

Planning Board
Village of Tarrytown
Regular Meeting
July 25, 2022 7 pm

PRESENT: Chair Raiselis; Members Friedlander, Aukland, Mendez Boyer; Alternate Member Mezey, Counsel Zalantis; Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros.

ABSENT: Member Gaito

Chair Raiselis called the meeting to order and announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to imeszaros@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 in advance of the meeting.

APPROVAL OF MINUTES: June 27, 2022

Mr. Aukland moved, seconded by Ms. Mezey, to approve the minutes of the June 27, 2022 meeting, as submitted.

Ms. Raiselis asked for a roll call vote:

Member Aukland: Yes
Member Mendez: Yes
Alt. Member Mezey: Yes
Chair Raiselis: Yes
Member Friedlander: (arrived after vote)

All in favor. Motion carried. 4-0

Chair Raiselis announced the following Adjournment:

Mercy College
828-832 South Broadway
Site plan approval for the expansion of parking lot areas to add an additional 83 parking spaces with related infrastructure improvements.

NEW PUBLIC HEARING – David A. Barbuti, RA – 21 N. Broadway

Ms. 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 25, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

David A. Barbuti, RA
150 White Plains Road
Tarrytown, NY 10591

For site plan approval for a change of use from existing vacant space into an antique store.

The property is located at 21 North Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 18, Lot 4 and is located in the RR 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 Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: July 15, 2022

The mailing receipts were received and the property sign was posted.

David A. Barbuti, RA, the project architect, representing the owner, appeared before the Board and presented the site plan. The applicant is proposing interior alterations to convert a vacant space which was formerly a beauty salon, to an Antique Store. He advised that they were before the Zoning Board and were granted variances for 8 parking spaces and one loading space. The owner of the proposed antique store is well established and has another antique store in Hudson, NY, as well as a florist shop in Manhattan and another in the Village of Irvington. Mr. Barbuti referred to his July 18, 2022 parking and loading narrative submitted to the Board and advised that deliveries will take place in the early morning hours, between 7 a.m. and 9 a.m. with a small sprinter truck. There will be no double parking on Broadway. A private carter will collect trash in the early morning hours also, on Broadway.

Ms. Raiselis thanked Mr. Barbuti for the parking and loading narrative. She had concerns about double parking on Broadway and the delivery times, but is satisfied. She noted that there is also one 15-minute loading space at the corner of Broadway and Central Avenue.

Ms. Raiselis asked if staff had any questions or comments.

Mr. Pennella asked Mr. Barbuti if, in the event that garbage pickup on Broadway becomes a problem with traffic flow, would he consider having collection take place on Central Avenue. Mr. Pennella noted that there is an existing driveway in the rear of the property, which has access to Central Avenue. Mr. Barbuti advised that most of these storefronts have pickup along Broadway, but if pickup becomes a problem, they will use Central Avenue.

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

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

Ms. Raiselis asked for a roll call vote:

Chair Raiselis:	Yes
Alt Member Mezey:	Yes
Member Aukland	Yes
Member Friedlander:	Yes
Member Mendez:	Yes

All in favor. Motion carried. 5-0

Ms. Mendez-Boyer read through portions of the draft Resolution. A copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted July 25, 2022)**

**Application of JB Realty Enterprises LLC
Property: 21 North Broadway (Sheet 1.40, Block 18, Lot 4 and RR Zone)**

Resolution of Site Plan Approval

Background

1.The Applicant represented by David A. Barbuti, Architect, PC requested site plan approval for the conversion of a vacant, former beauty salon to an antique store located in a two-story, brick building at 21 North Broadway in the RR (Restricted Retail) zoning district. The Project consists of 3,075 sf of

interior renovations, creating display areas for the sale of antiques. The Project does not include any exterior work on the building.

2. The Planning Board on July 25, 2022, determined this to be a Type II Action under NYS DEC 617.5 (c) (9) “*construction or expansion of a primary or accessory /appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities*” and, therefore, no further SEQRA review is necessary.

3. The Planning Board has conducted a duly noticed public hearing on July 25, 2022, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the cover letter from the Applicant’s Architect dated June 22, 2022 describing the project, the Architect’s sealed set of plans dated April 29, 2022 and last revised May 20, 2022 including site plan, floor plan, reflected ceiling plan and cross-section sheets, the requirements for parking and off-street loading under §305-63(C)(7) D, the submitted application and survey including the zoning compliance form, and reviewed the resolution of the Zoning Board of Appeals dated June 13, 2022, and received comments and recommendations from the Consulting Village Planner in a memorandum dated July 8, 2022 and a denial letter from the Building Inspector/Village Engineer dated September 10, 2021 which they have considered.

5. The Planning Board also requested and reviewed a *Narrative on Parking and Loading* from the Applicant’s Architect dated July 18, 2022. The *Narrative* describes the operations of the proposed antique store, the store layout, and hours of operation from 10 am - 7 pm daily. Deliveries will be accepted on North Broadway between 7 am to 9 am using Sprinter type vans. Deliveries will use parking spaces in front of the building. There will be no double parking along North Broadway. There are existing parking meters in front of the building with one space being limited to 15 minutes. Larger items would be loaded in the early morning hours and delivered to customer residences. Garbage and recycling will be picked up by a private carter (Suburban Carting) at least once per week. Pick up will be along North Broadway in the early morning hours. In the event that collection on Broadway impacts traffic flow, the applicant has agreed to an alternate pick up location on Central Avenue since the rear of the property has an existing driveway with access to Central Avenue.

6. The Zoning Board of Appeals reviewed the Applicant’s request for a parking variance for eight off-street parking spaces and one loading space at a public hearing held on June 13, 2022. The ZBA approved the requested variances at their June 13, 2022, meeting with the conditions that the Applicant shall make payment into the Village Parking Fund for the eight off-street parking spaces to the satisfaction of the Planning Board and Building Department and that all deliveries are made before 10:00 a.m. and that deliveries be made in small vans and not trucks.

7. The Planning Board closed their public hearing on July 25, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

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

I. **Findings**

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

The Planning Board has reviewed the Applicant’s site plan and application. The subject property is a 5,820 -sf parcel occupied by an existing, two-story brick building located three parcels (approximately 50’) to the south of Central Avenue. The property has an existing 12.5’ driveway access from Central Avenue. It is within walking distance to the Municipal Parking Lot on Main Street or McKee! Avenue. The Project will consist of interior renovation of 3,075-sf on the first floor. The interior renovation will create display areas for the sale of Antiques. The existing space was a former beauty salon which has been vacant for over four years. As the ZBA indicated in their review, this is a commercial space that has existed for several decades without off-street parking or loading. The occupation of the vacant space with a retail business will be beneficial to the activity of the street.

The Planning Board reviewed the Applicant’s *Narrative on Parking and Loading* dated July 18, 2022. Similar to other storefronts along North Broadway, deliveries will be accepted on Broadway between the hours of 7 am to 9 am and are generally from a Sprinter type van. Trash and recyclables will be removed from the premises by a private carting company (Suburban Carting) at least once a week. Pick up will be along Broadway and will be in the early morning hours. These conditions were incorporated into the ZBA resolution on June 13, 2022, approving the parking and loading variances for the storefront. As a condition of the ZBA’s approval of the parking variance, a contribution of \$11,000 into the Village Parking Fund pursuant to §305-63 (C) (7) D was required in lieu of providing the three required on-site parking spaces. There will be no increase in impervious surfaces on the property and no new utilities are being brought to the site. There is no proposed landscaping, or additional exterior lighting to the property.

II. **Approved Plan:**

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

Plans by David A. Barbuti, Architect, PC prepared for *the Proposed Interior Alteration for: Palumbo Antique Store, 21 North Broadway, Tarrytown, New York* dated April 29, 2022, and last revised May 20, 2022, unless otherwise noted entitled:

- SP1 “Site Plan”
 - GN1 “General Notes 1”
 - GN2 “General Notes 2”
 - A1 “Floor and Reflected Ceiling Plans and Cross Section A-A”
- (the “Approved Plans”).**

III. General Conditions

1. 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.
2. 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
3. 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.
4. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions:

- (1) Prior to the issuance of a building permit, the Applicant shall contribute a total of \$11,000 into the Village Parking Fund for the eight (8) parking spaces required that cannot be provided on-site, as is permitted by Zoning Code § 305-63(C)(7) D in the RR district.
- (2) The Applicant shall ensure that all deliveries are made before 10:00 a.m. and that deliveries be made in small vans and not trucks.
- (3) Prior to the issuance of a Certificate of Occupancy, Applicant shall install a fire sprinkler system for the proposed conversion in accordance with Title 19NYCRR, BCNYS and Chapter 166. Additionally, accessibility in compliance with Chapter 11 of the BCNYS 2020 must be provided.

Ms. Raiselis moved, seconded by Dr. Friedlander, to approve this Resolution.

Ms. Raiselis asked for a roll call vote:

Member Mendez-Boyer:	Yes
Member Friedlander:	Yes
Member Aukland:	Yes
Alt. Member Mezey:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – DCD Realty Holdings, LLC 480 South Broadway

Ms. 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 25, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

DCD Realty Holdings, LLC
 480 South Broadway
 Tarrytown, NY 10591

For site plan approval for interior alterations to the existing building and site related improvements.

The property is located at 480 South Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet **1.180**, Block **102**, Lots **1, 2, 3, 4, 5, 6, 8,11** and is located in the NS (Neighborhood Shopping) 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 and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: July 15, 2022

The mailing receipts were received and the property signs were posted.

John Hughes, ESQ., the project attorney, appeared before the Board and introduced, Dwight Dachnowicz, owner of the Honda Dealership, with Charlene Mooney, the Ass't General Manager of Honda, Philip Fruchter, the project architect, with Papp Architects, Javier Taborga, the construction design consultant, with C & T Design Build, LLC, and John Canning, the traffic consultant, with Kimley Horn. Mr. Fruchter presented the site plan and showed the 1.3-acre property located on the east side of South Broadway, just north of the intersection of Walter Street, which presently houses the existing Honda Dealership. He noted the new Honda building to the north, 460 South Broadway, was recently built and is used as a service facility. The existing building at 480 South Broadway, was used for both sales and service prior to the construction of the new building. This building is functionally obsolete and requires renovations to bring it into more compliance with Honda standards and to also improve the customer functional and aesthetic experience. With regard to the proposed changes, Mr. Fruchter showed the existing footprint of the building and noted that they are removing a portion of the mezzanine in the front. He showed the existing shed on the south side of the property which will be demolished. They will be relocating an existing curb cut on the south side of the property. The existing gated curb cut will remain and they will be adding landscaping to fill in the gaps along Sheldon Avenue. He showed the paved area, on the south side, which will be used for new car displays, and the area for customer parking, with the new entrance and a crosswalk for easy access to the building. The existing vehicle ramp going into the basement will also remain. The area to the right of the fence will be used for vehicle storage, both new and pre-owned. There is additional employee parking

on the north side of the property. They will have four car display areas against South Broadway which are no more than a different type of paving with some lighting on the four corners of the new car display pads. He compared the display areas to a jewelry case for vehicles.

He showed an elevation of the west side of the building and the Broadway side. New glass, new facade material, and new signage will be added. He showed the north, east and south elevations and a rendering looking from to the north east, showing more glass, sunshade, and an improved façade. He noted the added new landscape in the vehicle display area. He showed a more detailed view of the plan and advised that they are not adding any new impervious area and are actually reducing impervious slightly. He reminded the Board of the condition in the previous approval, which limited the number of vehicles on the south side of the building, to 45 cars.

Mr. Fruchter pointed to the series of stacker cars proposed that are within the building setback limits. He showed a photo of the stacker configuration and a site line diagram looking from across the street from Sheldon Ave. Ms. Raiselis asked the height of the stackers. Mr. Fruchter said they are 10-feet to the top of the car. Ms. Mezey confirmed with Mr. Fruchter that the stackers are new to the site. Mr. Fruchter turned the presentation over to John Canning to give an overview of the traffic and parking.

John Canning, of Kimley Horn, the traffic consultant, briefly stated that this project is intended to upgrade the existing building which has existed for many decades. Mr. Canning referred to prior traffic studies and aerial photographs dating back to 1994, which they obtained online. He noted that one of the conditions of the 2017 site plan approval for the 460 building, was that there be no more than 45 vehicles parked in the southwest corner of this site. Another condition was that vehicles not be delivered by car-carriers. He advised that there are only a few vehicles driven over each day which is not a significant amount. These conditions will continue to be complied with. In fact, the plan as it is shown reduces the number of parking spaces and the right front corner of the site.

Mr. Canning referred to the traffic memo submitted with their application which documents the existing parking and traffic generation conditions. With regard to traffic generation, he noted that there were 34 trips on a Saturday, which is their busiest sales day. Before the new service facility was built, there were 49 trips, which is a reduction. The number of cars parked has also been reduced from 222 to 151 based on aerial photographs, again, less activity. With regard to items raised at the Planning Board's July 14th work session, display vehicles will not be parked across the front sidewalk; landscaping will be added to prevent this from occurring. The intent of the two separate driveways on Walter Street is to separate the customer from the employee. The west driveway would be used for the customer. The east driveway would be used by staff who usually arrive before the customers and leave after the customer, which also helps with the traffic flow. Vehicle inventory on the site is usually moved during off-peak hours so that sales are not disturbed. With regard to test drives, their salespeople are directed to drive out onto Broadway and he believes they may

have a map. He counted 8% of vehicles leaving the site that go down Sheldon Avenue. Vehicles will be driven into and out of the building via the existing ramp. The area to the north of the site is currently used for employee parking and will continue to be used for employee parking. Currently, there are 43 parking spaces designated for customer and employee use, which will increase to 46. Normally, there are about six to eight customers on their busiest day, which is why they have proposed the eight customer parking spaces in front. There is also ADA compliant access from that parking area into the building. Mr. Canning ended his presentation stating that the project consists of interior alterations to an existing building with improved landscaping. He did not see any issues when his was out at the site. The amount of parking on the site will be reduced marginally from the traffic and parking perspective. He is happy to answer any questions.

Mr. Aukland asked Mr. Canning if there will be very little difference to those driving on Sheldon Avenue. Mr. Canning said that the stacked parking is the only difference he sees, but additional screening with landscaping should help with that.

Mr. Fruchter returned and showed the improvements to the landscaping by the little area of Sheldon which will make the site less visible. There will be no change from Sheldon on the north side.

Mr. Aukland commented that he has witnessed the test drives on Sheldon Avenue, but he has not heard any complaints, so assumes that it must be at a lower level. Mr. Canning said that was a requirement in 2017 Resolution and they are certainly trying to keep to that.

Ms. Mendez-Boyer has concerns about people seeing the stacked cars from their homes on the north and east side of Sheldon Avenue. The drawing shows existing fencing. She asked how they plan to mitigate this visually.

Mr. Fruchter said the existing fence is 6-feet and they are not proposing to change that on the north side of the site from Sheldon looking south. There are existing pear trees along the area which he believes will soften the view. On the east side of the site, they will be filling in the hedge that presently exists. He advised that there is not much opportunity to create more screening unless the village would be willing to allow them to add a tree or two on the village property.

Ms. Mendez Boyer asked how tall the stacked cars will be. A brief discussion took place and the final answer was about 14 to 16 feet with the cars.

Mr. Fruchter suggested a condition that no SUV's can be stored on the top rack of the stackers.

Ms. Mendez Boyer understands that they want to put the stacker issue to rest but the pear trees are deciduous, so half of the year the stackers will be visible. If she lived on Sheldon Avenue, and began seeing stacked cars, it would certainly be an issue for her.

Ms. Mendez Boyer and Chair Raiselis would like an explanation of how the cars maneuver in the side lot.

Mr. Fruchter said during the day the customers will park in the eight parking spaces east of the display area. The cars in this area will not be moved around when customers are parked there. Like any car dealership, cars are moved around off hours before the customers arrive. There are also two accessible parking spaces and one accessible aisle that may not always be used, which allows display vehicles to be moved around easily. He does not see any issues that will interfere with the normal operation of the dealership or disturb any customer parking. Ms. Raiselis asked if it was typical of someone coming in and saying, “I want the car in the middle”. Mr. Fruchter said they may buy that car but they are not going to drive it out at that moment.

Ms. Mezey asked the applicant if they thought about green infrastructure, perhaps a solar or a green roof. Ms. Raiselis noted that the roof was very large.

Mr. Fruchter said they have not considered solar panels. The entire building will be renovated and it will be consuming considerably less energy. New lighting and HVAC systems will improve the thermal envelope, in addition to the insulated glass, which will reduce energy consumption. Ms. Raiselis asked for more detail about the type of mechanical system. Javier Taborga, the construction design consultant, addressed the Board and said they may use a heat pump, but it has not been designed yet. Ms. Raiselis said, as a village, they encourage using alternate energy sources.

Ms. Raiselis referred to a letter received from the County, under General Municipal Law, (GML) encouraging the applicant to install sidewalk in the area. She noted that there is not sufficient sidewalk along Walter Street and there appears to be sufficient space to install it, and asked the applicant to consider this suggestion. Mr. Fruchter said that he has walked the area on the east side of Sheldon and he didn't really find the need to walk on the west side of Sheldon. He noted that the additional sidewalk would add more impervious surface and more stormwater runoff so it's a balance.

Ms. Raiselis reminded Mr. Fruchter that he does not live in the neighborhood and does not walk there all the time. The needs of the neighborhood in general need to be considered to make the community as pedestrian safe as possible. She noted that the JCC is just across the street. Mr. Pennella noted that this is a redevelopment project and perhaps instead of the sidewalk, they could make the display area in the front permeable. He also advised that the applicant will be required to capture 25% of the stormwater. Mr. Fruchter noted that they the plans show permeable paving around the display areas.

Dr. Friedlander commented that he is very sympathetic about walkability within the village and that walking should be encouraged for a variety of reasons, but this particular area on Broadway has major intersections leading to the JCC, the Doubletree and Montefiore and sidewalk may be not as desirable as they think. He has tried to cross in these areas and it is not safe because the traffic signal timing is not in sync. He is just raising this as a general

concept that when you install sidewalks, you have to adjust the traffic flows. Ms. Raiselis would like to make this area as safe as possible for those who have to walk in the area.

Ms. Mendez-Boyer believes that the village is cut by the thruway and she believes that the added sidewalk would be good for connectivity. She asked the applicant to consider reviewing this. Mr. Fruchter said they will look into how they can improve walkability and safety with their traffic consultant.

Mr. Pennella noted that there are existing DOT traffic studies already in place which were done for the Rt. 9 Lane Widening. A brief discussion took place about the safety in this entire area and Mr. Canning suggested that the Village make recommendations to the State to identify the crossing issues at the JCC, Doubletree and Montefiore. Mr. Canning will go and look at this area and confirm whether they have the required standards now. If they don't, he will advise, but this application is basically a renovation of an existing building and he thinks this discussion is much broader than their proposed project. Dr. Friedlander agreed. He is just seizing this opportunity to discuss these issues with the Planning Board especially since there is proposed work in this area. Mr. Pennella will be happy to provide any traffic studies to Mr. Canning.

Dr. Friedlander asked the applicant to quickly go over the exterior improvements. Mr. Fruchter briefly showed renderings of the outside from different perspectives, which consists of glass with a trellis sunshade, white metal and some blue accent. Dr. Friedlander was pleased with the rendering. Ms. Raiselis noted that the applicant is required to go before the Architectural Review Board.

Mr. Galvin asked if there was any chance of potential glare from the glass onto the road. Mr. Fruchter advised that the glass is not reflective glass. It will be high performance clear glass designed so that the display cars can be seen without getting heat gain into the building. He also noted the proposed trellis for shading.

Ms. Mendez Boyer commented that the applicant did a wonderful job of relocating the entry and making it safer. She asked if they would consider possibly moving the employee parking and putting the stacked parking closer to the Thruway side so that it would be less visible to the homes. Mr. Hughes returned and advised the Board that the area that Ms. Mendez is referring to not owned by his client. They lease this area from the Thruway Authority. He will look into this but believes this area is for parking only.

Ms. Raiselis asked if anyone in the public would like to speak.

Mr. Adam Miller, of Glenwolde Park, lives across from the dealership. He wanted to know where the proposed stacked parking will be located. He confirmed that the height of the building will not change and they are only removing a section of the 2nd floor mezzanine. The envelope will remain the same. Mr. Fruchter said they are adding more lighting on the exterior of the building which will shine down. They are removing a pole and replacing some heads. Mr. Miller also noted that lighting goes directly into the dealership and he hopes that

can be improved. Mr. Fruchter advised that there has been a photometric plan submitted. Mr. Pennella also commented that the applicant may be able to put the stacked parking along the back of the building, as another alternative.

Ms. Mendez Boyer asked about the requirement for landscaping. Mr. Pennella said they are not required to have islands since the lot is mostly for vehicle storage. The plan will be forwarded to Ms. Nolan for her review, comments, and suggestions.

Ms. Raiselis asked about the car-carriers. Mr. Pennella said since they are making these improvements, perhaps they can look and see if they would be beneficial to them. The original issue was that the car-carriers could not get into the parking lot and the street was used for unloading. Ms. Raiselis said they are just trying to figure out the best way to reduce the pollution in the area and perhaps the applicant can look at this. Mr. Hughes noted the long-standing condition that no car-carriers be used and they have no problem with complying with this condition. Dr. Friedlander agreed that they made a commitment to the community to not allow car-carriers. It was a very difficult application back then. He would rather not revisit that issue. If they do consider bringing them back, the public would need to be notified about it.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to set an escrow at \$10,000.00. All in favor. Motion carried.

Ms. Raiselis asked for a roll call vote:

Member Mendez-Boyer: Yes
 Member Friedlander: Yes
 Member Aukland: Yes
 Alt. Member Mezey: Yes
 Chair Raiselis: Yes
 All in favor. Motion carried. 5-0

Mr. Aukland moved, seconded by Dr. Friedlander, to declare this a Type II action based on 617.5(c)(2) *“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”* with no further action required under SEQRA.

Ms. Raiselis asked for a roll call vote:

Member Mendez-Boyer: Yes
 Member Friedlander: Yes
 Member Aukland: Yes
 Alt. Member Mezey: Yes
 Chair Raiselis: Yes
 All in favor. Motion carried. 5-0

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

Ms. Raiselis asked for a roll call vote:

Member Mendez-Boyer:	Yes
Member Friedlander:	Yes
Member Aukland:	Yes
Alt. Member Mezey:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 8:03 p.m.
All in favor. Motion carried. 5-0

Liz Meszaros - Secretary