

Planning Board  
Village of Tarrytown  
Regular Meeting  
January 25, 2016; 7:00 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Birgy; Raiselis,  
Counsel Zalantis; Village Planner Galvin, Village Engineer McGarvey;  
Secretary Meszaros

ABSENT: Village Administrator Blau

APPROVAL OF THE MINUTES – November 23, 2015 Joint Board of Trustees/Planning

Mr. Tedesco moved, seconded by Mr. Aukland, with Mr. Birgy and Ms. Raiselis abstaining, that the minutes of the November 23, 2015 joint Board of Trustees/Planning Board meeting be approved as submitted. Motion carried.

APPROVAL OF THE MINUTES – November 23, 2015 Planning Meeting

Mr. Tedesco moved, seconded by Mr. Aukland, with Mr. Birgy abstaining, that the minutes of the November 23, 2015 Planning Board meeting be approved as submitted. Motion carried.

Chairman Friedlander read the following adjournments:

- Continuation of a Public Hearing – Peter Bartolacci - 67 Miller Avenue
- Continuation of a Public Hearing – Toll Brothers, Inc. - 112 Wilson Park Drive
- Continuation of a Public Hearing – Ann E. Hanley - 73 High Street
- \*Continuation of a Public Hearing - Kaufman Organization - 69 North Broadway

\*CONTINUATION OF PUBLIC HEARING - 69 NORTH BROADWAY

Chairman Friedlander said this is not officially adjourned and he would like to include one item in the record. Mr. Tedesco read a letter from Westchester County, Commissioner of Planning, Edward Buroughs, stating that they have no objection to the Planning Board assuming Lead Agency Status for this site plan application.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board accepted Lead Agency status for this application; all in favor. Motion carried.

Recommendation for a Downtown Parking Study:

Mr. Tedesco read a memorandum requesting that the Board of Trustees prepare a Request for Proposal for professional services to develop a Downtown Parking Study. “This request arises from the Board’s review of numerous applications for the expansion and development of commercial and residential uses in the downtown. The Board believes that the Village needs to take a holistic approach to studying downtown parking instead of the Planning Board’s case by case approach with specific applications. The Board believes that the Village needs to take a holistic approach to studying Downtown parking instead of the Planning Board’s case by case approach with specific applications. The purpose of this study would be to develop an overall strategy to manage and potentially increase parking in the Downtown. Among other elements, the proposed study should analyze current and future parking demand and address downtown parking in terms of management techniques and study of options to augment the parking supply as well as a review of financial issues associated with the growth of the parking system”.

David Aukland noted for the record that this request is consistent with remarks in the Tarrytown Economic Development Strategy being prepared for the Village by Collaborative Planning Studio and Kevin Dwarka LLC as part of the station area project being co-chaired by Member Raiselis and himself.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board formally makes this request to the Board of Trustees for a Downtown Parking Study. All in favor. Motion carried.

Village Planner Galvin will forward request to Village Administrator Blau.

CONTINUATION OF PUBLIC HEARING – Tarrytown Associates LLC 1-7 W. Main St.

Leo Napior of Harfenist, Kraut and Perlstein, on behalf of the applicant, explained that they did a further parking study of municipal parking lots as requested by the Board at the last meeting.

The study was performed on January 9, 2016 (Saturday night) and January 12, 2016 (Tuesday night) between 6:15 and 7:30. The purpose of the study was to understand the impacts of the closure of the Citibank Lot. The McKeel Parking lot is the most unused with 40 spaces. With respect to Washington, Elizabeth Street and Broadway there were double the amount of spaces available.

Chairman Friedlander raised concern that study may not be an accurate picture because the Bank was closed. Mr. Napior said they are seeking a waiver for only 5 spaces so there is more than enough supply on McKeel to handle overflow parking.

Ms. Raiselis said it is issue of management of spaces, not that we don’t have enough. This is why there is a need for the parking study to be done.

Village Planner Galvin asked why there were more vacant spaces in January than in November. Mr. Napior speculated that less people may be coming out in colder months.

A discussion took place about the possibility of shared parking with the Music Hall. Mr. Napior said they have had conversations. The Music Hall was looking for loading bay area to easily unload equipment. 1-7 was willing to give them an easement but they would lose their parking isle on the left hand side of the property which would not work.

Mr. Napior stated that another issue is the merger of the lots and relocating the driveway access. This does not result in the creation of additional spaces. It would open up the parking lot with no retaining wall and would create logistical difficulties as to who has right to the spaces and at what times.

Village Planner Galvin said the Music Hall has an easement which could be used as a bargaining chip to pursue this for a community benefit. Mr. Napior said nothing in writing has been produced saying that the Music Hall has an easement through property.

Mr. Birgy would like them to continue to pursue this possibility of shared parking since both parties may benefit. Ms. Raiselis asked if the Board denied this application would the applicant pursue this and get the 5 spaces. Mr. Napior said no it would be cost prohibitive.

Applicant agreed to contribute to the parking fund, the amount of \$2,500 per parking space which was the amount determined when the application was originally presented to the Board.

Chairman Friedlander will have a discussion with Michael Blau about parking to see if both parties want to meet. Mr. Napior said his client would be amenable to having those discussions.

Mr. Napior stated that we have filed an application with the Zoning Board for an area variance and they are waiting on this Board to make a SEQRA determination.

Counsel Zalantis advised if the Board feels there is sufficient information with studies to support the negative declaration then they can proceed to zoning for variances and return to the Planning Board for site plan approval.

Village Planner Galvin said there is no significant impact that would justify the development of an EIS and this action would not take away planning board site plan review power.

Mr. Aukland questioned #20 on the EAF indicating that the sight of the proposed action has been the subject of remediation for hazardous waste. Village Planner Galvin

deferred to the applicant for an explanation. Mr. Napior said there is no open spill number. Village Planner Galvin said the EAF mapper is not exact. Mr. Aukland said this item will be revisited when we look at the site plan.

Chairman Friedlander opened the meeting to the public; no one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland to close the public hearing; all in favor. Motion carried.

Mr. Tedesco read the following resolution.

**RESOLUTION OF THE VILLAGE OF TARRYTOWN ADOPTING A SEQRA NEGATIVE DECLARATION FOR THE PROPOSED SITE PLAN APPLICATION OF TARRYTOWN ASSOCIATES LLC (1-7 Main Street)**

1. The Applicant Tarrytown Associates LLC (“Applicant”) seeks site plan approval to restore previously damaged areas of an existing building to include two new residential units.
2. The Planning Board previously circulated a notice of intent to act as lead agency for the SEQRA review and made a determination that the proposed action is an Unlisted Action under SEQRA; and
3. A Short Environmental Assessment Form has been submitted and reviewed along with other information regarding the proposed site plan application; and
4. The Planning Board reviewed the letter submitted by Harfenist Kraut & Perlstein, LLP as part of the site plan application dated August 6, 2015 which indicates that the restoration would enhance the neighborhood and is consistent with objectives set forth in the 2007 Tarrytown Comprehensive Plan Update.
5. The proposed footprint of the existing structure will not change and the exterior walls for the proposed addition of two dwelling units are already existing.
6. The Planning Board has reviewed a Tenant Parking Survey dated October 22 2015, concluding that the proposed improvements are anticipated to result in the introduction of 2-3 new automobiles and a Municipal Parking Lot Survey evidencing the availability of municipal parking lots within a 1000 foot radius of the property.
7. The Planning Board has reviewed a second Municipal Parking Lot Survey dated November 12, 2015, concluding that there is currently an excess of 40 or more available parking spaces within the nearby municipal lots at peak hours, not including available on-street parking, to accommodate the introduction of 2-3 new automobiles anticipated to result from the proposed improvements.

8. The Planning Board has reviewed supplemental information updating the above mentioned surveys in a report dated January 14, 2016, as the former Citibank public parking lot is no longer open to the public for parking. The updated survey concludes that even with the loss of the public parking at Citibank, there still sufficient vacant spaces available in two municipal lots that are within walking distance of the Property. Additionally, another municipal lot had more availability of spaces during the survey taken for the update than in the November 12, 2015 survey.
9. The applicant intends to contribute to the parking fund at a cost of \$2,500 per space or a total of \$12,500 for the 5 parking spaces required.
10. The Planning Board has conducted public hearings on the matters, and

IT IS HEREBY RESOLVED that the Planning Board, acting as lead agency, finds that there will be no significant adverse impacts from the proposed site application and what is being proposed avoids any significant adverse impacts on abutting properties and will have no impact on community services, and therefore, the Planning Board issues a SEQRA negative declaration; and it is further

RESOLVED that a copy of this SEQRA Negative Declaration shall be circulated to all Involved Agencies and that as this is an Unlisted Action, in accordance with SEQRA regulations § 617.12(b)(2), a copy of this SEQRA Negative Declaration shall be filed in the lead agency's file.

Dated: January 25, 2016

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CHAIR

Motion by: Mr. Tedesco  
Seconded by: Mr. Aukland

In Favor: 5  
Opposing 0  
Abstaining 0

The Board also reviewed and approved the EAF Part 2 and Part 3 (Determination of significance). The Chair signed Part 3 indicating that the proposed action would not result in significant adverse environmental impacts.

The matter was adjourned until such time as the ZBA makes a determination

PRELIMINARY PRESENTATION – Zucker – 55 Stephen Drive

Steve Anderson, of Gabriel E. Senor, PC, on behalf of the applicant, presented the plan for the replacement of a failing railroad tie retaining wall and that they have 85 feet of disturbance. He explained that the wall has been there for over 20 years and they intend to restore steep slope back to what it is and will construct a patio beneath the wall with a no net increase to stormwater runoff.

Village Engineer McGarvey explained that there is no record that wall ever existed so it is a new application and with a total steep slope disturbance of 645 square feet.

Mr. Tedesco asked if trees will be removed to make patio and if there will be landscaping improvements. Mr. Anderson said no trees will be removed and there will be a landscaping plan. Mr. Tedesco advised that the landscaping plan will go to landscaping consultant at the appropriate time.

Mr. Tedesco said there is an increase in the non-conformity of impervious surface. Permitted is 19.25, existing is 27, and you are going up to 29. Mr. Tedesco recommended that the patio be constructed of permeable pavers to minimize the increase in non-conformity of impervious surface.

Village Engineer McGarvey advised that there is an error in the Zoning code for this area which says R60, but it should be R15, which probably occurred when the village up-zoned.

Counsel Zalantis said it is existing- non-conforming. Village Planner Galvin said it is a long process to rezone. Counsel Zalantis advised that in order to move this project forward, the better way would be to get a variance, but it also appears to be the Building Inspector's position that if the impervious coverage remains the same as what is currently existing, no variance is required.

Village Planner Galvin said if you change it to permeable pavers than there may be no variance required or you can remove some areas of impervious coverage in other places.

Mr. Aukland asked Village Engineer McGarvey if the height of wall was 6 feet. Mr. McGarvey said the plans show the wall is less than 6 feet which is permitted.

Village Planner Galvin said this is Type II action based on NYS DEC 617.5 (c) (10) in his memorandum.

Chairman Friedlander opened the meeting to the public.

Mr. Samuel Vieira commented that the zoning error could just be a topographical error and the Village should explore it. It could be that line was drawn in the wrong place and no need for re-zoning.

Chairman Friedlander will ask the Village Administrator to explore the issue of the zoning error, which the Board agreed to.

Applicant was advised that revised plans decreasing the amount of impervious surface should be submitted before the February 11, 2016 Staff Meeting for review.

Mr. Tedesco moved, seconded by Mr. Aukland, to designate this as a Type II Action with no further action required under SEQRA; All in favor. Motion Carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set an escrow of \$2,500; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the February 22, 2016 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Paul Jeris – 15 Baylis Court

Samuel Vieira, Architect, representing owner Paul Jeris, is submitting a proposal to construct a new three-family residence consistent with what was previously approved four years ago except for the fact that there were no lot line adjustments. They are working with landscape architect via email to revise plans with different species.

Mr. Vieira explained from an engineering standpoint, nothing has changed so he is assuming stormwater management is same. He advised that he has not changed the lot line adjustments until he has heard from the Board.

Mr. Tedesco asked if there is need to go to Board of Trustees for curb cut approval. Mr. Vieira said that he believes the Planning Board has the power to approve the curb cut for access.

Ms. Raiselis asked about parking spaces. Mr. Vieira said they are able to fit 6 inside and 3 off street. Village Engineer McGarvey asked how many parking spaces is the street losing. Mr. Vieira said the street is not marked so an average of two parking spaces would be lost, but will gain six legally, nine in total.

Mr. Aukland asked if the plans show a lot line adjustment. Mr. Vieira said the engineering drawings were not revised, and if board is agreeable, there is no lot line adjustment.

Village Engineer said the old plans had a lot line adjustment, but not now. Mr. Vieira will move the line back to where it was.

Counsel Zalantis advised that this is a Type II Action under NYS DEC 617.5 (c) (9) since the applicant proposes a three-family residence. The next step is to go the Zoning Board and return back to the Planning Board for site plan approval.

Mr. Vieira said that he will be able to be heard at the March 14, 2016 Zoning Board of Appeals Meeting.

Mr. Aukland said the Chief of Police commented on this application and said that provision should be made for off street parking.

Mr. Tedesco moved, seconded by Mr. Aukland, to designate this as a Type II Action with no further action required under SEQRA; all in favor. Motion Carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set an escrow of \$2,500; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the March 28, 2016 meeting; all in favor. Motion carried.

Village Planner Galvin advised the Board that the memo he provided has comments from previous meetings for their review. He provided a copy of approval in May of 2011.

Mr. Vieira asked Village Planner Galvin if there is anything in report that he should be aware of for changes. Village Planner Galvin gave Mr. Vieira a copy of this report.

#### ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 8:05 p.m.

Liz Meszaros  
Secretary to Planning Board