find a way. This is the first she has heard about this idea and honestly, she does not think that either of the entities at this time are looking to spend money on structured parking. She would be happy to have that discussion with the village and the MTA come to them.

Dr. Friedlander said it is not the first time they have heard about this because they have asked them to consider parking under the building. Ms. Whitehead said parking under the building is different from structured parking. Dr. Friedlander said it is somewhat different but it is still providing for parking on site.

Ms. Whitehead said in this particular case, this is not our proposal. The first floor slab is 4 feet above grade and you can't even get up to it for parking.

Dr. Friedlander said he has heard this already and he has also heard that they will not do anything less than 88 units. You said that's our project, take it or leave it and you'll go back to the self-storage. Now this Board has to decide whether it is a worthwhile project for the village. It is either 88 units with parking at MTA property, or the storage facility. He is just trying to make it better. Dr. Friedlander said he is reluctant to use the ID zone setbacks for residential property. It is not appropriate for a residential property. This is a different use. When it is housing for residents and self-storage, it should conform to setbacks that are appropriate. He would like to know whether or not the square footage could be in a different configuration other than using the foundation.

Ms. Whitehead said what is not possible is taking the building down, the foundation down, and starting from scratch. Economically, it does not work. The project is proposed using the existing foundation and the existing setbacks. She asked Dr. Friedlander what his basis was for saying that the setbacks are not appropriate.

Dr. Friedlander would like to see more landscaping around the building and would like more distance from the building to the end of the property to provide landscaping on the sidewalk. He asked if there is the ability to have a sidewalk. Ms. Whitehead said they have the sidewalk along the road that is 5 feet wide and the plaza at the north end.

Dr. Friedlander said there are trucks coming down; a sidewalk with 5 feet is not big enough for the large trucks. Also, he would like planting space of 5 feet to 8 feet so maybe you can decrease the building mass. You can't do it along the sidewalk. Maybe the building should not be as wide. Ms. Whitehead said they are keeping the foundation. Mr. Collins said the foundation is 80 feet wide x 300. They can add landscaping wherever you want and will show that in detail when they get to site plan approval. Mr. Collins said it was a good idea.

Ms. Whitehead said we are not at site plan level; they are looking at the zoning amendment. Dr. Friedlander said yes and the zoning text does not show any consideration of what the village may want and he is just trying to find ways to make it

better. There have been many proposals and we keep going up in units. He wants a way to make it better for the village.

Ms. Whitehead said she has gone through the benefits that this project will provide to the village and is supported by the comprehensive plan. She said they are improving the entire area and providing a significant economic benefit to the village which is one of the reasons why the village's comp plan looked for this type of use.

Dr. Friedlander said he is not against this type of use. He wants to find the type of use that is appropriate in terms of dimension, size and density. He does not feel that there is any give from the applicant in terms of density, coverage or the setbacks. They just picked a number so can I ask you why 88 is good, instead of 100 units. Ms. Whitehead said the village consultant, Chazen, has supported the density and said it is appropriate.

Ms. Whitehead said that the upper floors will be set in so they are not as big as the foundation. The setback is measured to the foundation which is four feet above grade. They are not moving the foundation. They are trying to give the village what they have indicated they would like to see at this location.

Dr. Friedlander asked about the density issue. Ms. Whitehead said this is the number that her client is proposing which they think is appropriate and would make the project work. Dr. Friedlander asked what the word appropriate means. He asked if 100 units is better than 88.

Mr. Collins said they take the TOD location and try to maximize the density and the affordable housing because it has been identified as a growth district by the county. They are doing what has been done in a lot of locations in the county. It is an expensive property. They need the density to do that. They are limited by the 60 feet height and the Planning Board has brought up a number of items that they have incorporated into the plan such as the retail component, and the road alignment. He would be happy to be able to sit down with Mr. Galvin or perhaps have a work session with the Board to go through these issues to make it better.

Ms. Whitehead said on the density issue, they are working with 60-foot height that the village Board has set. The number of floors relates to the construction type. So, in working with that height and the number of stories and the unit mix that the village wants, 88 is what fits and works.

Paul Birgy said there is general support and interest in the project, but it is extraordinary to say that you are working with the building foundation. It is unique to say that this is the only option. From day one, you said that you have to use this foundation. He finds this unprecedented. We are not talking about a re-use or a re-purpose. It is a warehouse that will be renovated. In all his years, he has never heard of this. It limits the village's ability to make a special project there. It sounds like a great way to get a large footprint on a small piece of property. It is a sticking point for him. He feels they have been given 88 units and are asking for a lot.

Ms. Whitehead said that her client has not been given anything. From both an economic and environmental standpoint, it is better to keep the existing foundation. It would be extremely expensive to tear up the entire foundation and building a new foundation. From an environmental standpoint, it is a re-use of the foundation. The energy costs alone to tear out and pour new concrete would be substantial, so from an environmental perspective, it is a beneficial re-use. In terms of the size, the new first floor is using the full foundation; the residential units above will step in a bit. They have given the residential some setbacks. Environmentally, using the existing foundation is a beneficial re-use.

Dr. Friedlander asked Mr. Collins if the residential width is 60 feet, is there 20 feet available along the eastern side of the of the property? Mr. Collins said there is a setback on the western side of 15 feet and there is a setback of 5 feet on the eastern side above the first level. The first level is the 23,000 s.f. self-storage, which is bearing on the foundation. The new foundation that will be supporting the 88 units above that will be driven deep piles and supported on the inside of that existing foundation. He would like the opportunity to meet with any of the Board members to explain this since it is complex. There are also some other issues that make this site very difficult to develop unless they use the existing foundation.

Dr. Friedlander said, let's say they convince us to use the foundation, it is not clear to him why they can't have a sidewalk and a place for the residents with a planting area on that foundation. Why can't they do that? Mr. Collins said it is because it is one level up. It would be 15 or 20 feet off the existing grade.

Ms. Raiselis is saying that Dr. Friedlander would like setback at grade and use that as sidewalk. So, instead of having any setback, make it completely flush from 20 feet in. Mr. Collins asked if they are suggesting that they demolish some of the foundation.

Dr. Friedlander said it would be a raised sidewalk that runs along the building. Dr. Friedlander wants something different. Mr. Collins asked how we should do this. We will be happy to sit down with you in the site plan process and work out the details. He does not know how to manage these requests. This is a new request.

Dr. Friedlander said you have approached this as a zoning amendment change. He wants the setbacks to be changed in the zoning. Put the building back and make a raised sidewalk with plantings. It is a creative way of handling setbacks. There is no density proposed.

Ms. Whitehead said there is density, and your idea of leaving the foundation, the foundation is the coverage. So, that is not going to change. They have complied with the zoning coverage for the ID District. Dr. Friedlander said this is no longer an ID district. Dr. Friedlander said this is not allowed in the ID district. Ms. Whitehead said it is a proposed change in the zoning for the ID district. They are proposing to amend the zoning to add a TOD as a proposed use in the ID district providing that certain conditions are met.

Dr. Friedlander said we have to agree to this text and we may want to recommend things that are different which is what we have been trying to do. He just proposed something again and the applicant is resisting it.

Mr. Collins said we are not resisting anything. We just need an avenue for dialogue so that the Board can tell us what it is you are looking for. He thinks there is some merit to what the Chair is saying. As a developer, he would like to concentrate on the Plaza. If he can sit down and have a meaningful work session, he is happy to explore the concepts. He is asking for an avenue to make this work and how to respond to include Mr. Birgy's concerns.

Dr. Friedlander said they want a project, just a better mixed use project of what is being proposed. Mr. Collins does not understand what you mean by the setback proposal.

Mr. Galvin said you should speak with Board in a work session.

Ms. Raiselis thinks there should be a special work session for this project. She has some issues that she would like to add to the zoning text. This may not be the place to redesign the building and she does not think it should be redesigned. A parking structure would be an incredible economic injustice for that neighborhood and she can't sign onto that idea. She would like to work with the applicant to get a minimum amount of parking and work with the Chair on what he thinks is insufficient. She thinks having this discussion now is not productive.

Mr. Tedesco agrees that a special work session devoted to this application may help us to get through the issues raised this evening.

Mr. Aukland noted the Chair's concerns and said that what is proposed is in sync with the intent of the comprehensive plan and he is not sure it needs a whole lot of change from what they have seen. He does not want the applicant to go away with the idea that the whole Board is fully against what is being proposed because that is not the case. Ms. Whitehead thanked Mr. Aukland.

Counsel Zalantis said that we will need to work with Liz and Ms. Whitehead to set a time for a special work session. Dr. Friedlander said if we want to make it productive, we should have each Board member come in with their ideas for the zone change so that the applicant has some guidance before the special work session. He suggested having this discussion at the regular staff meeting to gather the Board's comments. Ms. Whitehead said it would be helpful to get the comments ahead of time so they have time to respond.

Dr. Friedlander said the Board will need time to discuss their ideas to see which ones are acceptable to all and come to some sort of consensus or direction which will be done at the work session and then we will schedule the work session with the applicant.

Ms. Raiselis said doing this at a regular work session is not enough time. We have a full schedule.

Mr. Aukland said we can do a session first and then have a special work session with the applicant. This seems likely to be more productive than trying to squeeze it into the next scheduled vote session.

Mr. Collins asked if it would be okay if they could provide information on the issues raised tonight, just to get a head start. Ms. Raiselis said she does not think there is a consensus yet, but it could not hurt. He also asked if the Board could respond to the zoning text and bring up any SEQRA issues that need to be addressed, they could respond at the same time.

Ms. Whitehead said that they do not want to get into details of the site plan, rather they just want to focus on the zoning text and any other information needed so that the Board can feel comfortable in making a SEQRA determination.

Mr. Birgy feels that the foundation should not restrict the actual footprint of the building.

Mr. Collins said the existing footprint is a structure that is substantial. He will put this in writing for the Board. Mr. Birgy said if we were talking about the size of the existing foundation, are we talking about moving something back. The walls of the building are 300 x 80 on the first floor. Mr. Birgy said with regard to view shed, they are creating a 300 foot long monolithic structure. No one is trying to redesign the building but he does not want to see something 60 feet tall by 280 feet long along the river. They spent a lot of time on a neighboring project. He would like view sheds addressed. There is a property to the east that is concerning. This all goes back to using the existing foundation as a primary driver of the design of a project which is a haphazard way of designing something. From day one, this has been a concern. It does not feel right to him.

Mr. Collins said he has this answer to these questions and is asking for time to discuss them. Ms. Whitehead said we have provided view sheds to this Board along with elevations. They will provide this material again. A panoramic view will be re-sent from the northeast to the west to the southeast. Mr. Birgy does not recall seeing this and apologizes. Mr. Collins shares concerns about monolithic structures and using existing foundations but there are good reasons for this. He would like to have the opportunity to meet to discuss the issues.

Mr. Birgy said we do not want to redesign the building, we would like parameters that everyone can live with. Mr. Collins their goal is to build consensus.

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

Mr. Ringel said that no one is raising their hand. The Board agreed to schedule a special work session. Ms. Whitehead thanked the Board.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing. All in favor. Motion carried: 5-0



**CONTINUATION OF PUBLIC HEARING - 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.

Sam Vieira, RA, appeared before the Board, representing the applicant. The Temple has retained his services to coordinate presentations between the Zoning and Planning Boards since he is a local architect and familiar with the location. Daniel Patrick, the project attorney, Mark Levin, the project architect, Ralph Peragine, the site engineer, John Imbiano, the landscape architect, and Stuart Skolnik and Mr. Solomon, who represent the Temple are all present this evening.

Ms. Vieira advised that the title report was completed and has been submitted to Counsel Zalantis for review. The report concluded that the village has no ownership of the lot. They have been before the ZBA for the required variances. The ZBA is continuing their review on off-street parking. They submitted a chart using 2 methods. The ZBA is reviewing the charts in order to determine the appropriate formula to use in order to make an interpretation of the parking requirements, determine if a variance is needed and, if so, to what extent.

Mark Levin presented the project to the ARB at their last meeting. A good amount of time was spent on the amount of glass on the facade. They were concerned about the interior lighting that would escape the building. It was agreed once site plan was established, they could continue the lighting inside and around the building.

Mr. Vieira noted the following documents that have been received since the last meeting: A letter from Grove Street residents dated June 2, 2020 which the Board has a copy of; an email from Dan Pennella from Louis Martirano, DPW Superintendent, dated June 8, 2020, outlining concerns about garbage and the northern driveway on the property; a memo from the Zoning Board of Appeals to the Planning Board, dated June 10, 2020, outlining concerns of the ZBA with regard to the SEQRA review; and a letter submitted by Mark Levin, the project architect, dated June 10, 2020, outlining the modifications to the existing site plan in response to recommendation from village staff and neighbors.

Finally, a letter from Bob Galvin, the Village Planner, dated June 18, 2020, outlining the SEQRA summary, which he will respond to in the order of this memo.

With regard to off-street parking, the original plan reduced the parking from 59 to 53 spaces. The current plan has restored the six spaces to bring the total number of spaces back to 59. With regard to the high holy days, it is difficult to quantify the demand for off-street parking during these 3 to 4 days a year. This was a major concern of the neighbors which was discussed in detail at the ZBA. At the request of ZBA, Temple representatives are in the process of reaching out to the Transfiguration Church, the Medical Arts Building, and the Tarrytown Washington Irving public school,

to explore the possibility of using these lots to park during the high holy days. They are actively seeking ways to be able to use these lots in order to alleviate the parking demands during these days. The Temple is also developing contracts with their vendors which will prohibit contractors from parking on Grove Street, another concern raised by the residents on Grove Street, since caterers have in the past had their employee's park on Grove and walk down to the Temple. Language will be included in contracts prohibit parking on Grove and they are developing written protocols for the congregation also prohibiting parking on Grove Street.

Mr. Vieira said that the new proposed addition does not enlarge the areas of the sanctuary or the social hall. The proposed addition will also have no effect on the capacity of the regular weekly services or the three to four high holy days during the year. Mr. Levin will take the Board through the floor plan but in essence, most of the 4,800 s.f. is dedicated to circulation, handicapped accessibility offices and lobby space to allow for flow of access during the services or high holy days.

There were concerns about emergency access to the site during services and in response, parking will be enforced to require parking only in the striped areas and Temple staff will be directed to have violators towed.

With regard to the sanitation collection and fencing, in March of 2017, the Tarrytown Police Department performed a physical security assessment with the Temple to review areas that needed attention. One suggestion was to install a fence on the north side of the property running east to west to guide anyone who tried accessing the property from Grove and directing them away from the Building toward Loh. The proposed fence would have screened the garbage containers and also add another layer of protection for the preschool. This residents of Grove did not like this idea and would prefer have the fence at the end of the street. Others wanted to continue to cut through the property on what is referred to as a pathway. The most recent proposal is to install a stockade fence with a simple vehicular gate with lock across the driveway. The containers would be relocated slightly to the northeast from where they are now. This will eliminate the need for the sanitation crew to open and close any gates, which was a request by Mr. Martirano in his memo. This solution provides security for the building and ease of access for the sanitation crew. Some neighbors have been vocal about relocating the garbage to another location on site. It is important that the Board understand that the garbage and recycling are collected on the same days as the homes on Grove Street. There are no extra trips made to the Temple. Since food garbage is collected on Monday, the weekend garbage is not there for an extended period of time. The location of these containers has been in existence since the building was built in the late 50's, for the last 50 years. This is the most logical location since the back door of the kitchen is only steps from the containers.

The site plan that was submitted by the neighbors on Grove Street is not a proposal that the Temple is considering. Mr. Levin priced out the cost of this option which he will explain in his presentation. Mr. Levin took the sketch from the neighbors and had a contractor give him an estimate of what this change and these improvements would cost the Temple. He will be able to share that with you.

With regard to the elimination of the path that runs north and south from Grove Street, this has never been a formal path. It is a cut through a wooded area that is used by the residents to access Loh Park. It is steep and dangerous. Recently, it has become an extension of the OCA for bikers. In keeping with the suggestion from the police department, they are eliminating this path but will keep the other path that runs east to west from Grove Street to Loh. This will prevent anyone from walking or biking through their parking lot straight up into Grove Street, but will still allow access to Grove Street. The Temple has agreed to post the sign on Leroy Avenue facing the exist of the OCA to direct hikers and bikers west to S. Broadway and north to the next point of access, which is off of East Franklin Street.

With regard to the landscaping, all of the comments from Ms. Nolan, the Village Landscape Consultant, will be implemented including cleaning up the northern end of the property adjacent to Grove Street and adding the suggested evergreen.

With regard to lighting concerns, Mark Levin, the project architect, has submitted documentation outlining changes to the site lighting in order to direct the lighting in a more downward direction eliminating the lights on the building. He also submitted a light distribution analysis and will work to ensure that any light will not affect have any negative impact on the neighboring properties.

The driveway widths have also been reduced from 20 feet to 18 feet each. A concrete apron across the driveways and an ADA compliant sidewalk on the east side of the entrance has also been added. Pedestrian delineation has also been incorporated. Mark Levin's letter dated June 10<sup>th</sup> indicates some of the minor changes such as the bike racks and a couple of other minor things. If you have any specific questions with regard to the site plan, their consultants are here to answer them.

Ms. Raiselis asked about the trail that is the substitute for the path. Ms. Raiselis asked if three of the neighbors have access to the paper road. Mr. Vieira said the other path runs east to west. The paper road runs north and south and that access is granted to the 3 homes. Mr. Peragine showed the path that they are removing and the one that will remain on the plan.

David asked why they can't bring the footpath down the paper road to Loh. Mr. Vieira said the topography is pretty steep as you come down. The existing path will remain which serves the neighbors in the same way as the other path. It is private property. The easement gives rights to the path to 3 properties. The applicant is well within their right.

Mr. Aukland said it doesn't take people where they want to go. Mr. Vieira said fair enough but it is private property and the paper road easement gives rights to three residents that are adjacent. These residents can choose to access their property through there if they so choose to navigate the steep slopes and the wooded area. The Temple had chosen to not address it but since the report in 2017 they have included

these changes in the site plan review. They are well within their right if they want to put up a fence around the whole property except for access for the paper street.

Mr. Aukland thought he understood from earlier discussions that the Temple wanted to be just good neighbors and provide access where people had wanted access.

Mr. Vieira said the Temple feels that the existing pathway that existing path is dangerous and makes them susceptible to lawsuits and security breaches and goes against the police department's recommendation. The police department would prefer that any sort of access to the property other than through the gate up on top and through the entrance to the parking lot be pushed further east towards where the path is. The Temple is willing to leave the path alone and have the residents of Loh park continue to traverse and access Grove Street without having to go around.

Dr. Friedlander asked if anyone would like to speak. Mr. Ringel asked the audience to raise their hand if they wish to speak.

Cynthia Wills, who lives at 156 Grove Street, adjacent to the property, would like to thank the Temple for leaving the east/west path which is used by school children, bikers, and the neighbors on Grove also use the path to go to the park. The other little pathway from Grove to the parking lot is not really dangerous. Many people use it to bring children to the pre-school and some use it to cut through the lot and go into town without having to go down to Broadway, which is a safer route for the younger kids who walk to school. She understands that they may be leaning toward eliminating this path as well. The neighborhood has been using this path for many years and she thinks that the neighbors will miss it. Her driveway is perpendicular to the east/west path and she is glad that they are keeping it because it would force a lot of people to walk through her driveway.

Lisette Mendez Boyer, of 159 Grove Street, thanked the Temple for taking into consideration their comments and appreciates that the path will be maintained. She agrees with Cynthia Wills that the path on the west side is also important and should be maintained, and she understands that it belongs to the Temple. They disagree with the parking requirements for public assembly use and feels that it should be calculated on the 400 people, not the square footage. Based on this number they would need at least 40 parking spaces up to 120 just for assembly for the social hall. If the applicant can provide a parking study which can show that the use in question can adequately provide parking at a lesser standard, then the Planning Board may reduce the amount of parking by up to 20%. The Planning Board can also require the area that would have been used for parking to be land banked for landscaping or screening so that this area could be used for additional parking if needed in the future. And instead of using it for that, they could use it for a path so that the residents on the north side and south side can continue to connect to the site.

Fergus O'Sullivan, 153 Grove Street, thanked the Board for their time. With regard to safety, the garbage trucks reverse down their street for collection. The Temple is not on residential schedule, they are on commercial. Mr. Vieira misinformed the Board and

there are 4 trips per week. He suggested confirming this with the village DPW. This is the truth. He is uncomfortable having signs on the aqueduct sending cyclists onto route 9. It is especially dangerous on the portion between Loh and Benedict because there are just 2 lanes. He would like a sign sending them through a path to Grove Street. In terms of the path, there is adequate room to have path going down the border of the Temple lot, it would work for South Grove and the aqueduct as well and would be a good use of a piece of wasted land and enhance security since people on the path can only help with security and not hurt. With regard to the parking of Grove Street, he thanked Mr. Vieira for the arrangement with the contractor's to prevent the parking. He would like this to also apply to the staff as well. He would appreciate it if the Board could address these issues and if they would like videos of the trash trucks reversing down Grove he will be happy to provide them.

Dr. Friedlander asked if anyone else had any questions.

Mr. Vieira said that the collection information was given to him from the village and he apologizes if it is incorrect. With regard to the parking on Grove Street, he sees a contradiction. On the one hand, the residents want to prevent people from parking and accessing the property from the north side, and on the other hand, the neighbors want the Temple to open up their property, create a form of bike path and walking path for everybody to use including complete strangers that are using the OCA. Mr. Vieira feels that the Temple is being very fair in not obliterating the long established east/west path that the local people know exist and can find. It is probably 200 feet away from the other path as the crow flies and continues to give the neighborhood access to go back and forth between the two streets. All the access they have ever had, in a safer, more hidden, and secure way. As far as the other path in question, he would ask the Board to visit the path. It is not a path; it is like climbing a hill, clumping between roots and trees. With regard to the paper street path, 3 properties have access rights on the north side. It does not give access rights to the public. As far as directing people to Route 9 from the Croton Aqueduct, to ask the Temple, who has great security concerns, to provide a bike path for the croton aqueduct users is incomprehensible. He understands that riding a bike along Route 9 is not the best solution, but it is only for a couple of blocks until you reach Franklin Street.

Ms. Raiselis said that she does not think that they are proposing a big cycling path. They just want a way for children to be able to access north or south. If they eliminate the smaller path will they be forcing parents to drive their kids instead of walking them because it is too long of a path? She would like a further discussion to get to a better solution and maybe it should be discussed in a work session.

Mr. Vieira said he understands that this Board has always been receptive to the neighbors. This is private property, a religious institution, and the Temple is under no obligation to provide access to anyone. Ms. Raiselis said no they don't have to, but they do, and that is what makes this village a really good community. Mr. Vieira said the Temple is providing the path that has been there historically. Ms. Raiselis said they are in the business of compassion. Mr. Vieira said there is a path about 100 feet away. They are not blocking this off. They are not putting up a fence up, which the Police

Department suggested. They also suggested removing this path. The Temple is here for site plan review and for the parking.

Ms. Raiselis understands this, but feels that maybe there is a solution that will not cost a lot of money or be an insurance issue. This is affecting the children and if you are saying too bad, then that is sad. Mr. Vieira is not saying too bad. They are going in the direction of what the professionals in security have recommended for the Temple. There is a path that has been established by the neighborhood. The path is not being created. It is not being proposed. If you walk it, you will see that it has been there for a long time. It leads down to Loh Park. It is the neighborhood that would like access up to Grove and it will remain, but to ask the Temple to formalize some sort of... Ms. Raiselis interrupted and said she is not asking them to do anything. She is just saying that maybe there could be a compromise here.

Mr. Vieira said the compromise is to allow the existing path to remain. Ms. Raiselis said the compromise has not been decided. It is a meeting of minds.

Dr. Friedlander said we have been talking about the path for 3, 4, or 5 months. When you walk from Grove along path going east and west and hit the Loh area, you can walk up to Leroy right. No one is changing this? Mr. Vieira said yes. The path we are talking about is the one that goes through the parking lot. Mr. Vieira confirmed. Dr. Friedlander asked who uses this path. Mr. Vieira said he does not know, but the neighbors made comments about the children using the path. Ms. Raiselis said she uses the path to cut through to get to her house and this allows her to miss a big chunk of Benedict Avenue. Anyone who lives in the Crest can use it. Dr. Friedlander said this is a shortcut that goes through a parking lot on someone's property where it is not safe to walk through when cars are backing up, etc. so, why would someone want to have people walking in their parking lot? They should be walking in the woods.

Mr. Aukland said that is why they have proposed using the paper road to get away from the parking lot. Mr. Patrick, the project attorney, said the paper road is also private. Mr. Vieira said the paper road is also very steep. The path is a much easier path to navigate. It is a more pleasant path. The paper street only has rights for 3 people. The rest of the neighborhood is to the east. It is a nicer path, easier to traverse, and you are not bringing children through a parking lot. It might be faster, but they are not necessarily sure that this path serves the neighborhood any more than the other path.

Dr. Friedlander said the Police Department made a strong recommendation not to have people cut through there. There is a security reason for that. This is not something that they are inventing overnight. It's existing. It's all over the country. People have to protect certain properties and this is one of them. If you turn your blind eye to that, you're making a big mistake. Anyone who wants to walk through the parking lot at any time, day or night, is able to, and it is just not safe. That is why the Police Department made their recommendation. This is important and it should not be something that you make light of. Mr. Aukland said he doesn't think anyone is making light of it.

Dr. Friedlander said they are providing another path. Mr. Aukland suggested continuing this at the work session.

Mr. Levin said the Temple pulled back significantly in response to the neighbor's concerns from what would have been a better solution. In addition, another item which has been lost is that the access that connects to Grove Street encourages people to park on Grove Street, so it is counterproductive on both regards. And the other path, which does follow the topography from the bottom of Leroy up to the top across Grove is almost a 40-foot rise. Putting a path there is an expensive proposition, assuming that it could even be done in any terms of providing ADA access. There is a very nice existing path that gives people a way around, and he feels that the Temple has gone out of their way to be a good neighbor.

Mr. Patrick said he agrees and just wants to reiterate that the entire reason behind this application is for better accessibility and better safety at the site. This is one of the prime examples of one of the improvements that is being made to increase the safety. It is private property. They are under no obligation to maintain it. The east/west path is the best way. They would like to resolve this tonight rather than at a work session because they would like to be able to provide the input rather than listening at a work session. They believe that what is being proposed is the safest and best option.

Mr. Aukland said, it can be moved but the neighbor's want it there. He would like to know what the population is and if there is anything the Board can do to help them. Mr. Patrick said they are using private property when they do that, and he wants to make sure that it is understood that this is private property. Mr. Aukland said, yes, it is good neighbor private property, and he wants to make sure that they come to the best conclusion.

Mr. Raiselis asked how the owners will have access if cars are parked in the lot. Mr. Patrick said much of the existing development and parking within the easement area is going to be removed. Mr. Peragine showed the new parking plan which was submitted to the Board on May 6<sup>th</sup>. Mr. Levin noted that Mr. Vieira previously said that the inbound was reduced to 18 feet as well as the outbound, but the outbound had to remain at 20 feet for additional room for the fire truck to turn.

Mr. Levin showed the sidewalk path which leads into the building. Ms. Raiselis asked if they think people walking up from Broadway are going to go up and across and up and over instead of just ignoring the sidewalk and walking up the exit. Mr. Levin said the grading through this area is approximately a 10% slope, so it is not really a safe walking surface which is why they ran it in a direction to get flatter slopes. They do not want people walking up the steeper gradient and would rather promote them walking in the flatter area. Ms. Raiselis said so they have to walk across both the entrance and the exit. Mr. Levin said the sidewalk was requested so, basically these 2 ramps are now driveway ramps, similar to most residential driveways.

Mr. Ringel advised Dr. Friedlander that Mr. O'Sullivan is raising his hand again and would like to speak.

Mr. O'Sullivan, 153 Grove Street, clarified that access to the paper street is from the southern tip of Grove Street. With regard to who uses the paths, he took a video last weekend and it is about 5 people an hour between the 2 trails. It is about a 50/50 split between the east/west path and north/south path. The people on South Grove use the north/south path quite a lot. It is used by many, including himself, his son's friend, and Cedric Smith. The question is whether you can have a north/south path.

Cynthia Wills, 156 Grove Street, said that along the paper street, there was a little path but a tree fell down so people stopped using it, so there were actually 3 paths a long time ago. No matter what you do, it is human nature and people will find a new path and park on Grove because they want to get to where they are going. There are many different ways and not everyone will be pleased. All the paths have been used for years and years and she does not think there have been any incidents the whole time she has lived here. School kids and neighbors and the aqueduct use it, but not everyone. They also do not go straight through the parking lot. It is a mini freeway for the pre-k students. She is not threatened by who walks by; they are just neighbors, so she questions the security issues.

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

Dr. Friedlander asked for a roll call vote to adopt this Negative Declaration as follows:

Mr. Aukland: Yes

Ms. Raiselis: Yes

Mr. Tedesco: Yes

Mr. Birgy: Absent (left the meeting earlier)

Dr. Friedlander: Yes

Motion carried: 4-0

#### CONTINUATION OF PUBLIC HEARING – Wilder Balter Partners, Inc. – 62 Main Street

Bill Balter, of Wilder Balter Partners, Inc., the applicant, appeared before the Board for a continued Public Hearing on this matter upon a 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.

Mr. Balter advised the Board that he has submitted the information requesting at the last meeting and he is here to listen and answer any questions. He is hopeful that the Board will adopt a Negative Declaration for this project.

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

Mr. Ringel asked if anyone would like to speak. No one raised their hand.



Dr. Friedlander asked about Mr. Balter about the PILOT program and asked him to explain how that will work.

Mr. Balter said they are building a 70 car municipal parking lot in the building. They will pay for the cost to build the lot as part of the financing. Once the lot is built, they will turn it over to the village who will receive the revenue. They are seeking a PILOT that simply reduces their taxes for the debt service that they will pay for the period of the loan for the parking lot. Dr. Friedlander said that this should be clarified in the report that you prepared. Mr. Balter said they submitted a draft PILOT to the Board of Trustees for their consideration. Counsel Zalantis said they just received a draft of this today and it can be provided to the Planning Board at the next work session.

Mr. Galvin advised that PILOT would have to be approved by the Greenburgh Town Board, with the consent of the Village Board.

Dr. Friedlander asked Mr. Balter if he had a timeline for development. Mr. Balter hopes to have approvals by the end of the year, and be able to relocate the existing residents and start demolition in February of next year. Construction should take about 2 years to complete.

Mr. Galvin said the Part 2 of the Negative Declaration identifies the issues that have been addressed in Part 3 of the Negative Declaration which describes the action, zoning, parking requirements, and the environmental issues, the GML review, letters for the county, the mitigation measures, affordability, traffic, parking, green technology, tenant relocation, fiscal component, and historic resources.

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.

Dr. Friedlander asked for a roll call vote to adopt this Negative Declaration as follows:

Mr. Aukland: Yes  
Ms. Raiselis: Yes  
Mr. Tedesco: Yes  
Mr. Birgy: Absent (left the meeting earlier)  
Dr. Friedlander: Yes  
Approved 4-0

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the hearing on site plan when appropriate.

Dr. Friedlander asked for a roll call vote on this matter:

Mr. Aukland: Yes  
Ms. Raiselis: Yes  
Mr. Tedesco: Yes  
Mr. Birgy: Absent (left the meeting earlier)  
Dr. Friedlander: Yes  
Motion carried: 4-0

Mr. Tedesco moved, seconded by Mr. Aukland, that they make a recommendation to the Board of Trustees to adopt the necessary zoning changes to make the project possible.

Dr. Friedlander asked for a roll call vote on this matter:

Mr. Aukland: Yes  
Ms. Raiselis: Yes  
Mr. Tedesco: Yes  
Mr. Birgy: Absent (left the meeting earlier)  
Dr. Friedlander: Yes  
Motion Carried: 4-0

Mr. Galvin will prepare a memorandum to the Board of Trustees from the Planning Board with their recommendation to adopt the zoning changes.

CONTINUATION OF PUBLIC HEARING - Paul and Maria Birgy - 740 South Broadway  
Conversion of designated village historic landmark from a one family dwelling into two family units.

Village Engineer Pennella said that he has received comment from Suzanne Nolan, the Village landscape architect, which will need to be reviewed. He is still working with the applicant with regard to the reduction of stormwater so they are not in a position to consider an approval tonight. Mr. Barbuti is here to comment.

Counsel Zalantis noted for the record that Mr. Birgy has recused himself and is no longer in the meeting.

Dave Barbuti, RA, the project architect, said he has received the landscape report from Suzanne Nolan and will address her comments. They have also proposed a rain garden for some of the storm water mitigation which also requires review. They hope to have everything finalized by the next meeting.

Dr. Friedlander asked if anyone in the audience had any comment.

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

Dr. Friedlander asked for a roll call vote on this matter:

Mr. Aukland: Yes  
 Ms. Raiselis: Yes  
 Mr. Tedesco: Yes  
 Mr. Birgy: Recused  
 Dr. Friedlander: Yes  
 Motion carried: 4-0

**PRELIMINARY PRESENTATION – Sunrise Development Inc. – 99 White Plains Road**

Referral by Board of Trustees for review and recommendation of a Zoning Petition to permit “Service Enriched Assisted Living Housing” and for site plan approval for 85 units of Service Enriched Assisted Living/Memory Care Housing pending the adoption of the zoning text amendment.

David Steinmetz, Attorney with the law firm of Zarin and Steinmetz, introduced Philip Kroskin, Sr. VP of Sunrise Living, and his partner Brad Schwartz, also with Zarin and Steinmetz.

Sunrise Development Inc. is a contract vendee for the property located at 99 White Plains Road which is in the LB Zone. They have presented a zoning amendment to the Board of Trustees for a new assisted living residence at this location. The Board of Trustees has referred the zoning amendment request to this Board for review and recommendation of the zoning changes and eventual site plan approval. They are proposing 85 units and a new zoning concept of “Service Enriched Assisted Living Housing” The site is on the former location of the Goebels Building which is rich in history and has wonderful architecture. They have retained Stephen Tilley, RA, as the historical consulting architect for this project. They are here tonight to mainly focus on the zoning and the proposed project. They would also like for the Board to commence the SEQRA process. The site has access and visibility and the design will be presented by Andy Coelho, Sr. VP of Design and construction, and Andy English, another architect on the team will go through the façade and layout. Steve Tilly will explain how he recommended that Sunrise work with the exterior of the building and which portions of the Goebels Building can be integrated into the site. Rob Aiello, the project engineer, of JMC, will quickly go over the site plan.

With regard to the Artis Sr. Living project before this Board for site plan approval at a site adjacent to this property for Alzheimer/Dementia Care. Artis Sr. Living and Sunrise Development know each other quite well. Both providers have worked side by side in other communities and complement each other. They are proposing 85 units and 32 of them will be for Alzheimer care, the 53 units will be assisted living units. Sunrise Development is a leader in the Senior Housing provider. Demographically, even with Brightview nearby, there is still a substantial demand for senior assisted and memory care units in the County. There is a great demand for folks in the community to want to age in place. Having these beds nearby is also extremely valuable for family members to visit.

Andy Coelho, R.A., Sr. V.P of Construction with Sunrise noted that Sunrise operates 320 communities across the US, Canada and the UK. It is important for them that their

residences become part of each community. They invite local school groups to come into the communities and provide intergenerational programming. They also take cues from the local context and design their buildings architecturally to blend in with the fabric of the community. The project itself will dedicate half of its space to common areas which include dining, a living lounge, a library, a hair salon, therapy space and a spa. The average age of the resident is 87 years old and most do not drive. They provide an amenity of lush gracious gardens for the residents who walk and sit outside which is great for their marketing plan but also makes the property attractive which benefits the community. They have taken the COVID crisis very seriously and are integrating changes to the design in their buildings. They value the existing structure on the site and the history of the building and showed a similar project in Burke, Virginia which they integrated an 1824 Farmhouse and treated the existing building as a treasure. Andy English, RA, with E.J. Architects briefly explained that their goal is to celebrate the existing building and add on to it while complementing the existing building. He showed the proposed rendering. They will preserve the stone wall along White Plains Road and the circular driveway will focus on the attention to the Goebel House as the main entry to the site with a grand foyer, library parlor, sitting rooms and the elegant existing grand stair. The existing building has unique architectural elements. The new building design is not intended to mimic the existing style, yet it will be compatible with regard to size, style, and subtle elements that will tie the buildings together. The proposed building will also have two story brick and cornice lines and similar roof like features. The existing chimneys will remain.

Stephen Tilly, RA, said that following the Secretary of the Interior standards, the new building will not mimic the original building. There are 2 historical resources at play here. The Goebel house which is considered eligible for listing on the National Register which means that you have to treat it as if it were on the National Register. The second historical resource is the Old Croton Aqueduct, which is a National Historic Landmark. Mr. Tilley referred to the addition that was added to the building and the opportunity to open that area up with a landscaped courtyard on that side. So the rear of the building will finally be revealed which is a bonus from an historical perspective.

Dr. Friedlander asked if any Board members have any questions. There was one more presenter.

Rob Aiello, P.E, the project engineer, with JMC, briefly presented the site plan. He showed an aerial photograph of the existing site conditions. The property is 4.6 acres and is located in the LB (limited business) zone. The existing building on the property has two components: The existing Goebel house in the front and then one of several additions in the back. The site is developed to hold about 65 cars. He noted the prominent walls along the entire site frontage and the turnaround area that will be kept in the same general location. He showed the existing 3 story portion which will remain and the areas that will be removed. He pointed to the steep slope on the left hand side and the wetland area on the southern boundary. They have tried to minimize the disturbance on the left hand side of the property which lead to the Old Croton Aqueduct on the western portion of the site. They are proposing 54 parking spaces for the 85 units. This parking wraps around the building and also included the trash area and the

loading area along the backside of the building. Landscaping will be provided as Sunrise goes through great expense to provide a variety of garden spaces, patios and amenities on both the inside and outside of the buildings. Common space will be provided in the north end of the building. Decks and patios will be introduced so that residents can enjoy the views of the Hudson River and the Bridge.

As they get into the SEQRA process they will be providing additional information but these types of projects don't generate high levels of traffic, as most residents require a level of care and they don't drive or own a car. Many employees use mass transit to get to work. So the traffic and parking impacts are much different than if the existing office and warehouse were to be reoccupied.

David Steinmetz concluded the presentation. He feels that this project not only provides a great service to the larger community, it is a wonderful source of employment, and an equally wonderful source of tax revenue to the village, town, county. He is happy to answer any additional questions.

Mr. Galvin advised that the applicant has provided a long form EAF and in response he has provided them with a list of potential studies and information that will be required as part of the SEQRA process.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare the proposed action an Unlisted Action and the Planning Board's intent to be Lead Agency for the zoning amendment and site plan review with proper notification of intent to all involved and interested agencies, including the Westchester County Planning Department under the General Municipal Law.

Dr. Friedlander asked for a roll call vote on this matter:

Mr. Aukland: Yes  
Ms. Raiselis: Yes  
Mr. Tedesco: Yes  
Dr. Friedlander: Yes  
Mr. Birgy: Absent (left the meeting earlier)  
Motion carried: 4-0

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow for this project at \$20,000 to be replenished as required.

Dr. Friedlander asked for a roll call vote on this matter:

Mr. Aukland: Yes  
Ms. Raiselis: Yes  
Mr. Tedesco: Yes  
Dr. Friedlander: Yes  
Mr. Birgy: Absent (left the meeting earlier)  
Motion carried: 4-0

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing at the July meeting.

Dr. Friedlander asked for a roll call vote on this matter:

Mr. Aukland: Yes

Ms. Raiselis: Yes

Mr. Tedesco: Yes

Dr. Friedlander: Yes

Mr. Birgy: Absent (left the meeting earlier)

Motion carried: 4-0

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

Counsel Zalantis updated the Board and said that this application with the Town of Greenburgh was adjourned to continue discussions with the village with regard to the conditions that be included in the site plan approval. They are still working on finalizing the language.

ADJOURNMENT

Ms. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 10:25 p.m.

All in favor. Motion carried: 4-0

Liz Meszaros- Secretary

## **EXHIBIT "A"**

**67 Miller Avenue Site Plan Application  
Blanchard & Wilson letter 6-19-20**

# **BLANCHARD & WILSON, LLP**

235 Main Street, Suite 330  
White Plains, NY 10601  
(914) 844-1909

June 19, 2020

**Via E-Mail Pursuant to Executive Order 202.1 and 202.15 (lmeszaros@tarrytowngov.com and csapienza@tarrytowngov.com)**

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

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

Dear Honorable Members of the Tarrytown Planning Board,

As you have reviewed this application over the past few months, there are still several important issues that remain unanswered or have simply been purposefully ignored by the Bartolacci's and their engineer. I have outlined below some of the procedural and substantive deficiencies of Bartolacci's Application. My client understands that Bartolacci has been intermittently pursuing approval over the last seven (7) years to replace and construct a retaining wall but the length of time alone does not warrant approving a retaining wall that simply does not meet the requirements in the Village Code and is wholly inappropriate for the neighborhood. The previous failed attempts by Bartolacci to engineer such a large wall on such a steep slope is evidence that perhaps a different design and type of wall is necessary altogether.

Throughout Bartolacci's review process (both before the Zoning Board of Appeals and this Board), it is clear that Bartolacci continually hopes that this Board will stop asking the necessary questions and grow tired of asking for the critical information. We implore you to continue your review and diligence regarding Bartolacci's application but one question that continues to surface is "Does this wall actually comply with the Village Code"? The answer is a simple "no". Despite Bartolacci's weak attempts to answer questions and provide supporting documentation, he simply cannot meet the necessary standards in the Village Code and provide your outside consultants satisfactory answers.

We ask, again, that for the following reasons, in addition to all our prior letters and submissions made in opposition to the Bartolacci Application, that the Board simply say "no" for the following reasons.



## **THE 2017 AREA VARIANCES HAVE EXPIRED**

Under Village Code Section 305-118 - Expiration of variance approval – “All area or use variances granted by the Board of Appeals shall lapse two years after the date of the decision, if a final building permit has not been requested and received by the applicant. In such cases, the applicant may reapply for a variance to the Board of Appeals.” Here, the Zoning Board of Appeals’ resolution is dated September 14, 2017. Based on the Village Code’s provision, the variance approval has expired and the Applicant should be required to return to the Zoning Board to seek re-approval. The Applicant failed to diligently pursue his Application in front of the Planning Board and should not benefit from the passage of time. More importantly, however, is the significant change in plans. Even IF the variance approval had not expired, Bartolacci has substantively changed the plans negating any prior approval. Again, the “Approved Plan” on which the variance resolution is granted is dated July 28, 2017. These plans show a very different type of retaining wall. To reinforce the clear requirement that the variance resolution is specifically contingent upon the July 28, 2017 plans, the Zoning Board states, in part, the following:

“...the variances are granted solely in connection with the Approved Plan....If any changes are made to the Approved Plan (other than those deemed by the Building Inspector to be minor field changes or other than changes made by the Planning Board in connection with its site plan review) this variance becomes void and the Applicant must make a new Application to the ZBA for approval...” See Condition 1 on Page 3 of the ZBA resolution.

“This variance is granted subject to the accuracy of the representations made by the Applicant and its representatives to the ZBA in its written submissions and during the public hearing and if any material representation, whether or not included in this Resolution, is found to be inaccurate, at the discretion of the ZBA the variance grant may be deemed void, in which case the Applicant must make a new application to the ZBA for approval of any and all variances.” See Condition 8 on Page 4 of the ZBA Resolution.

Based on the plain language of Village Code, the conditional language of the Zoning Board Resolution, and the Applicant’s failure to seek an extension of time for the variances, this Board is precluded from acting. Why is the Planning Board allowing Bartolacci to proceed with expired approvals?

### **Disparate Treatment of Applications**

Importantly, the ZBA and Planning Board required another Applicant—202 Lexington Group LLC, for 29 South Depot Plaza (which is also on your agenda for June 22, 2020 for public hearing) to comply with the Village Code and seek an extension of the previously granted variances. Specifically, on Dec 11, 2017, the ZBA granted a variance for parking spaces for 2020 Lexington Group LLC. On March 26, 2018, the Planning Board granted Site Plan approval for the conversion of a sports building to a storage facility with construction of apartments above – the approval was for 2 years— and the 2020 Lexington Group did not request a building permit.

The Minutes of the Jan 27, 2020 Meeting of the Planning Board indicate that this Applicant was required to re Notice, post a sign and submit the signed receipts for a Request for a 2-year Extension of the Site Plan Approval -- the Planning Board granted the extension until March 26 2022. In addition, at the Planning Board meeting, the lawyer for the applicant stated that the ZBA had given the applicant a 2-year extension and your Board stated in its resolution on the January 27, 2020 meeting the ZBA reviewed the request for an extension of the parking variance and the ZBA approved the requested extension for 2 years.

Here, this Board must deny Bartolacci's application unless he is able to obtain a new variance from the Zoning Board of Appeals. To allow Bartolacci to escape compliance with the Village Code is entirely inconsistent with how this Board has treated other applicants and in direct contravention of what the Village Code requires.

### **THE APPLICANT HAS FAILED TO COMPLY WITH THE NOTICE REQUIREMENTS UNDER THE VILLAGE CODE**

The Village Code requires strict compliance with its notice provisions (both mailing and posting signs on the property). In this case, Bartolacci has not posted a sign on his property and has not been required to mail notices for years. Indeed, upon information and belief, a sign has not been posted on Bartolacci's property for the Planning Board meeting since 2013. Given that this Board and other Village Boards have required other applicant's to re-notice applications when an approval has expired (as is the case here) or when there has been a significant lapse of time, why isn't the Board requiring Bartolacci to do that here?<sup>1</sup> Also, new property owners that have moved into the neighborhood in the last seven years would have no way of knowing that this action is pending unless they happen to review an agenda. Again, this is not a situation where a month or two has passed -- it has been seven years!

This Board should require Bartolacci to return to the Zoning Board, provide notice via mail and posting the sign and also require Bartolacci to re-notice and repost a sign prior to returning to the Planning Board.

### **THE APPLICANT'S STEEP SLOPE NARRATIVE FAILS TO MEET THE VILLAGE CODE REQUIREMENTS**

As we have pointed out previously, Bartolacci's steep slope narrative was (and remains) insufficient. There is not a single word that has changed in the steep slope narrative despite the changes in the application and the other engineering questions that have been raised. The issues raised previously remain unanswered. Bartolacci keeps resubmitting the same information to this Board in the hope that you will simply look the other way.

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<sup>1</sup> Notably, as recently as last August 2019, the Zoning Board required the applicant for 86 Crest Drive to renotice the application prior to the adjourned public hearing date because one year had passed and the plans had changed. The revised variance resulted in a decrease in FAR and the Board still required the applicant to renotice. See Minutes of ZBA dated August 8, 2019.

**THE APPLICANT HAS NOT SUBMITTED THE NECESSARY INFORMATION  
UNDER THE STATE ENVIRONMENTAL QUALITY ACT**

Finally, we are asking the Board to adjourn its consideration of this Application until Ms. Baldwin and any other interested parties have the opportunity to come in person to review the revised plans. As mentioned previously, the Application is not for any form of emergency repair and is not urgent and there is no reason to not wait until in person meetings resume. Again, this Board needs to perform the following:

- 1) Require the Applicant to submit a new EAF for the Concrete Wall Plan;
- 2) Declare the Concrete Wall Plan an “unlisted” action;
- 3) Conduct a satisfactory Environmental Assessment Form that critically examines the stability of the slope as existing and as proposed to be changed, examines the safety factors for the 2 massive walls for stability against sliding, overturning and bearing taking into account that the upper wall adds to the stress on the lower wall, and examine the sufficiency of the drainage pipe and the water management system to retain stormwater on Applicant’s property; and
- 4) Consider alternatives that include a single shorter wall of less commercial composition similar in height to the current railroad tie wall.

**PLANNING BOARD IS OBLIGATED TO CONFIRM WITH HAHN ENGINEERING  
THAT BARTOLACCI HAS SUBMITTED ALL NECESSARY INFORMATION FOR A  
COMPLETE REVIEW**

Even if this Board allows Bartolacci to proceed with its application despite not having the required variance(s), this Board needs to confirm with its consultants that Bartolacci has satisfactorily answered all of their questions. Based on the most recent Hahn correspondence dated May 5, 2020, Bartolacci still needs to provide substantive answers or documentation to support many of its engineer’s conclusions and design parameters. Specifically, Hahn’s memo has several bulleted points about which this Board should seek confirmation. For example, the first bullet states that the wall “was designed to withstand sliding and overturning.” Where is the documentation to support this conclusion that the Village has made and were the correct calculations used. Similarly, regarding the second bullet, where on the plans does it show that the top wall is anchored to bedrock at all? Also, the soil bearing data needs to be provided, among many additional items

Finally, the proposed wall on the southern side of the property appears to be right on the property line and does not comply with the necessary setbacks. The Board should confirm that the necessary variances have been obtained.

Given the above issues and deficiencies, this Board should deny the Bartolacci Application.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristen K. Wilson". The script is cursive and fluid, with the first name "Kristen" and last name "Wilson" clearly legible.

Kristen K. Wilson

cc: Geraldine F. Baldwin (via email)  
Katherine Zalantis, Esq. (via email)  
Planning Board (via email)

**EXHIBIT “B”**  
**62 Main Street**  
**Negative Declaration**

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Camp OBK  
**FILED 6/23/2020**  
**VILLAGE CLERKS OFFICE**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Description of the Action**

The proposed action is a development of a 109-unit building with parking structure (116 spaces for residents and 69 municipal spaces) which development will adaptively reuse the historic 4-story YMCA building.

**Proposed SC Floating/Overlay Zone and Potential Development Potential**

This zone would include: 1)a new senior community definition - "multi-family dwellings in which at least 80% of units must be occupied by one person 55 years of age or older" and 2)location/qualifying criteria. Eligible properties would be limited to the M-1.5 District with min. lot size of 20,000 sf and served by public water and sanitary sewer. Based on these criteria, there are five eligible properties in addition to the YMCA property. These properties include: 18 North Broadway (Landmark Condo), 20 Wood Court (Tarrytown Hall Care Center), 17 Wood Court Condominiums, 105 Wildey Street (Tarrytown Community Opportunity Center) and 5 Wood Court. The Development Potential Analysis prepared by Kimley-Horn indicated all of these properties are currently developed. Two of the properties are condominiums with one being on the National Register; another property is a nursing home which has recently invested in an addition, renovation and significant upgrade. A fourth property is an active community center. Kimley-Horn's finding is that these condominium and nursing home properties are unlikely to be redeveloped in the foreseeable future. However, there is a property at 5 Wood Court that is developed with a multi-family residence that could realistically be redeveloped in the future with approximately 50 units. While redevelopment potential appears limited in the foreseeable future, the SC Floating/Overlay zone provides an opportunity for future redevelopment of these properties which would advance the Village's goal of repurposing underutilized buildings in the Village as affordable senior housing.

**Additional standards for the proposed zone which would apply to the YMCA site includes**

Project would be subject to the affordable housing provisions of the Village Code. The maximum building height is 52' and 4 stories; maximum FAR is 2.0 but as an incentive can be increased to 2.5 for 100% affordable senior projects. Minimum apartment sizes required for studios (450 sf) and one-bedroom units (650 sf). Projects shall not exceed three bedrooms. Open space/recreation space is required at 35 sf per unit including at grade open space and resident amenities such as community rooms and rooftop amenity space.

**Parking Requirements**

Parking requirements shall be one space per unit plus 0.25 space for each additional bedroom. This results in one parking space for studios and one-bedroom units; 1.25 spaces for two-bedroom units and 1.50 spaces for three-bedroom units. Kimley-Horn prepared a Parking Ratio Memo that included an overnight parking survey at 10 senior communities developed by WVB in the Hudson Valley and Long Island. These projects are not located in downtown areas and are all auto dependent. The Kimley-Horn report shows that peak parking demand at these senior developments varies between 0.64 and 0.74 parked cars per residential unit, with an average of 0.69 parked vehicles per unit. This is similar to ITE studies which indicate a peak parking demand ratio of 0.64 parked vehicles per unit. (See attached for continuation of Long Form Environmental Assessment Part 3)

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Part 1A Literature Search & Sensitivity Assessment, YMCA Development Project (Hudson Valley Cultural Resource (2/20); Fiscal Analysis, Kimley-Horn, 3/5/20; Parking Ratio Memo, Kimley-Horn, 2/18/20; Development Potential for Proposed SC Floating/Overlay, Kimley-Horn, 3/5/20; West Co. Planning GML Letter, 3/10/20; SHPO Review-YMCA, 4/20/20; DEC Review, 3/26/20; Tenant Relocation Plan, HAC & WBalter; PB PPT Present, 4/27/20, WBalter

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Village of Tarrytown Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Tarrytown YMCA Redevelopment - Senior Community Overlay District

Name of Lead Agency: Village of Tarrytown Planning Board

Name of Responsible Officer in Lead Agency: Dr. Stanley Friedlander

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:  Date: 6/22/20

Signature of Preparer (if different from Responsible Officer): Robert Galvin AICP Consulting Village Planner Date: 6/14/20

**For Further Information:**

Contact Person: Elizabeth Meszaros, Secretary to the Planning Board

Address: One Depot Plaza, Tarrytown, NY 10591

Telephone Number: (914) 631-1487

E-mail: [emeszaros@tarrytowngov.com](mailto:emeszaros@tarrytowngov.com)

**For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**Long Form Environmental Assessment**  
**Part 3 – Continued**

**YMCA Project – Site Plan**

**Description of Project** – The subject property is located at 62 Main Street on the south side of Main Street. The Property consists of approximately 1.12 acres and is located partially in the RR Restricted Retail District of the Village ("RR District") and partially in the M-1.5 Multifamily Residence District of the Village ("M-1.5 District"). The Property is improved with an approximately 52,000 square foot, four-story brick building with 48 single room occupancy units as well as a community recreation center, and with approximately 42 on-grade parking spaces.

The property is currently occupied by the Family YMCA of Tarrytown (hereafter Tarrytown YMCA). The proposed Tarrytown YMCA Redevelopment Project will redevelop the site with a 4-story, mixed income, senior (age 55+) multi-family building with incomes and rents based on 40% to 80% of area median income that will average 60% median income. The applicant proposes to demolish many of the existing improvements on the property, but would adaptively reuse the historic, 4-story, brick YMCA building with frontage on Main Street to be incorporated into the proposed residential building. The proposed building will contain 109 dwelling units (14 efficiency/studio units and 95 one-bedroom units). The ground floor of the building will contain a parking structure with 69 municipal parking spaces in addition to two levels of below grade parking with 116 parking spaces for residents of the building.

The Tarrytown YMCA is located within the boundaries of the Main Street Historic District, a National Register Eligible and Certified Local Historic district. The Tarrytown YMCA is a National Register Eligible structure, located within the boundaries of the certified district. The Tarrytown YMCA was constructed in 1912. A two-story brick wing (the boys wing) and gymnasium additions were constructed about 1915. In 1920, an addition was added to the rear of the building that includes hand ball courts and locker rooms. A third addition was added to the structure in 1961 that contains a swimming pool. The proposed project includes demolishing the 1925 and 1961 additions to the 1912 YMCA building. The new structure would adaptively reuse the four-story brick structure that fronts on Main Street. The 1912 portion of the building will be included in the new structure. The 1915 addition will also be retained and incorporated into the new structure.

The property is currently split between the RR zoning district in the front portion of the site along Main Street and M-1.5 in the rear of the property. In order for the property to be redeveloped, the property will need not only the proposed Senior Community Floating/Overlay zone but will require the rezoning of the RR zone to M-1.5 to cover the entire property.

**GML Review** - The project was referred to Westchester County Planning on 2/27/20. County Planning provided a GML review dated 3/10/20 which found the project to be consistent with the County's *Comprehensive Plan* and responsive to Westchester County's *Housing Needs Study*. Applicant has addressed the County's comments indicating that he is targeting *Gold LEED certification* and provided specifics of green building technologies. The Applicant is also providing bicycle parking and has provided the Planning Board with information on the *Tenant Relocation Plan*. The Project will provide a range of affordable rents ranging from 40% - 80% of Area Median Income (AMI). Project is not only being funded through NYSHCR tax credits but also Westchester County's New Homes Land Acquisition funding (NHLA).



**Mitigation Measures** – The site plan has been revised in response to comments from the Planning Board and from the adjacent property owner to the south of the site. The revised plan moves the building so that it is a minimum of 14' from the southern property line. Applicant will be creating a landscape buffer in the increased space between the project and the southerly property line. This landscaping will be detailed during the site plan review process.

This revision has slightly modified the unit mix and resulted in a reduction in the number of parking spaces. The number of studios has been reduced from 15 to 14 units with average size increasing from 504 sf to 537 sf. The number of one-bedroom units has been increased from 94 to 95 units. Similarly, the average size of these units has increased from 703 sf to 713 sf. The total number of units remains the same at 109 units. The number of public parking spaces has decreased from 71 spaces to 69 spaces. Due to the unit mix change, the number of residential parking spaces has changed from 118 spaces to 116 spaces (parking ratio of 1.06). There is now a total of 185 spaces (both public and tenant) in the parking garage. The Applicant has now provided an ADA access on the east side of the building to allow direct access up the walk to Main Street.

The redevelopment of the YMCA site will result in the loss of the YMCA recreational facilities including the gymnasium, hand ball courts and a swimming pool. Mitigation will be provided through payment of recreation fees into the Village Recreation Fund for recreation programs and facilities in the Village of Tarrytown.

**Affordability** – Rents range from 40% to 80% of Westchester Area *Median Income (AMI)*. Following is the unit breakdown and approximate monthly rents based on 2020 AMI):

**Studio units with monthly rents approximately \$840.**

**One Bedroom units with monthly rents from \$900 - \$1,805.**

**Level of Affordability** – 26 units @ 40% (23.9% of total units); 23 units @ 50% (21.1% of total units). 19 units @ 60% (17.4% of total units); 20 units @ 70% (18.3% of total units); 20 units @ 80% (18.3% of total units) and one super's unit (0.9% of total units).

These levels of affordability are made possible with funding from

- New York State -Tax Credits NYSHCR
- Westchester County – Affordable land program – New Homes Land Acquisition Fund (NHLA)
- Local Non-Profit - Housing Action Council

**Traffic Generation** – *Kimley-Horn Traffic Study* was based on YMCA driveway and pedestrian doorway counts. The existing YMCA trips were 72 trips in the am peak and 107 in the pm peak and . The Project trip generation based on ITE Trip Generation Manual, 10<sup>th</sup> edition with a 20% transit credit reported am generation of 22 and pm generation of 29 trips. This indicates less traffic than YMCA with better traffic operating conditions which are most noticeable on Windle Park.

**Parking Utilization** - Kimley-Horn developed a *Parking Ratio Memo* for the proposed YMCA Redevelopment Project includes actual data from overnight parking surveys at 10 Wilder Balter senior housing communities in the Hudson Valley and Long Island. These projects, unlike the Tarrytown location, are not located in downtown areas and are all auto dependent. The Project's 109 units have 116 parking spaces (parking ratio of 1.06 spaces per unit). The surveys indicated 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. This is similar to ITE information (Parking Generation, 5th Edition) which 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.

**Green Technology** – The Applicant has targeted *LEED v4 Gold certification* for the proposed building. A listing of green technologies has been provided to the Planning Board. These include a 5,600 sf- green roof courtyard and solar collectors (150 kw on-site). Other high efficiency energy techniques include: *Air Source Heat Pump Heating and Cooling • LED lighting with smart Controls • Energy Recovery Ventilation System • Air Filtration • Low Emitting Interior Finishes • Water Efficient fixtures and Appliances • Green Roofs and Stormwater Management • Native and Adapted Non-Invasive Plantings • Re-Utilizing pre-developed site within the village center located close to mass transit*

**Tenant Relocation** - Tenant relocation plan has been drafted with the Housing Action Council and is in review with NYSHCR. Funding is 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. There are 48 single rooms at the Family YMCA at Tarrytown (YMCA) of which approximately 40 are occupied by low income residents. The redevelopment plan provides for relocation of these residents during the development/construction process and an opportunity for them to rent a studio apartment in the new building at an affordable rent when the development is completed. Housing Action Council (HAC), a not-for-profit organization based in Tarrytown, will manage the Relocation Plan. The developer will provide the following financial assistance to facilitate the Relocation Plan: provide rental assistance bridging the difference between what the resident's rent is at the time of relocation and a rent; provide one month's security deposit to the extent needed; provide funds for moving expenses – for relocation and move-backs to the extent needed. These funds will be advanced to HAC so that the resident can access and finalize housing arrangements in a timely manner.

**Fiscal Analysis** – The existing YMCA is a non-profit organization and pays \$0 in real estate taxes, but does pay water and sewer fees to the Town of Greenburgh. The redevelopment project will provide real estate taxes to the Village, County and other taxing jurisdictions including the Tarrytown Public School District, the Saw Mill Valley Sewer District, and the Westchester County refuse district. Taxes are assessed through the Town of Greenburgh. The projected total real estate taxes from the project are expected to start at about \$1,500 per unit per year based on a proposed 30-year Payment in Lieu of Taxes (PILOT) program and increase about 3% per year. If agreed to by the Town Board, this PILOT would result in approximately \$160,000 in Year 1 and increase up to approximately \$380,000 in Year 30. Over a 30-year period, the project is estimated to generate a total of approximately \$7,770,000.

It is noted that the project will generate annual real estate taxes, where currently there are none. The project will not generate school children, so the School District will benefit from the entire amount of the new taxes. Trash and recycling from the project are to be collected by private carters (or the Applicant will pay the cost over municipal pick up). No public roads are proposed; therefore, no maintenance is required from the Village. The developer is responsible for any necessary capital improvements to the parking facility, other than periodic restriping / resurfacing, if necessary. The development will pay standard water and sewer fees, covering the costs of the Village and districts. The Village of Tarrytown will receive all revenue from the 69 municipal parking spaces, and pay the operating costs of this parking, including: electric (lighting) costs, fire-sprinkler maintenance costs and

minimal snow removal costs (the parking lot is covered). There is an overall beneficial fiscal impact since new tax revenue will be generated by the project and services required will be minimal.

**Historic Resources** - Applicant is working with SHPO to develop a *Memorandum of Understanding* (MOU) incorporating suggested mitigation measures such as continued design consultation with SHPO regarding the proposed new construction, the continued maintenance and appropriate repairs of the remaining historic c.1911 and c.1915 portions of the building along Main Street, documentation of the building, the salvage or reuse of certain architectural features in the new building, interpretive signage and exhibits, and financial support for educational programs about the history of the Tarrytown YMCA at the new YMCA facility. 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.

**Environmental Constraints** – The subject property is not located within a flood plain. The site does not contain any wetlands nor any steep slopes or vegetation. The Project is a redevelopment of a property. Two DEC remediation sites were noted in the DEC environmental database search - 360084: 124-134 Wildey St.; and C360064: 129 Main St. The DEC remediation at both sites has been completed and environmental easements provided.

**SEQRA Determination of Significance** – Based on the Planning Board's review of the LEAF, an analysis of Part 2 and a review of Applicant's provided information including parking and traffic studies, fiscal analysis, development potential analysis, historic assessment of the YMCA, tenant relocation plan, affordability levels, green technologies, and agency reviews including Westchester County Planning and SHPO, the Planning Board has determined that the proposed action including the proposed zoning text and site plan for the proposed redevelopment of the YMCA property is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Project:	Agency Use Only (If applicable) YMCA Redevelopment - Senior Overlay
Date:	June 12, 2020

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part 1 Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>construction anticipated to be 18 months</u>		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2c	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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## 6. Impacts on Air

The proposed action may include a state regulated air emission source.  
(See Part 1. D.2.f., D.2.h., D.2.g.)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c" above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

## 7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☒ NO

☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part 1 Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1, E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q. E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 - 3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1, E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: SHPO review letter (3/16/20) for archaeological survey - indicating no concerns	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: <u>SHPO review (3/19/20) for architectural survey indicating potential impact (YMCA Applicant is entering into MOU incorporating suggested mitigation measures.</u>		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part I. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2c, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: <u>the loss of recreational facilities at the YMCA will be mitigated through the payment of recreation fees for the project.</u>		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part I. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.  
(See Part I. D.2.j)

☐ NO☒ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: 116 parking spaces provided for 109 senior citizen units (parking ratio of 1.06 per unit) plus an additional 69 parking spaces for municipal parking.		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.  
(See Part I. D.2.k)

☒ NO☐ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  
(See Part I. D.2.m., n., and o.)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: <u>C360084, 124-134 Wilkey St. - C360064, 129 Main St. - DEC remediation at both sites has been completed and closed out.</u>			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2, and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d, D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3c, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing. <small>Tenant Relocation Plan developed w/review by NYSDCR</small>	C2, C3, D1f, D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3, E1a, E1b, E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: <u>building reconfigured to increase the setback to the south from about 5 feet with the current plan to a minimum of 14 feet where the neighbor's house is located</u>		<input type="checkbox"/>	<input type="checkbox"/>

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