

Planning Board
Village of Tarrytown
Regular Meeting 7 pm
July 24, 2023

PRESENT: Chair Raiselis, Members Friedlander, Aukland, Counsel Zalantis, Village Engineer Pennella; Planner Galvin, Secretary Meszaros

ABSENT: Member Gaito, Member Mendez-Boyer, Alternate Member Mezey

Ms. Raiselis called the meeting to order at 7:05 p.m. She announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to lmesaros@tarrytowngov.com or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed to the Board and the applicant in advance of the meeting.

APPROVAL OF MINUTES - June 26, 2023

Ms. Raiselis advised that there is no quorum present to approve the June minutes. They will be considered at the next meeting.

Ms. Raiselis announced the following adjournment:

First Korean Methodist Church of NY - 500 South Broadway

Site plan approval for the construction of a parking lot with related stormwater and site improvements to include ingress and egress access from properties located at 14 and 18 Walter Street, respectively.

CONTINUATION OF PUBLIC HEARING - Gracemere Partners, LLC - 23 Browning Lane (Lot 1)

Ms. Raiselis advised the public that due to the recusal of Mr. Aukland, that will leave only two Board Members present, and without a quorum of the Board, (at least 3 members), the application cannot be heard this evening.

Linda Viertel, a Gracemere resident, came up to the podium and advised that she had a written statement prepared addressing this application, which included questions directed to the Planning Board. Since the application is not being heard, she understands that she will not be able to comment this evening but will email her comments to Secretary Meszaros. She asked the Board if her comments will be read into the record at the next meeting and she also requested a response to her questions from the Board and/or Village Counsel. She has taken the time to prepare for this meeting and she feels that the Planning Board should respond to her questions on behalf of the all of the residents of Gracemere. Ms. Raiselis advised Ms. Viertel that her comments will become part of the Planning Board record and the Board will do the best they can to respond to her letter at the next work session.

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

George Distefano appeared, representing the applicant, Hudson Harbor Station, LLC. He introduced Anthony Guccione, P.E. and Lucille Munz, RLA, with JMC Site Development Consultants, the project design engineers and landscape architects, and John Canning, PE, the project traffic consultant, with the firm of Kimley Horn. Mr. Distefano briefly went over a PowerPoint Presentation (see Exhibit A). They have added eight live/work units behind the first row of parking to provide more activation along the south portion of the driveway and the tandem parking has been removed. The proposed live/work spaces are duplex units and can be accessed from the second floor, from the interior corridor, and a stoop off of the sidewalk along S. Depot Plaza. Mr. Distefano showed 3-D views of the stoop condition and the live/work space which shows a larger 6-foot vertical break in the façade, along with a change of material added to reinforce the break and reduce the massing between the white metal and the brick. Mr. Distefano confirmed with Mr. Galvin that the first floor is located just above the preliminary flood elevation at + 9.17 feet, which includes the live/work space.

Mr. Distefano showed the amenity terrace on the 4th floor which has a 24-foot setback, the 9-foot setback over the garage door entry. On the east and west sides, he showed each of the two 6-foot vertical breaks and the 3-foot setback on the south of the building. They have incorporated a light gray panel rather than the black that was previously proposed and have added a more transparent window wall system at each of these setbacks. They believe these setbacks help to break down the different volumes of the project and the proposed glass façade also makes it look better. Dr. Friedlander asked what the difference is between the west and the east façade. Mr. Distefano said the west facade has a wider setback and, on the east façade, there are two, one is a narrower vertical break and then there is the 9-foot horizontal break at the top.

Ms. Raiselis commented that it seems like a missed opportunity to not differentiate the elevation with the live/work space. She feels it could be punched out more. Mr. Distefano said they will look at this suggestion.

Anthony Guccione, PE, with JMC, went through the parking requirements and showed 53 parking spaces on the lower level; 32 spaces in the north-end of the MTA lot and 13 spaces on lot 37, for a total of 98 spaces, which meets the zoning parking requirements.

The MTA parcel to the south shows 30 spaces which have been dedicated for the MTA employees. Landscaped islands have been provided for every 10 spaces or less and trees have been added to provide for shade. They have proposed a thick evergreen buffer between the Franklin Courts and their property. They have added two additional spaces at the northeast corner of the MTA lot that can be used for uber drop offs, food deliveries, etc. These two spaces are not included as part of the zoning parking requirement count. Drop-off signage, such as 10-minute parking limit, will be added for enforcement. With regard to

the safety of the property, at the southeast end of the property, they are proposing a 6-foot chain link fence wrapping around and connecting to the corner of the building that will be buffered with landscaping. This barrier will prevent people from access to the recycling plant and the railroad tracks. Mr. Aukland commented that people could still walk along the road and he is concerned about the safety of the residents in this area with regard to accessing the railroad tracks, not just on this property, and he will be asking for more information. Mr. Distefano advised that they are in the process of scheduling a meeting with the MTA and this issue is on the list of questions to be addressed.

Mr. Guccione showed the pedestrian circulation plan which will increase the walkability throughout the site. He showed the sidewalk in front of the building which is a minimum of 6 feet and wider in some places. It extends out to South Depot Plaza to the north and to the mobility hub which is connected by a raised crosswalk connected to the train platform through an accessible ramp. He showed the preliminary connection to the Franklin Towers property and noted that their plans are not finalized yet, but they are committed to work with Franklin Towers to come up with a plan that works for both developments. He showed the 3 crosswalks that connect to the parking areas to the building and to Franklin Towers and the 3 connections to the train platform. Dr. Friedlander confirmed with Mr. Guccione that the sidewalk in front of the building is a minimum of 6 feet and in some areas, it is as wide as 8 feet and he showed the landscaped strip.

Mr. Aukland asked if the sidewalks are raised to provide traffic calming. Mr. Guccione confirmed that they were raised for traffic calming purposes on each end. The middle sidewalk will be at grade and pedestrian crossing signs will be added.

Dr. Friedlander asked if there is access to the tracks from the west side. Mr. Guccione advised that there is no access out of the building on the west or south side; a fence will be installed to prevent access to the tracks. Mr. Galvin noted that the MTA indicated in their letter to the Planning Board, which was forwarded to the applicant, that they want protection of their infrastructure.

Lucille Munz, RLA, with JMC, briefly went over the changes to the Landscaping Plan. They have created more emphasis on the entrance of the building which has been expanded beyond the building envelope to create a more inviting public gathering space. They have added planter seating for a more welcoming area. The proposed plaza and mobility hub pavement will consist of a large format concrete pavement system. The south side has been beefed up with sweet gum and Junipers for varied screening and Red Sunset Maples are proposed in the parking lot with Armstrong Maples along the eastern side of the building, also with extensive screening. They have increased plantings as follows from the prior submission: 40 trees have been increased to 77, 52 evergreens have been increased to 83; 74 shrubs have been increased to 131, and 513 perennials and grasses have been increased to 713.

Ms. Raiselis asked about the proposed buffer with Franklin Courts. Ms. Munz said the fence will remain and they will be adding plant materials suitable for underneath the wires. Ms. Raiselis believes this is an opportunity to coordinate with Franklin Courts to make it more of a neighborhood and perhaps a boundary of landscape could be created rather than a divider. Ms. Raiselis would like the applicant to discuss this further with Franklin Courts to see what the potential may be. Mr. Distefano said they will consider this suggestion. He noted that the Franklin Courts does not have a full site plan yet, as they also have to consider the MTA concerns, so it becomes complicated, but they could look at designing options into the plan that Franklin Courts could respond to. Ms. Raiselis said she understands and suggested that this be a placeholder with changes that could be made down the line.

Dr. Friedlander asked the applicant what the distance was between the buildings and to talk more about the landscape to screen the recycling plant. Mr. Distefano said there is about 50 feet between the recycling plant and their building. Ms. Munz advised that sweetgum and Junipers are proposed to break it up. The sweetgum is deciduous and will grow to 40 feet. They will be installed at 14 to 16 feet high, and the height doubles in 5 years. The Junipers will screen for the winter. There will be two Junipers planted between each sweetgum at 8- feet. They can grow 6 inches to a foot per year and will grow to 25 feet. Dr. Friedlander suggested planting them higher. Ms. Munz said they could plant them higher to 10 feet but she has found that they don't grow as well. Dr. Friedlander believes that the developer would want to use larger and fast-growing trees to screen the recycling plant since no one wants to look at the industrial building. He noted that the Norway Spruce that was planted near the Tarryhill area between Gracemere has provided a nice screening over the last 10 years. Ms. Munz said they have proposed the sweetgum and the Juniper to provide a balance and to make it appear less wall-like, while trying to stay more native. Dr. Friedlander asked if there were trees that could help deaden the noise. Ms. Munz said the Junipers will help with the noise but the sweetgum is deciduous. They have also considered vinyl fencing with sound abatement properties. Ms. Raiselis suggested triple glazed windows. Mr. Distefano said they are considering sound insulated windows for all sides.

Ms. Munz will submit a cross section to give the Board a better sense of the scale of the trees. Ms. Raiselis asked that a sketch of the trees with the fencing shown in the summer and winter be provided so that they can get a better sense of scale.

Ms. Raiselis asked if the Board had any more questions.

Mr. Aukland shares Ms. Raiselis' concern about changing the chain link fencing and landscaping boundary between Franklin Courts and their property in order to make it more of a neighborhood approach.

John Canning, PE, the project traffic engineer, advised the Board that he has been around the village since the 80's and remembers when 2,100 people would pass this site from the

GM plant on a daily basis. He has lived on Main Street and Central Avenue and is intimately familiar with this part of the village. He has presented traffic studies to this Board for decades and has also been a consultant to the village. This property is in need of smart investment, which the Village Board recognized when they passed legislation to permit a residential use at this site with input from the Planning Board during that process. This part of the village has been disinvested in for quite a long time. At one point, the property was used as a sporting facility, which generated quite a considerable amount of traffic, and it could still be used for warehouse purposes. This project is targeted to millennials and empty nesters, so the number of children will be limited. He believes that removing the fence next to Franklin Courts is a good idea and the applicant would be willing to work with the MTA and the Franklin Courts to help realize the vision of the Board for this area.

With regard to the detailed traffic study submitted, Mr. Canning noted that: 90% of the trips that go through the intersection of this driveway with Depot Plaza are Depot Plaza related, 9% of the trips that pass through the intersection are actually going into the parking lot to pick up or drop people off, and 1% are heading into their property. This project will add 30 trips to the intersection, which is a 3.5% increase. If the property were re-developed as a warehouse, it would add 20 trips, so the change to a residential use is only a 1% increase from a warehouse use. If the Board is concerned about traffic and wants to reduce the traffic, the applicant could consider removing the artist space, but that seems to be an important aspect of the project. Everything is a trade-off and if you want something, you have to give something back. Mr. Canning advised that he has shared the plan presented at the last meeting with Chief Barbelet which resulted in the addition of a couple of painted arrows on the road, at the Chief's suggestion. He also reached out to a consultant that worked on the plaza area about 15 years ago and this consultant advised that they have prepared a recent plan for the village which is very similar to the one he has proposed which includes re-striping and signage. With regard to ownership of this plaza area, it appears from the tax rolls, not a survey, that the MTA owns the plaza side of the station and the village owns the other side. Mr. Canning noted, at the last work session, the Board considered hiring a traffic consultant to review this current project. He reminded the Board that this application is almost identical to the prior application that was before them for this property and there was an extensive traffic study done for the re-zoning at that time. Based on his experience, the additional traffic review will result in the same conclusion, that this project will not have a significant traffic impact in this area. He believes that this project is an opportunity to change the village in a positive way, and the village has an applicant that is willing to help the village implement reasonable traffic improvements at this location, similar to the village consultant's plan that has identified the same mitigation methods. He would implore this Board to take this opportunity and not hire another consultant to perform another study which would extend the process for another 6 months. His advice is to strike while the iron is hot and get the improvements done. There are some details to work out, but from a traffic standpoint, they have looked at everything there is to look at.

There were no further questions from Dr. Friedlander or Mr. Aukland.

Ms. Raiselis advised that she has asked staff and the attorney to come up with a schedule on the website to explain what steps need to be taken for this project to give the public a better understanding of the SEQRA approval process.

Ms. Raiselis asked staff if they had any comments.

Mr. Pennella confirmed with Mr. Distefano that they are still proposing 88 units which includes the live/work space units. Mr. Pennella advised that the plan is still 2 feet above what the code permits which is 48 feet, so the applicant will still need a variance of 2 feet. Mr. Distefano noted the letter sent to the Board stating that they understood that the height is compliant per the section of the code that allows for the overage. Mr. Pennella advised that it is his interpretation that this section of the code does not apply because there was an exception to the overlay zone in the ID zone which he stated in the Denial Letter. Mr. Distefano asked to see something specifically in the code that states that this section does not apply since he did not see anything that states that this section does not apply to the TOD industrial zone. Mr. Pennella referred to §305-48 and his June 15, 2023 memo to the Board, which explains his interpretation on this matter.

Mr. Distefano clarified that the addition of the 2 feet is strictly for the parapet, solar panels and elevator bulkheads. Mr. Pennella advised that an appeal can be made to the Zoning Board, but it is his interpretation that nothing can be above 48 feet. Mr. Distefano noted, for the record, that it is still not clear why the exception to the code is not applicable to their site. Counsel Zalantis said it is the Building Inspector's determination that a variance is needed. The applicant can either revise the plans to conform with height or go to the Zoning Board for an interpretation or a variance. A brief discussion took place about decreasing the height. Mr. Distefano advised that the ground floor has to be 4 feet above grade, in order to be above the flood plain, and once you add in the mechanicals, they can't crunch 2 feet out of that. If they had no flood issue, they could lower the building by 4 feet, but that is not an option.

Mr. Pennella asked how they are achieving accessibility to the live/work units. Mr. Distefano said that the fair housing act does not require accessibility for Townhouse/living units. Mr. Pennella asked if the downstairs was a retail component. Ms. Raiselis said she would just like activity on the street, not necessarily a retail component. Mr. Distefano advised that it is not retail; the living space is above. This space is used to work, like a basement and it does not impact the parking requirement.

Mr. Pennella commented that the buffer between Franklin Courts and the property gets flooded out all the time. Ms. Raiselis said if this area is going to be wet all the time, the applicant will have to explore possibilities. Mr. Galvin suggested that the applicant confirm that the area is wet and, if so, they can address the issue going forward with a different type of landscaping.

Ms. Raiselis opened the hearing up for public comment.

Public Comment:

Dolf Beil, showed a presentation Board, and has three concerns. The first is the height of the building that shows 55.24 feet on the plan. He vividly remembers a trustee saying, “not even a potted plant about 48 feet”. His takeaway is that, if this is allowed, then every future zoning change that comes in will remember this event. Secondly, he is concerned about the environmental impact. He referenced a recent Cornell Study that was done after the zoning overlay, which shows a 30-inch flood rise in this area by 2050. The view of the Hudson is important to a river town. They want to see the river and the Bridge and the Board should be looking at this environmental impact very seriously. Lastly, he questioned the performance of the developer and referenced “Road E” and the Cooney Building. He encouraged people to visit the area to see what it looks like. It has been twenty years, and the property still has not been developed. There are broken windows and plywood scattered, reminiscent of the south Bronx.

Ms. Raiselis asked Mr. Pennella to explain the height. Mr. Pennella said the original denial letter had the building height of 55 feet, but since then, the applicant has removed the elevator bulkhead and the height has been reduced to 50 feet, which is to the top of the parapet wall. Ms. Raiselis stated that the most recent plan is at 50 feet and Mr. Pennella just advised the applicant that they will need a variance of 2 feet if they want to continue with this plan. Mr. Pennella advised that he will re-issue a denial letter if the applicant wishes to pursue the variance.

Mr. Beil said the current plan on the website indicates a height of 55.24 feet. Ms. Raiselis believes the confusion lies within the understanding of the average grade plane and how it affects the elevations on the drawing. She asked the applicant to explain this.

Mr. Distefano said that the elevation markers on the far-left hand side of the drawings are referring to the actual elevation, based on sea level. It is calculated by the average grade points around the perimeter of the project to establish the point where they measure the height of the building from, and that measurement starts at an elevation height of 5.24. Therefore, the total building height is calculated by subtracting 55.24 feet from 5.24 feet, which is 50 feet. He also noted that the average grade plane calculation is defined in the village code. Mr. Pennella also confirmed that 55.24 feet is an elevation number and if you subtract 5.24 from 55.24 you get an average height of 50 feet. Ms. Raiselis further clarified for the public that the height of the building is measured from grade which is called average grade plane, which has a number attached to it, which is 5.24 feet. The height of the building is measured starting at grade, which has been determined to be 5.24 feet. If you take 55.24 feet and subtract the 5.24 feet, you are going from the bottom to the top of the building, which measures out to be 50 feet. Therefore, a 2-foot variance is needed. It will be up to the applicant to decide if they can reduce the height or go for a variance.

Ms. Raiselis asked if anyone else would like to speak.

Paul Stone, a resident of 2 Orchard Drive, noted his letter to the Board emailed earlier today detailing his objection to the Board entertaining this plan. Ms. Raiselis acknowledged receipt of the letter. His view is vastly different from the traffic consultant's view that this is a hot item and let's get it now. This developer has left an eyesore in Hudson Harbor. Road "E" is unsafe and unsightly. The Cooney building has been left undone. He has failed to develop the empty lot. It is unfair and inequitable and inappropriate to the people of Tarrytown and residents of Hudson Harbor to have this fester while this developer dares to ask this Board for approval to take another project on and to profit from it. The streets are not dedicated in Hudson Harbor. The lot lines are wrong. Mr. Pennella has been working to fix this issue. It has been 12 years and it is still unfinished; it is not right and should not be allowed. The plaza traffic intersection is also dangerous and putting stripes in doesn't cut the mustard. If you are adding 88 cars to the traffic flow in the village, the Board needs to consider the morning, evening and the stopped dead rush hour traffic on Broadway. This project will be adding more traffic and more development and it is really not appropriate. The height also seems very imposing and too tall. Why can't they do 3 stories? The Board rejected the plan for North Broadway and they stopped at 3 stories. Lastly, as this was charitably described at the last meeting, the building looks like a prison. It is bulk in profit over attractiveness and style.

David Barnett, 104 Main Street, appreciates the comments of the prior speakers. He commented that 29 S Depot Plaza needs attention. It is a mess and so is the rest of the area. There is no way to enter Tarrytown with any dignity. Both lower Main Street and White Street are not maintained. It is the wrong message to send to our visitors and commuters entering the village who have to look at a rusted guiderail, garbage and weeds. He referenced the Cornell Study which indicates that future sea level rise will impact this property, which is in a precarious location. This project does not fit the recommendation. He asked why would we invest in a study and not adhere to its findings. He recalls the Sandy storm of 2012 when the water came over the train tracks and the entire train station parking lot, north of village hall, was underwater by 10 p.m., and from all indications, it seems to be getting worse. This plan seems to ignore the future trends. Secondly, with regard to the height of the building, there was a similar submission several years ago and, after months and months of discussion, the zoning approval called for a maximum of 48 feet from the existing grade. He believes that the applicant should have respected the current approved height requirement before submitting an application. He hopes that the Board takes a very critical look at this submission for these reasons and others that people have mentioned and not allow the developer to dictate the specs for the village.

End of Public Comment

Mr. Pennella referenced the section of code that requires that the first floor be 50% non-residential use and asked the applicant if they meet the code. Mr. Distefano understood that the proposed non-residential lobby, community art space and parking would adhere to that section.

Mr. Pennella read the section of code to clarify: *Uses: "A minimum of 50% of the total first floor square footage shall be dedicated to non-residential uses permitted in the ID District"*. Mr. Pennella said it was his understanding that when the code was adopted, 50% of the first floor would have to be non-residential and, at that time, the Board was thinking about self-storage.

Counsel Zalantis said that is why Mr. Pennella asked about the live/work space. She asked the applicant if this space is being considered residential and not accessible to the public, does the rest of the floor comply to the 50%. Mr. Pennella said if they are counting the live/work units toward that, that is okay, but if not, they may not be close to the 50%. Mr. Galvin said the concept of 50% was to activate the first floor.

Counsel Zalantis said to clarify, the rest of the provision states that the non-residential uses shall be limited to those identified in Subsection A(1), (8), and (9). Subsection A(1) refers to storage, (8) refers to dining, entertainment and bar facilities with limitations, and (9) lists a number of retail uses. Ms. Raiselis would like the applicant to go back and analyze this before the next work session. Mr. Distefano said they will look at the calculation.

Ms. Raiselis advised that a letter was received from Westchester County with respect to this project, under the General Municipal Law, (GML), which was forwarded to the applicant. The letter is on the website in the SEQRA folder and lists a number of good recommendations.

Counsel Zalantis has concerns about the 50% threshold retail component issue that the applicant needs to meet which may result in plan changes. Mr. Distefano agreed to review the plans and check on this. Mr. Galvin said the live/work space interpretation will need to be made and reviewed by the village.

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

The secretary recorded the vote:

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| Member Aukland: | Yes |
| Chair Raiselis: | Yes |
| Member Friedlander: | Yes |
| All in favor. Motion carried. | 3-0 |

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

Ms. Raiselis advised that there was a site visit last week and the applicant is here this evening to speak about the project status.

David Verespy, Landscape Architect, with Rock Spring Design Group, appeared before the Board and presented the site plan. David A. Goessl, PE, was also present, in addition to the applicant Benjamin Green.

Mr. Verespy advised that the purpose of the hearing tonight is to give the Board a brief update on where they are with this application and also to hear any public comment. He advised that they were before the Zoning Board on July 10, 2023 and obtained the required variance for a 2.7% increase for coverage. As requested by the Board, he will go through the earlier plans that were designed for this project which led them to the current plan before the Board in order to provide a better understanding of how they got to where they are with the current design.

He showed the site plan of the property and the lay of the land. The program design items that his client desired included a swimming pool, pergola, flat play area, and patio space. He showed the ledge area which is crumbling and unstable. They quickly realized that a series of walls would be needed for anything to be done on the property.

The first plan called for two 6-foot retaining walls but one of the issues with these plans were that the walls were on the most unstable part of the site in the middle of the slopes which structurally is not the best plan. The pool was also running transversely across the site which would have required the corner area to be chipped, a very expensive and time-consuming process. The second plan changed the pool configuration but they still ended up with the walls on the most unstable part of the site and he showed the ledge area that was crumbling. The third plan put the pool on the right-hand part of the property so that there could be a controlled situation for the construction of the pool as opposed to some of it being on rock or in a fill situation. This called for 3 retaining walls with 5 or 6 feet to the lawn area, but at the back of the house, there would have to be a 9-feet high which would have been too high and imposing and would have also required a variance from the Zoning Board. He showed another plan which is the closest to their proposed plan. They proposed 3-tiered retaining walls with the pool on the right of the property and only a 3-foot step to the lawn area, with a 6-foot wall in the back. The current plan is simplified and has the pool and lawn area at one elevation with the 3 retaining walls creating a leveled plateau which allows for 3-feet of grade change between the upper area and the pool area, stepping down towards the property line. Mr. Verespy advised that the Geotechnical Engineer's sampling found anywhere between 24 to 30 inches (max) of loose gravel to bedrock, with a 5-ton bearing capacity, which is in excess of what they were planning for.

David Goessl, PE, briefly went through the wall calculations and stability analysis which have been submitted in response to concerns about wall and pool failures. The tiered wall system is a gravity-based system. Input parameters for the modeling contain a soil bearing capacity of 2 tons. The modeling assumes a high ground water table elevation behind the walls consistent with a saturated soil condition. A similar analysis was submitted for the upper tier reinforced concrete wall adjacent to the pool plateau area. He stated that all of the factors of safety for design have been met for this model and advised that they have received the soil report from their consultant, Metro Materials Testing, and determined that a soil capacity bearing of 5 tons was appropriate for this site, and is within their modeling; they used a more conservative 2-tons.

Ms. Raiselis asked Mr. Pennella if he had any comment.

Mr. Pennella advised that they have just received the calculations this afternoon and will need time to review and comment. Mr. Goessl said he would be happy to sit with Mr. Pennella to go over the submission. Ms. Raiselis advised that Mr. Pennella will reach out to him if that is the case.

Mr. Aukland asked Mr. Pennella if there is any problem with runoff on this property or any other reasons why the village would initiate work of any kind on the property. Mr. Pennella has not heard of any instances at this site but noted that a construction management plan will be needed with additional measures to prevent any washouts.

Mr. Aukland advised Mr. Verespy that he is having trouble reconciling this proposal with the Village Zoning Code §305-67 – Visual Character and Environmentally Sensitive Areas. He referred to the June 12, 2023 narrative submitted by Mr. Verespy with regard to the justification of a steep slope waiver and believes that it misses all the points of the code. He advised that he will read through the sections of code and comment on each of them.

Mr. Aukland read the prologue for this part of the code §305-67, with regard to the intent of the code:

"The purpose of this section is to define and quantify particular environmental and aesthetically sensitive characteristics of the Village of Tarrytown in order to preserve and safeguard those features that identify its landscape: steep slopes, areas of high ground, hilltops and vegetation. Toward this end and in the course of subdivision, site development plan, or any other regulatory procedure embraced by this chapter or other local laws, codes or ordinances of the Village of Tarrytown, the Planning Board shall restrict new construction and/or vegetation removal in such designated areas".

Mr. Aukland noted that according to the code, this Board is told that they have to restrict this construction.

Mr. Aukland read §305-67(2): *"The restrictions are intended to encourage preservation of the following areas: The first on the list is (a) Steep slopes: a grade of 25% or more".*

Mr. Aukland stated that the purpose of the code is to preserve the steep slope. This application says that we can solve all of the steep slope issues by removing them and putting something else there, that is flat. This is not what the code says, and he struggles with that.

Mr. Aukland read §305-67(B): *"The Planning Board, the Zoning Board of Appeals and the Building Inspector of the Village of Tarrytown shall ensure that those portions of sites under review which contain wetlands or steep slopes shall be excluded from use in the construction of principal or accessory uses permitted within the district in which said sites are located...."*

Mr. Aukland stated that it says that these portions of steep slopes shall be excluded and the Board shall not approve.

Mr. Aukland further stated that the criteria for the waiver request letter is covered under §305-67(F)1 (b) which list the points that need to be established by the applicant in order for the Board to grant this waiver. Mr. Aukland said these points are addressed in the application letter, however, the application letter does NOT address the next section of the code, §305-67(F) 2.

Mr. Aukland read §305-67(F) 2:

F(2)- Additional findings required:

An application for a waiver to permit development on or near a slope area may be approved only if the Planning Board specifically finds that:

- (a) The proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area;*
- (b) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this chapter; and*

Mr. Aukland stated that this proposal is absolutely at odds with this section above as he said earlier.

(c) The waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant.

Mr. Aukland stated that he has not heard of any hardship, so far. He has heard the desire to level the area and create a pool, but that in itself is not a hardship. He advised the applicant that the extraordinary hardship needs to be established and all of the conditions pertinent to granting of a waiver which he has outlined in the code will be needed. Otherwise, they have no case. The Planning Board is not permitted to approve this application.

Mr. Verespy thanked Mr. Aukland for his comments and can certainly address them. They still owe this Board some previously requested information which they will provide before the next work session. They will need additional guidance with regard to the Forest Management Plan as discussed with Suzanne Nolan, the Village Landscape Architect Consultant. They certainly want to address the concerns and comments of the Board and are also present this evening to hear public comment from the neighbor.

Ms. Raiselis advised Mr. Verespy to take Mr. Aukland's comments seriously. The Board has granted waivers in the past, but she does not think they have been quite as large. Mr. Aukland advised that they have granted waivers for some other purpose such as re-establishing structures that were on a steep slope, which would require intrusion of the slope to repair. Those are the kind of waivers they have given, but he can't recall approving a waiver to simply remove the steep slope issue by making the area flat.

Ms. Raiselis advised the applicant to go back and look at this and understand that this is not something the Board takes lightly. This was discussed at the site visit. There are

times when the Board grants a waiver for a steep slope, but there has to be a compelling reason to grant this waiver.

She asked the Board if there was anyone in the public who wished to comment on this application.

Stephanie Leggio, addressed the Board and stated that she owns the property directly next to the Green's on Rosehill. Her address is 72 Neperan Road. Ms. Leggio read her letter into the record as follows:

"First, I'd like to say I can understand the Green family wanting to make improvements to their home and create a comfortable setting for their family. I do think, however, a plan of this magnitude will have far reaching consequences, not only on my property but other land that surrounds them.

My first concern is the side area to the right of the Green house, known on the plan as the proposed "Playlawn". This area is home to a large number of trees growing together on a hill. In the middle of this grouping lies a rock wall that divides our two properties. Although separated by this wall, these trees have been growing together for decades. Not only do these trees give great beauty and shade, they work together to provide a natural safety system for the land that surrounds them. The large canopies of the trees help to intercept the rain while slowing that rain force into the ground. The root systems of the trees help to absorb the rain and stabilize the soil, especially important since these trees grow on a hill. The new plan proposes taking these trees away and replacing them with smaller trees and decorative shrubs. I think removing trees with tall canopies as well as killing the strong root systems below will not only lead to poor water drainage but also land movement and potential tree blow over on my side.

My next concern lies further down the property line in the yard of the house. This part of the land has always been a natural free-flowing, tree filled setting, with no true boundaries between the yards. Now, with this proposed plan, there will be a large retaining wall constructed, not only very close to my property in one part, but sitting directly on my property line in another. It will start out as 6 feet tall, with a break in the middle for decorative plants, before the next 6-foot section begins. From the perspective of my yard, we will be essentially looking at a 12-foot cement wall. David mentioned that the Green's don't want a 9-foot wall. I do not want a 12-foot wall.

Aesthetics aside, my first concern with this wall is water overflow. My lawn, as well as my basement have always been dry. But now, with the removal of even more trees in this area, along with the retaining wall weep holes for water drainage directly on my property, it seems to me this is a recipe for a serious water issue.

Lastly, there are two mature trees that are growing in the particular part of my yard. Although they grow on my property the roots are clearly growing past the border to the Green property. There will no protection for them since they are located only inches away from the proposed wall. The digging and cutting needed to clear that area will almost guarantee their death. It seems to me with all the rain we now experience, along with predictions of a lot more in the future, and there's that Cornell Study again, we need to be utilizing the natural safeguards we have, not taking them away."

Ms. Raiselis asked if anyone else in the public would like to speak. No one appeared.

Mr. Aukland advised that this application will be reviewed by the Village Tree Commission and they will be deliberating on Ms. Leggio's concerns.

There were no more questions or comments from the staff.

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

The secretary recorded the vote:

| | |
|-------------------------------|------|
| Member Aukland: | Yes |
| Chair Raiselis: | Yes |
| Member Friedlander: | Yes |
| All in favor. Motion carried. | 3 -0 |

NEW PUBLIC HEARING– Gotham Design Planning & Development – 25 S. Washington St.

Chair Raiselis read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, July 24, 2023 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Gotham Design Planning and Development
329 Broadway
Dobbs Ferry, NY 10522

For site plan approval for the redevelopment of property to include the razing of the existing two-story single-family home and 1 ½ story detached garage. Proposed is the construction of new three-story primary structure with 4 dwelling units and 6 parking spaces.

The property is located at 25 South Washington Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 33, Lot 9 and is located in the M 1.5 zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval will be required from the Zoning Board of Appeals, the Architectural Review Board, and the Board of Trustees to consider the use of a Village owned municipal parking lot to access the proposed 6 parking spaces on site.

By Order of the Planning Board.

Lizabeth Meszaros
Secretary to the Planning Board

Dated: July 14, 2023

The mailing receipts were received and the signs were posted.

Patriac Steinschneider, of Gotham Design Planning and Development, appeared on behalf of the property owner. He presented the street map showing an aerial view of the property which lies in the M1.5 zone in the village, next to the former YMCA property which is under construction. The property is similar to many lots in the district. The lot size is 4,867 s.f. and the code requires 12,000 s.f. for the 4 proposed dwelling units. The parcel is also 30.98 feet wide when 40 feet are required. There are about 7 or so variances that will be required from the Zoning Board for this project and he is hoping that some of them will not be hurdles. They are proposing the best use of the property is to demolish the house and detached garage and propose one structure with 4 dwelling units and 6 on-site parking spaces. He showed the existing driveway area between this property and the neighbor and he advised that they tried to work out an agreement with them to access the proposed parking area, but the neighbor had no interest in entering into agreement. He advised that the plan they propose still provides enough room for the neighbor to access their property. It is their intent to seek permission from the Board of Trustees to access the proposed parking area on the property through the village owned municipal lot. Mr. Steinschneider briefly showed the existing site and proposed plan with the 3-story primary structure with 6 parking spaces behind the proposed structure. He briefly went over the setback requirements and the variances that will be needed. Ms. Raiselis confirmed that basically everything about this site is non-conforming. Mr. Steinschneider agreed and noted that the third story is set back 25 feet from the property line to reduce the bulk. He showed the layout of each floor and the side elevations and front elevations. He noted that the property is very close to Main Street but you can't see the building from Main Street. He showed photo montages of the front and side of the building from different perspectives. He showed the municipal lot and the route that will be used for ingress and egress to the proposed parking area. With regard to using the village lot, he advised that there will be no parking spaces lost in the village parking lot as a result of the granting of this access by the Board of Trustees. He showed the Solomon's Lodge property that currently accesses their property from the municipal lot through a gate. Lastly, he showed a rendering of the home which is brick with black exterior features to complement the structure and also break it up.

Ms. Raiselis asked how the home will be heated. Mr. Steinschneider said split heat pumps will be used and it will be all electric. The low-pitched roof will allow for the addition of solar panels at some point.

Mr. Aukland commented that this is a sweet proposal for a quirky piece of downtown land that has not been used recently.

Mr. Pennella advised that the Planning Board will need to review the proposed scenery loft as part of this project. In addition, the applicant will have to make a request to the Board of Trustees to see if they will allow the village owned parking lot to be used for access to the property. The Solomon's Lodge has access through this lot, but it previously existed, and it

is gated, which may be required. The parking spaces also seem a little tight and there are logistics that will need to be discussed further with the Village Board and the Police Chief.

There was no one in the public to comment on this application.

Mr. Aukland moved, moved, seconded by Dr. Friedlander, to designate this an “Unlisted Action” for SEQRA purposes, and declare the Planning Board’s intent to act as Lead Agency with proper notification to all involved and interested agencies.

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Member Aukland: | Yes |
| Chair Raiselis : | Yes |
| Member Friedlander: | Yes |
| All in favor. Motion carried. | 3-0 |

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

The secretary recorded the vote:

| | |
|-------------------------------|-----|
| Member Aukland: | Yes |
| Chair Raiselis: | Yes |
| Member Friedlander: | Yes |
| All in favor. Motion carried. | 3-0 |

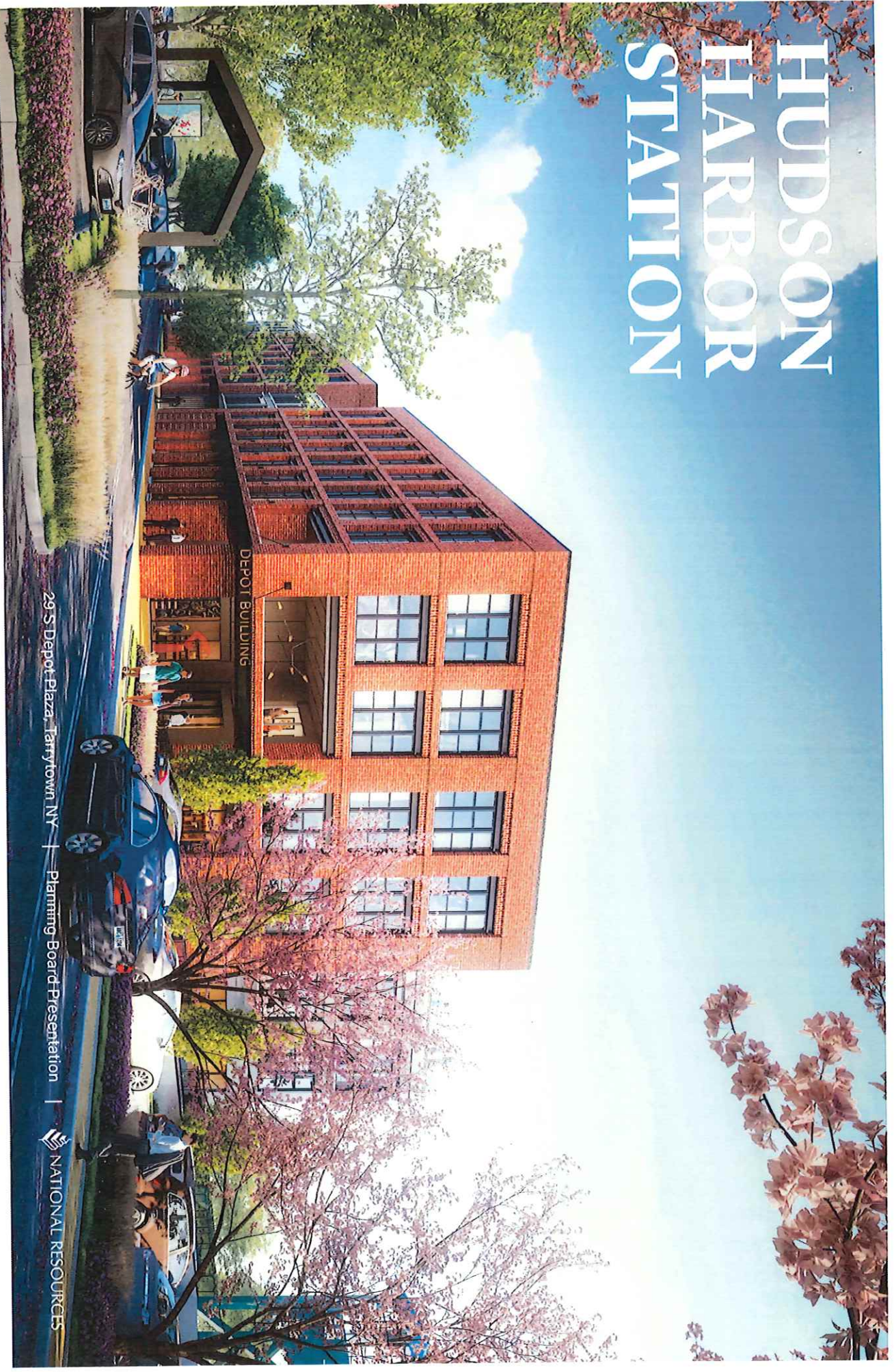
ADJOURNMENT

Mr. Aukland moved, seconded by Dr. Friedlander, to adjourn the meeting at 9:30 p.m.
All in favor. Motion Carried. 3-0

Liz Meszaros – Secretary

EXHIBIT A
Hudson Harbor Station – LLC
29 S Depot Plaza Presentation
July 24, 2023

HUDSON HARBOR STATION



29 S Depot Plaza, Tarrytown NY | Planning Board Presentation | NATIONAL RESOURCES

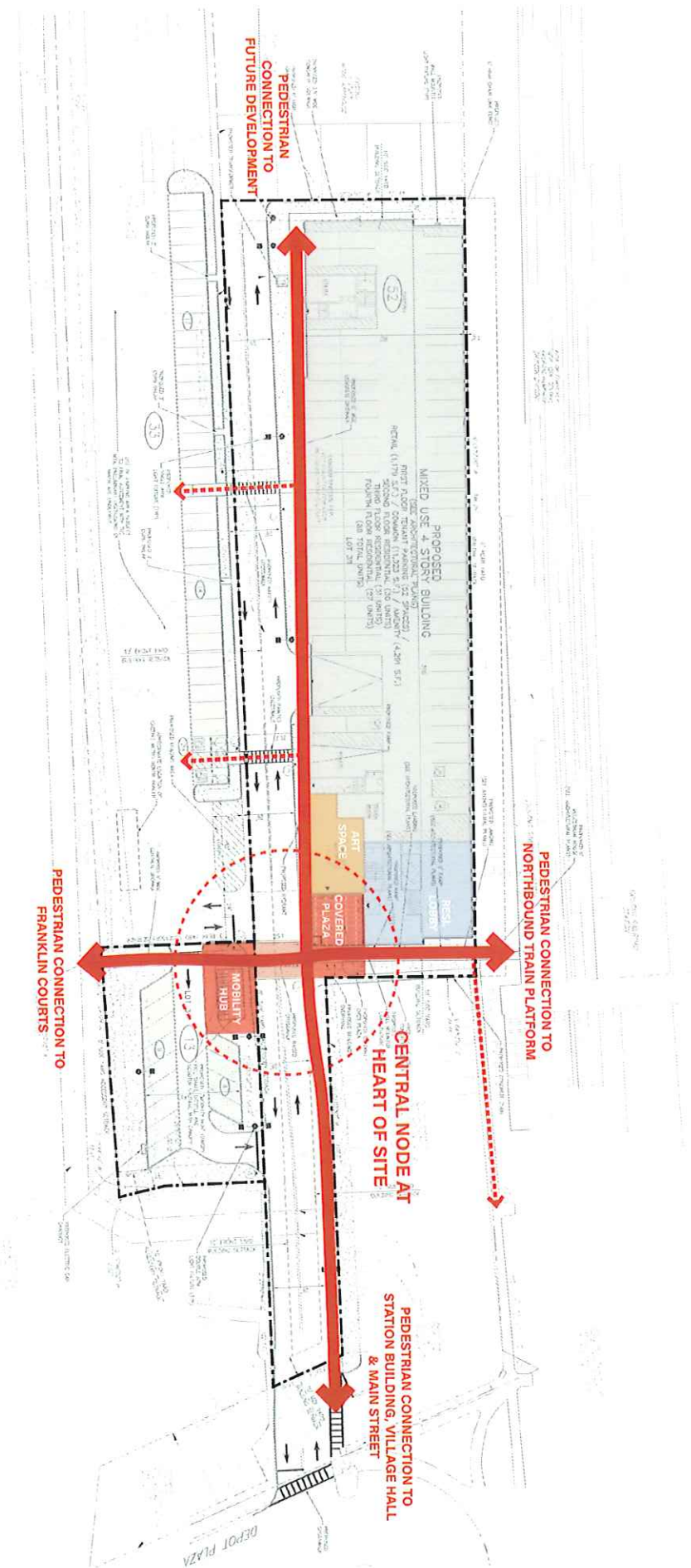
July 24, 2023 - P.B. Presentation & Meeting

Topics of Discussion

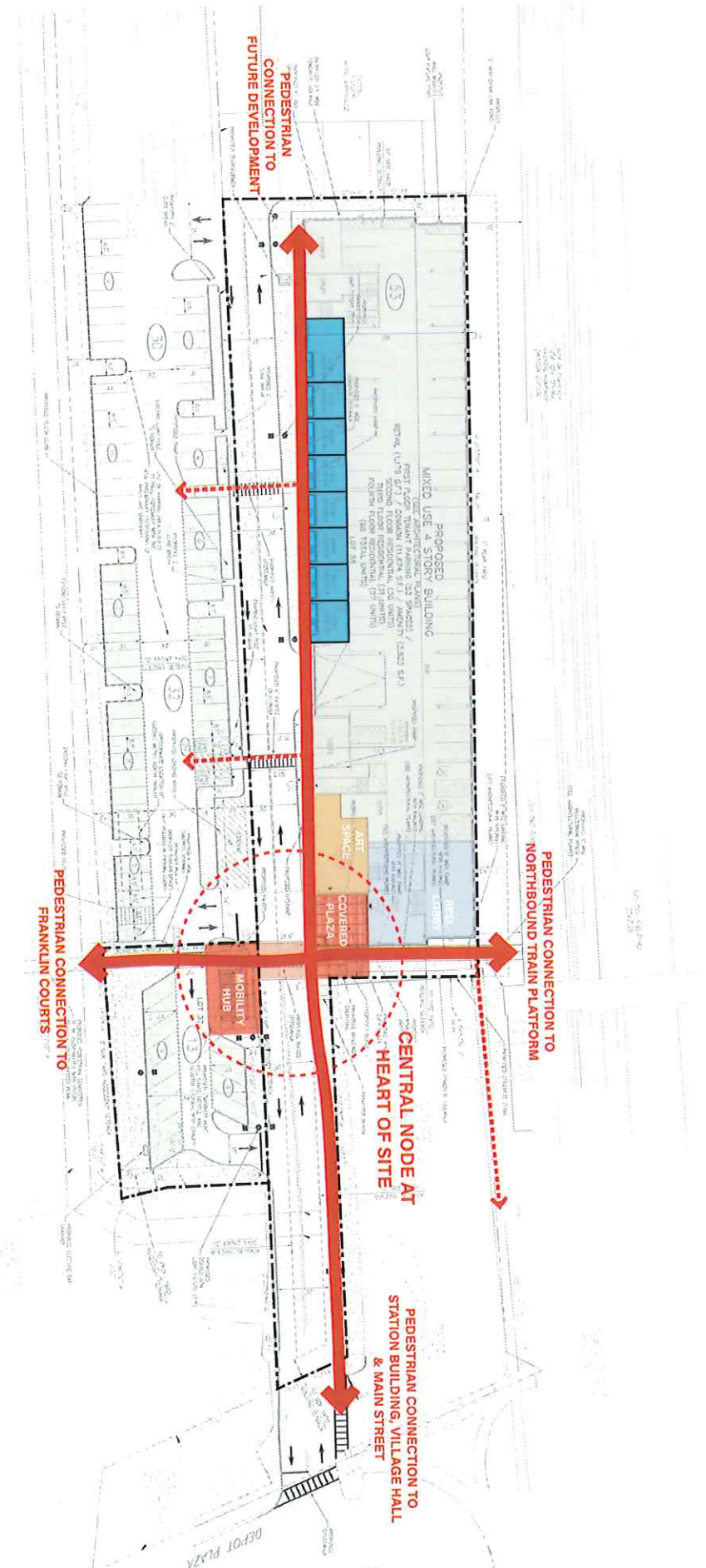
- 1. Program, Massing & Facade Updates**
- 2. Site Plan & Landscape Updates**
- 3. Depot Plaza Traffic Improvements**

Program, Massing & Facade Updates

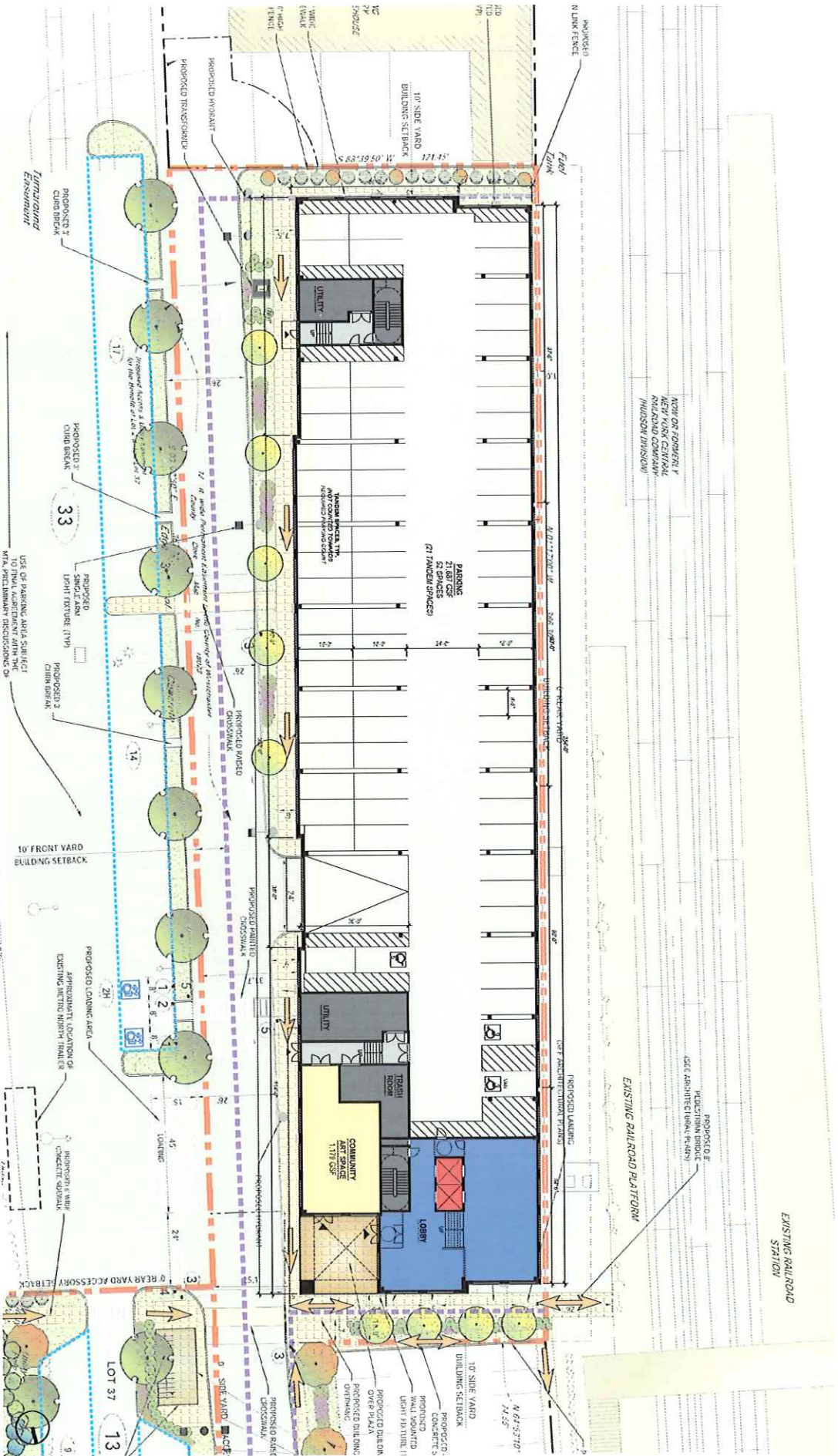
Activated Node at Heart of Site



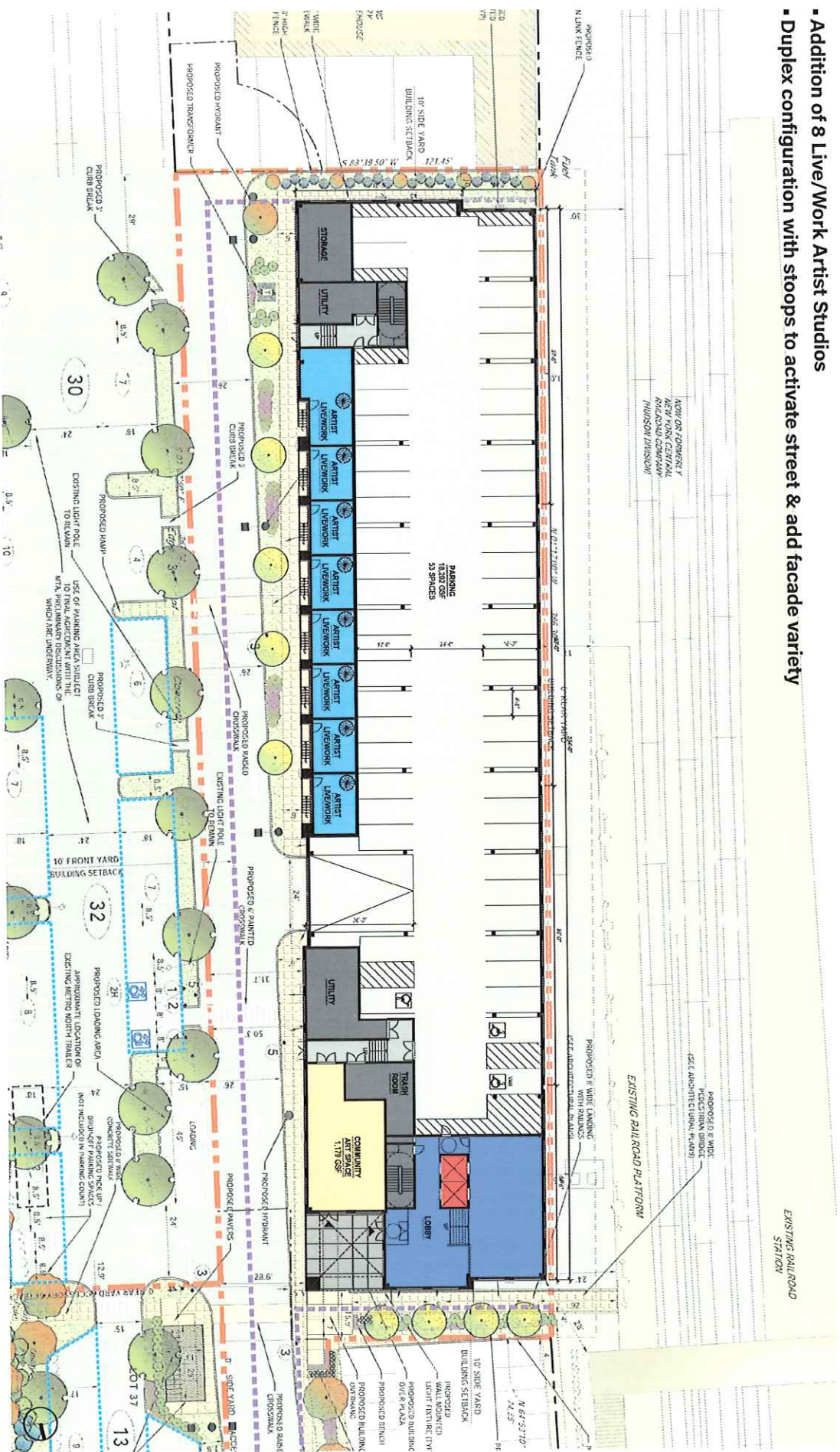
Addition of 8 Artist Live/Work Duplex Studios



Previous Ground Floor Plan



- Addition of 8 Live/Work Artist Studios
- Duplex configuration with stoops to activate street & add facade variety



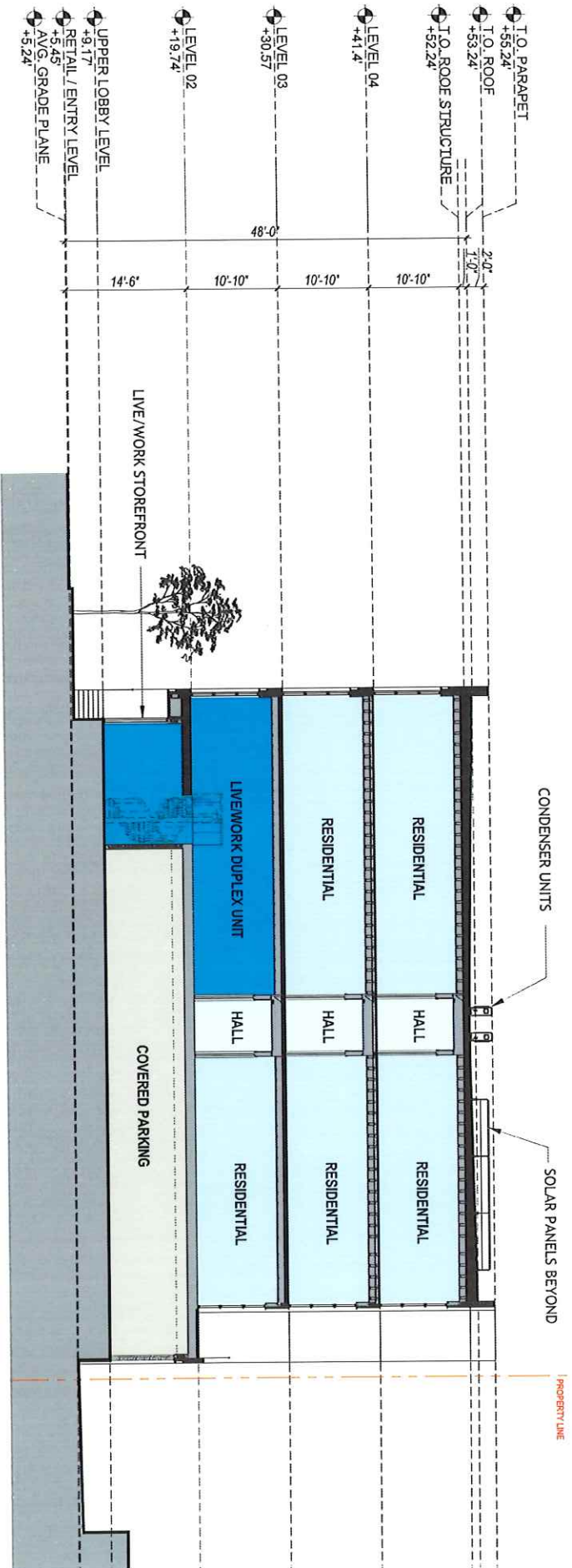
View Looking Southeast Along Live/Work Duplexes

- Addition of 8 Live/Work Artist Studios
- Duplex configuration with stoops to activate street & add facade variety

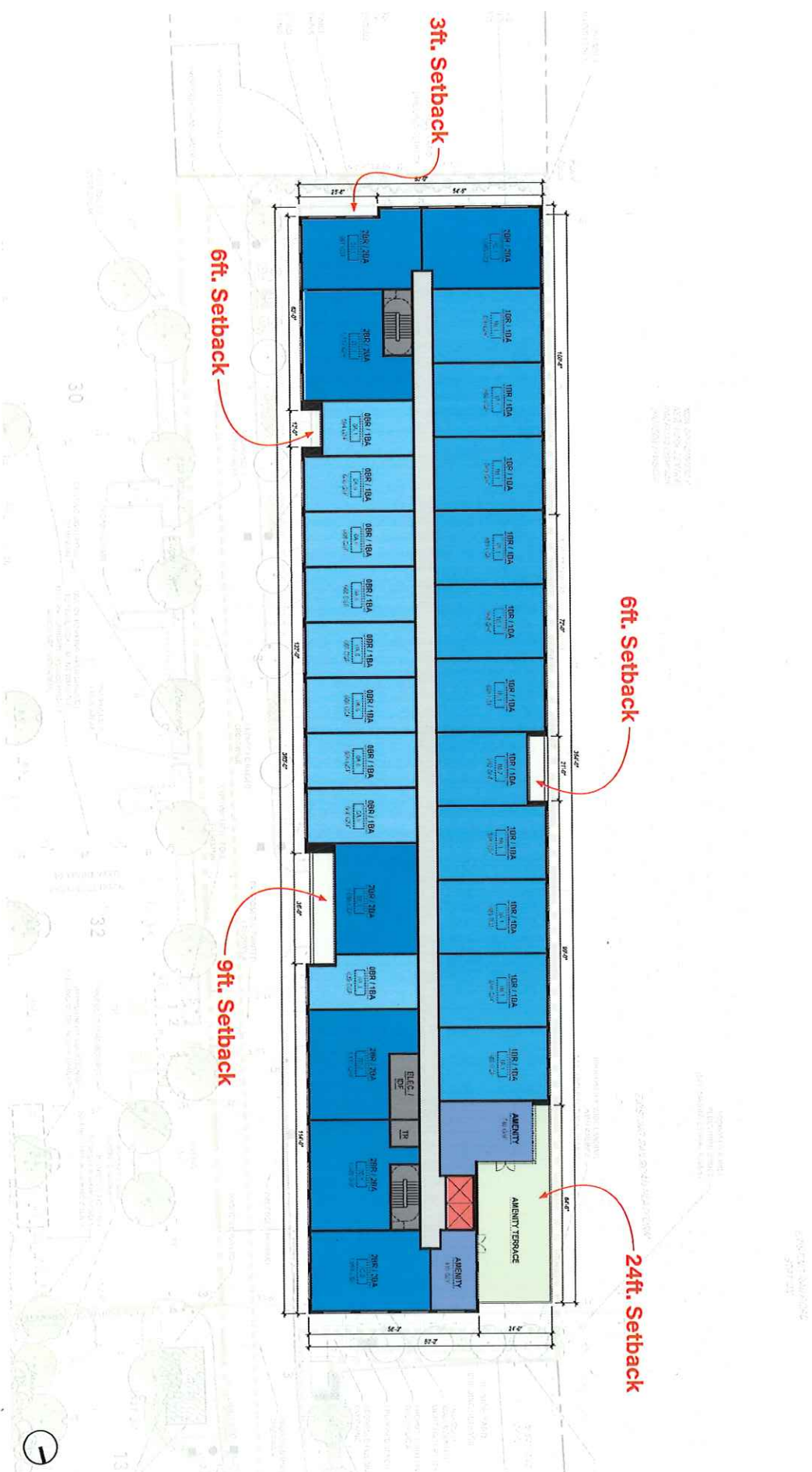


Cross Section Through Live/Work Duplex Unit

- Zone AE Elevation = +9.0' (Preliminary Flood Insurance Rate Map)
- Proposed First Floor Elevation = +9.17'
- Proposed Second Floor Elevation = +19.74'

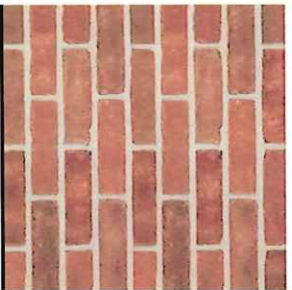


4th Floor Plan (Residential & Amenity Level)

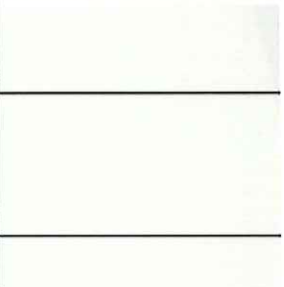


East & West Facades

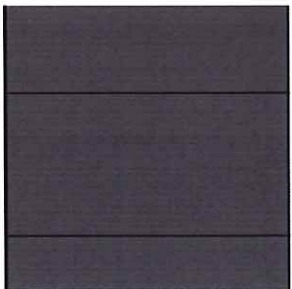
- Increased setbacks throughout massing
- Greater material variation across facade



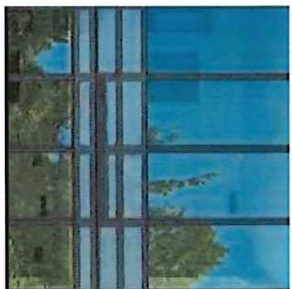
RED BRICK CLADDING
(Belden, Belcrest 730 shown)



METAL PANEL CLADDING
(Omega Panel, Ascot White)



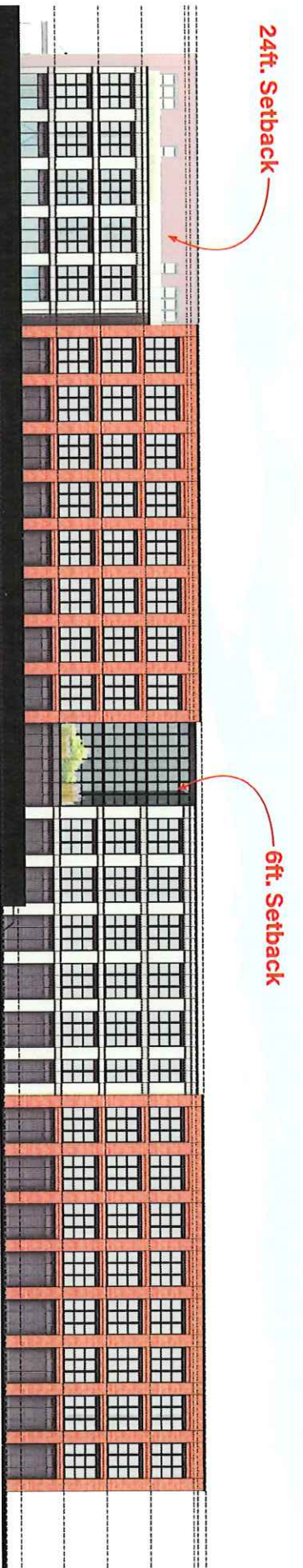
METAL PANEL ACCENTS
(Omega Panel, Mica Gray)



WINDOW WALL SYSTEM
(Glass Spandrel shown)

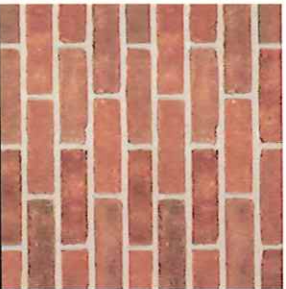
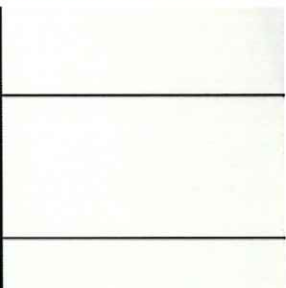




EAST FACADE



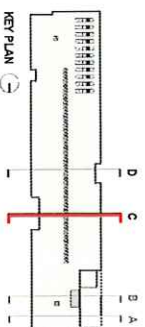
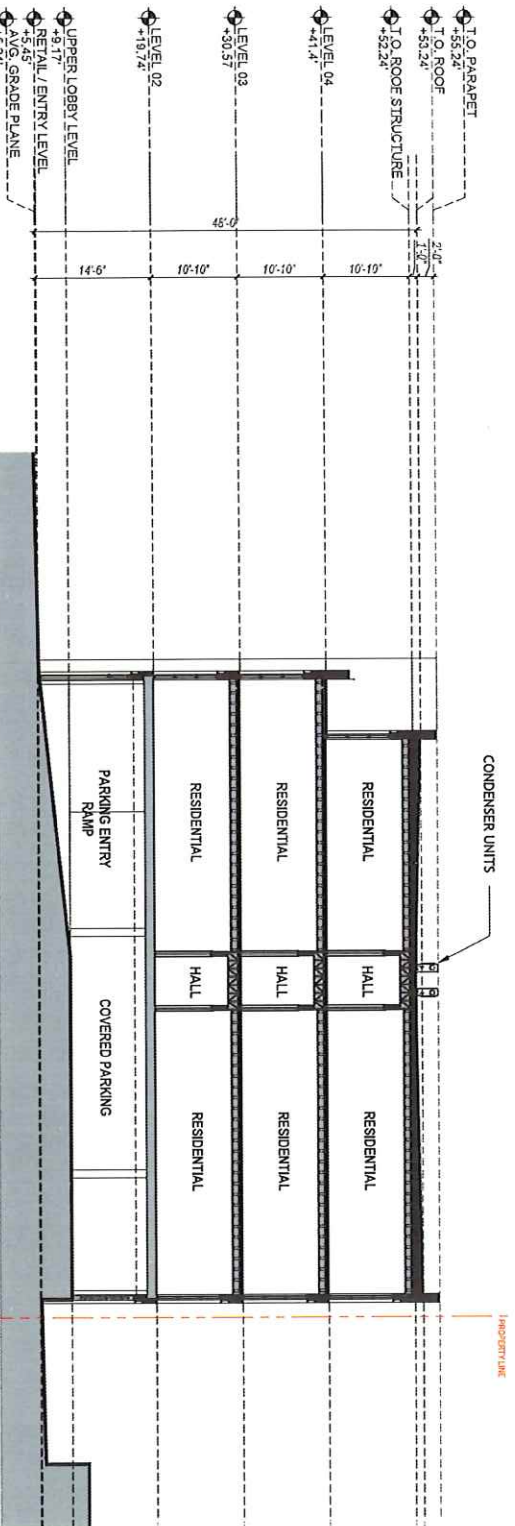
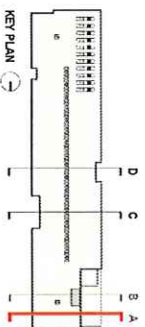
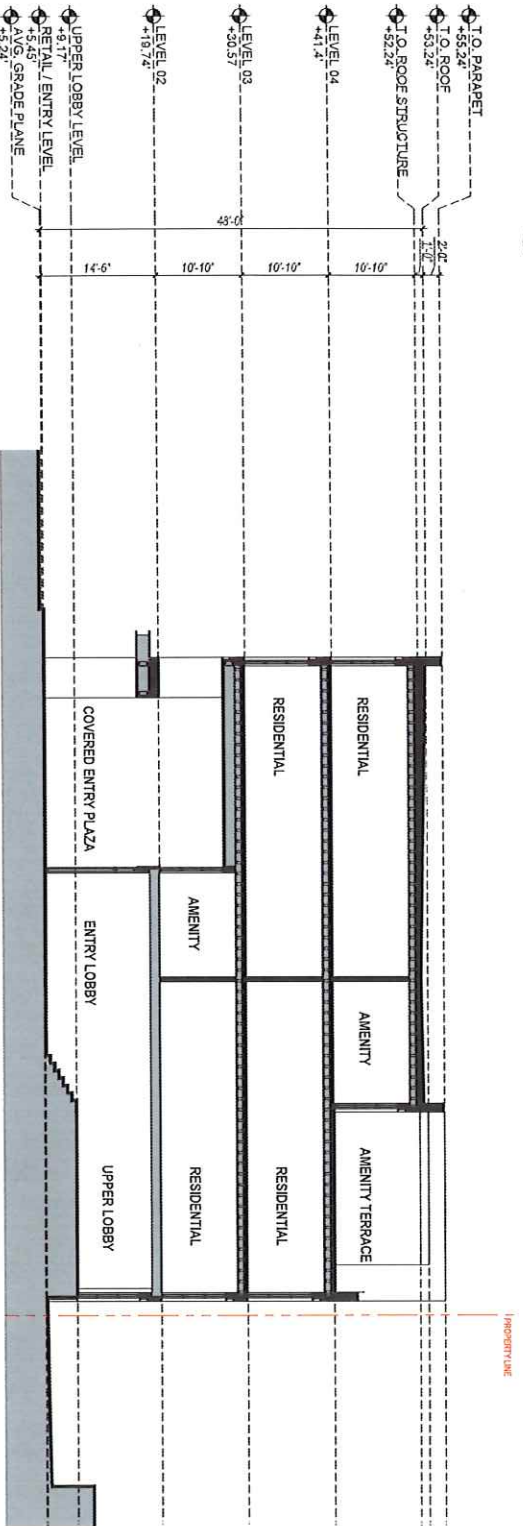
WEST FACADE

North Facade

| | |
|---|---|
|  | RED BRICK CLADDING (Belden, Belcrest 730 shown) |
|  | METAL PANEL CLADDING (Omega Panel, Ascot White) |
|  | METAL PANEL ACCENTS (Omega Panel, Mica Gray) |
|  | WINDOW WALL SYSTEM (Glass Spandrel shown) |



Building Cross Sections

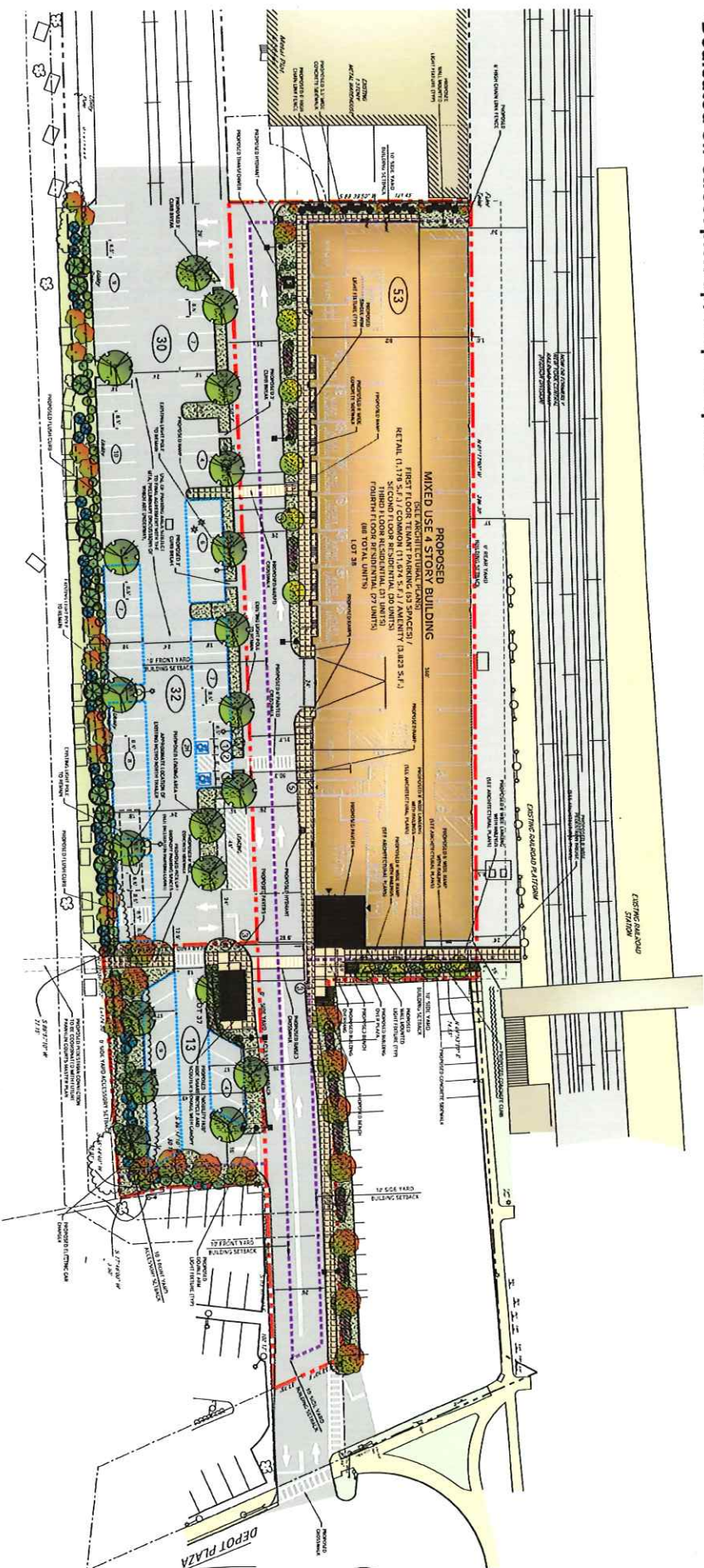




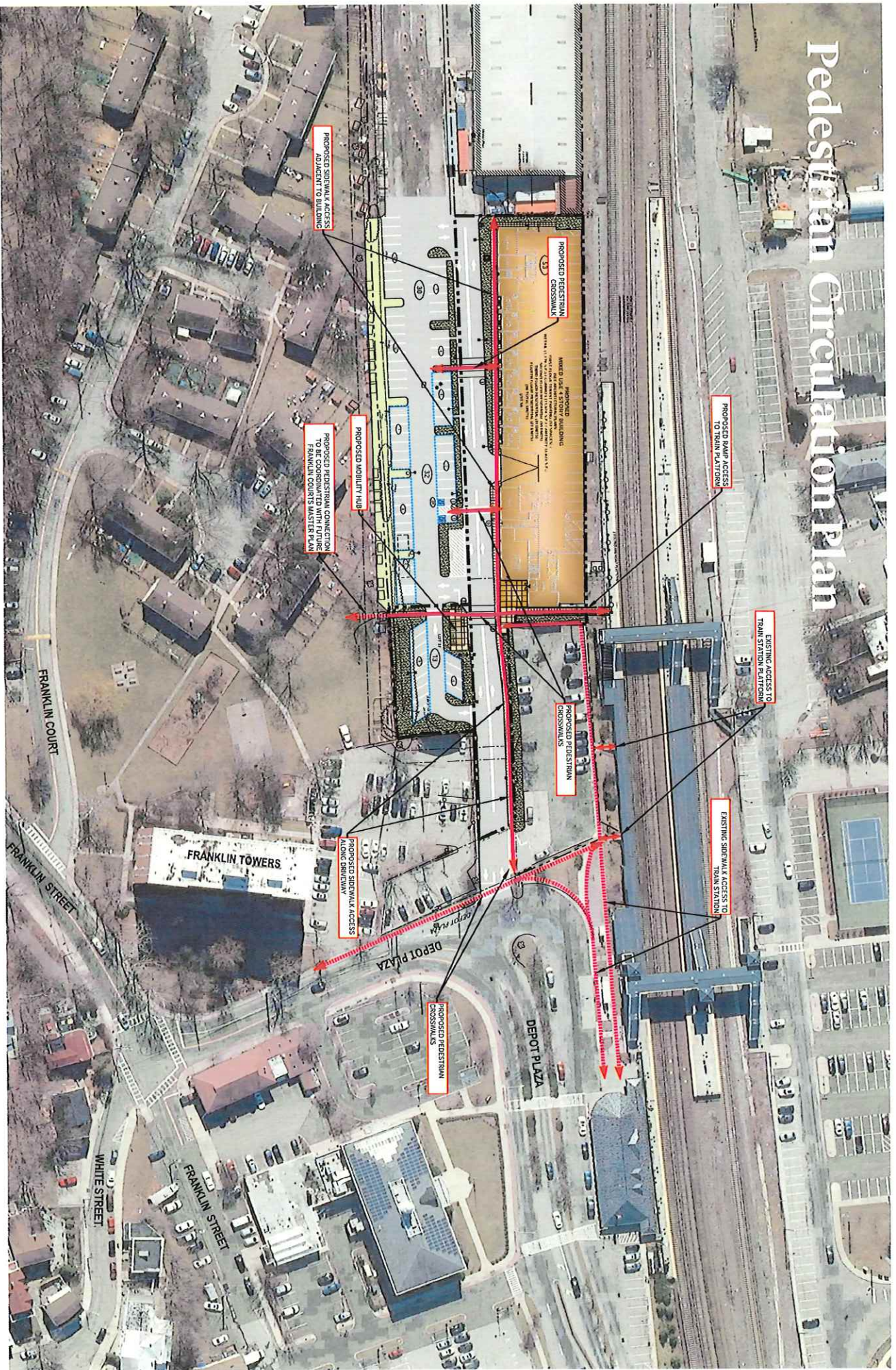
Site Plan & Landscape Updates

Proposed Site Plan

- Full layout of MTA parking lot
- Landscape buffer between MTA parking lot and Franklin Courts
- Landscape islands in MTA parking lot (no more than every 10 spaces)
- Dedicated off-street pick-up/drop-off spaces



Pedestrian Circulation Plan



The Entrance plaza has expanded beyond the building envelop to create an inviting public gathering space.

The proposed plaza pavement shall be large format concrete pavers or scored color concrete.

The same paver style would also be incorporated at the Mobility Hub.



Large Format Pavers

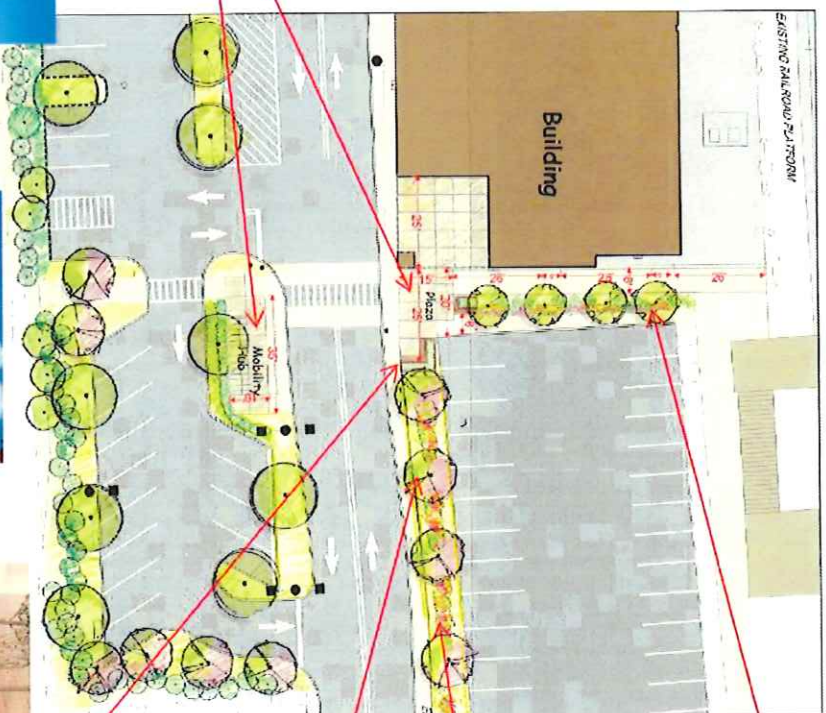


Large Format Pavers



Tunipers and narrow sweetgums are proposed at the southern end of the building for varied screening. Additional junipers have been added to plan in this area.

Plaza Enlargement Plan



Traffic Improvements

[illegible]