

Planning Board  
Village of Tarrytown  
Regular Meeting  
November 23, 2015; 7:00 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Raiselis; Counsel Zalantis; Village Engineer McGarvey; Secretary Bellantoni

ABSENT: Village Administrator Blau; Member Birgy

APPROVAL OF THE MINUTES – June 22, 2015

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of June 22, 2015, be approved as submitted. Motion carried.

APPROVAL OF THE MINUTES – October 26, 2015

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of October 26, 2015, be approved as submitted. Motion carried.

APPROVAL OF THE MINUTES – November 4, 2015 Special BOT/Planning Board Meeting

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of the special Board of Trustees and Planning Board Meeting of November 4, 2015 be approved as submitted. Motion carried.

NEW PUBLIC HEARING – Kaufman - 69 North Broadway

The Chairman read the following Notice of Public Hearing:

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, November 23, 2015, 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, R.A.  
150 White Plains Road  
Tarrytown, NY 10591*

*To convert an existing vacant retail space to a gym.*

*The property is located at 69 North Broadway and is shown on the tax maps as Sheet 1.40, Block 14, Lot 4,5 and is in the RR zoning district.*

*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.*

*By Order of the Planning Board*

*Dale Bellantoni  
Secretary to the Planning and Zoning Boards*

*DATED: November 13, 2015*

The certified mailing receipts were submitted and the sign was posted

Dave Barbuti, architect on behalf of the applicant explained that his client is proposing to turn the existing vacant retail space that was formally T.F. Andrews into a Snap Fitness gym. The building is located at 69 North Broadway, which is on the corner of North Broadway and Dixon Street. They will be utilizing 7,000 s.f. on the first floor and approximately 4,000 s.f. on the lower level which will requires 110 parking spaces; they need 58. Mr. Barbuti explained how they calculated the parking spaces: 110 are required, they have 37 credited from the previous use, and there are 15 spaces in the rear parking lot for their use, leaving 58 spaces need for which they will need a variance.

Chairman Friedlander said that is a very large variance which they will have to justify. Mr. Barbuti said there is the McKeel parking lot across the street.

Ms. Raiselis said you should do a parking study or find out if it is possible for their customers to parking at the McKeel lot; you have to come in with something concrete.

Chairman Friedlander said we have been having many discussion about parking; it is a real concern. All applicants need to be treated the same. We need a very detailed plan of how you are going to deal with parking; the more detailed it is the better it will be.

Ms. Raiselis said for example the two parking lots behind Chase Bank; maybe you can talk to them, make partnerships.

Counsel Zalantis said the board cannot make a determination until the next meeting because of the Notice of Intent.

Mr. Barbuti showed the layout of the gym. The first floor will have 38-40 machines, a boxing ring, and bathrooms. Eric Thomas, facilities manager for the gym, said the downstairs will be for sports-type training, no fixed equipment. Not all of the lover level will be used.

Chairman Friedlander said you can do a user analysis for the first floor which might help with the parking analysis.

Mr. Aukland asked about the emergencies during off-hours. Mr. Thomas said they have a camera that goes to Corporate but does not track that type of data because it is too difficult. He said there are approximately one emergency per club.

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

CONTINUATION OF A PUBLIC HEARING - NY Dealer Stations LLC (Shell) - 372 South Broadway

Leo Napior of Harfenist Kraut & Perlstein on behalf of the applicant discussed modification made to the plan as per the requests made. He said the strip at the corner of the cross access entrance between the station and the shopping center will be narrowed to reduce traffic incidents.

Mr. Tedesco asked about the comments made by Lucille Munz regarding their landscape plan. Mr. Napior said they have no problem complying with Ms. Munz's comments. He showed the truck turning plan.

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

Ms. Raiselis read the following resolution:

**RESOLUTION**  
**Village of Tarrytown Planning Board**  
**Application of New York Dealer Stations, LLC**  
**Property: 372 South Broadway (Shell) (Sheet 140, Block 89, Lot 6 and Zone NS)**

**Background**

1. The Applicant requests site plan approval to modify and expand an existing gasoline filling station and convenience store structure, remove existing service bays and make site, access and parking modifications.

2. The Planning Board previously determined this to be an Unlisted Action, declared itself lead agency under SEQRA and circulated notice to be intent to be lead agency to all interested and involved agencies. There being no objection, the Planning Board accepted lead agency status.

3. The Planning Board has conducted duly noticed public hearings on June 22, 2015, September 28, 2015, October 26, 2015 and November 23, 2015 at which both the public and the applicant have had an opportunity to present their positions.

4. At the September 28, 2015 public hearing, the Planning Board issued a written negative declaration under SEQRA.

5. Subsequently, the Village of Tarrytown Zoning Board of Appeals granted Applicant the requested necessary variance(s).

6. The Planning Board’s consultant reviewed the proposed landscape plan submitted by the Applicant and provided input to the Planning Board.

7. The Applicant has represented to the Board that it will continue to work with the Board and the New York State Department of Transportation on traffic and traffic circulation issues to address such issues from a global perspective and with assessing the shopping center and corner as a whole.

8. The Planning Board closed the public hearing on November 23, 2015. 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.

#### **II. Approved Plan:**

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

- Plans by Stonefield Engineering and Design, entitled:
  - o C-1 Cover Sheet dated 04/10/2015 and last revised 10/28/2015

- C-2 Existing Conditions Plan dated 04/10/2015 and last revised 10/28/2015
  - C-3 Demolition Plan dated 04/10/2015 and last revised 10/28/2015
  - C-4 Site Plan dated 04/10/2015 and last revised 10/28/2015
  - C-5 Grading Plan dated 04/10/2015 and last revised 10/28/2015
  - C-6 Soil Erosion & Sediment Control Plan dated 04/10/2015 and last revised 10/28/2015
  - C-7 Landscaping Plan dated 04/10/2015 and last revised 10/28/2015
  - C-8 Construction Details dated 04/10/2015 and last revised 10/28/2015
  - C-9 Construction Details dated 04/10/2015 and last revised 10/28/2015
  - C-10 Details dated 04/10/2015 and last revised 10/28/2015
  - EX Truck Turning Exhibit prepared 10/26/2015
- Plans by gk+a Architects, P.C., entitled:
- A-1 Existing Floor Plan & Elevation dated 03/20/2015
  - A-2 Existing Elevations dated 03/20/2015
  - A-3 Proposed Floor Plan & Elevation dated 03/20/2015
  - A-4 Proposed Elevations 03/20/2015
  - A-5 Canopy Elevations & Proposed I.D. Sign dated 03/20/2015

(Collectively, the “Approved Plans”).

### III. General Conditions

- (a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):
- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.

- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
  
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
  
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
  
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
  
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
  
- (f) Plantings Cash Bond:

Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board’s Landscape Consultant to ensure the Applicant replaces any plantings that do not survive for two (2) years (“Cash Bond”).

In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.

At the end of the two year period, the Planning Board’s Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health.

(g) Release of Cash Bond:

Prior to releasing or reducing either the Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, including a landscape plan showing landscape conditions at the time of the re-evaluation, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village Engineer and attorney each of whom shall provide a written recommendation to the Planning Board which shall make a formal recommendation to the Village Board concerning the request. The Planning Board will, upon receipt of all required documentation, act upon the request.

IV. Specific Conditions:

- (a) Fuel delivery trucks will access the site as indicated in the turning plan prepared by Stonefield Engineering & Design, LLC Drawing “EX” entitled “Truck Turning Exhibit” prepared 10/26/2015.
- (b) The convenience store will have no more than three (3) or four (4) employees working at any one time and will be used as an ancillary use to the fueling component of the station.
- (c) Nothing herein shall be construed as an approval of the Applicant’s proposed signs and such signs require variances from the ARB.
- (d) Applicant shall not close or block the access from the abutting shopping plaza/center, in the event that the access is blocked at any time, site plan approval will be voided.

- (e) Pursuant to the Staff Report submitted by Lucille Munz, ASLA, the Village of Tarrytown Landscape Consultant, dated November 16, 2017, all non-native plant material included in the Landscaping Plan shall be changed to native plant material.
- (f) All new planting shall be native plantings.

Dated as of November 23, 2015

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Chairman

Motion by:	Mr. Tedesco
Seconded by:	Mr. Aukland
In Favor:	4
Opposed:	0
Abstaining:	0

Ms. Raiselis moved, seconded by Mr. Aukland to approve the conversion of the service area into a convenience store at the Shell service station at 372 South Broadway; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING - Tarrytown Associates - 1-7 Main Street

Leo Napior of of Harfenist Kraut & Perlstein on behalf of the applicant explained that they did a survey of the following four municipal parking lots surrounding the applicant's building: South Washington Street lot, McKeel Avenue lot, Elizabeth Street lot and the South Broadway lot; all are metered lots. They monitored the lots from 6:15 p.m. to 8:15 p.m. on Thursday and Saturday nights. There were 40 spaces available. Chairman Friedlander asked what happens on Friday night. Mr. Napior said the survey showed the following: Elizabeth Street lot has a few spaces available, South Washington lot has very few, and the McKeel lot has an excess of available spaces. Chairman Friedlander asked if the tenants use the McKeel lot. Mr. Napior said five tenants have resident parking passes but he doesn't know which lot they park in.

Chairman Friedlander said one concern in the past is what happens if cars are left in the lot when it snows. How can the Village plow it. Mr. McGarvey said the police try to contact the owners so that they can clear the snow.

Chairman Friedlander said Citibank is closing in January and there lot may not be open as a municipal lot with a new tenant. It is something we have to consider with this application. He suggested that hold this application up for another month to se what is



going to happen with the Citibank site. Counsel Zalantis asked if that lot was in their parking study. Mr. Napior said no it was not. Chairman Friedlander asked if they can find out where they park.

Mr. Napior said the Washington Avenue lot does not have a sign directing cars to another lot; his client would be willing to help out with that.

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

CONTINUATION OF A PUBLIC HEARING - Dr. Ravikumar - 131 Central Avenue

Sid Schlomann, Architect on behalf of the applicant showed the adjusted landscape plan based on Lucille Munz's comments. He said there is not change in the parking lot lights from the existing lights. Mr. Schlomann said they are not going to be open 24 hours; they will be open from 8:00 a.m. to 800 p.m.

Mr. Aukland said we require a light plan. Mr. Schlomann said we are not changing them; thought only if we are changing it. Mr. Aukland said we would like confirmation from a lighting asbuilt. Mr. McGarvey said you are putting new lights around the building. Mr. Schlomann said where they are going they are not facing the neighbors. He asked if the lighting plan can be a condition of approval. He will consult with an expert.

Chairman Friedlander asked when they are planning to open. Mr. Schlomann said in 3-4 months. We would like to get the building permit and get the work started.

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

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

Mr. Aukland read the follow resolution:

**RESOLUTION**  
**Village of Tarrytown Planning Board**  
**Application of Dr. S. Raykomar**  
**Property: 131 Central Avenue (Sheet 1.40, Block 10, Lot 12, and Zone GB)**

**Background**

1. The Applicant requests site plan approval for an addition to an existing building for change of use to an urgent care facility.

2. The Planning Board previously determined this to be a Type II Action and therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on October 26, 2015 and continued the public hearing until November 23, 2015 at which both the public and the applicant have had an opportunity to present their positions.
4. The Planning Board’s consultant reviewed the proposed landscape plan submitted by the Applicant and provided input to the Planning Board.
5. The Planning Board closed the public hearing on November 23, 2015. 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.

V. **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.

VI. **Approved Plan:**

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

Plans by SI Design Group, entitled:

- A-1 Site Plan, Demolition Plan, Zoning Compliance dated 09/18/2015
- A-2 Proposed Foundation Plan dated 08/30/2015
- A-3 Proposed Floor Plan dated 08/30/2015
- A-4 Proposed RC Plan dated 08/30/2015
- A-5 Proposed Roof Plan dated 08/30/2015
- A-6 Proposed Exterior Elevations dated 08/30/2015
- A-7 Proposed Exterior Elevations dated 08/30/2015

- A-8 Proposed Section dated 08/30/2015
- A-9 Perspectives [sic] dated 09/28/2015

Plan by Hudson Engineering & Consulting, P.C., entitled

- C-1 Stormwater Management Plan dated 08/31/2015 and last revised 09/21/2015

Plans by LDAW Landscape Architecture, PC, entitled:

- L-1 Landscape Plan Removals dated 10/15/2015
- L-2 Landscape Plan Proposed dated 10/15/2015 and last revised 10/31/2015
- L-3 Landscape Plan Specifications dated 10/15/2015

(Collectively, the “Approved Plans”).

VII. General Conditions

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

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

- (j) 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.
  
- (k) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
  
- (l) 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.
  
- (m) Plantings Cash Bond:
  - Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board’s Landscape Consultant to ensure the Applicant replaces any plantings that do not survive for two (2) years (“Cash Bond”).
  - In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.
  - At the end of the two year period, the Planning Board’s Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health.
  
- (n) Release of Cash Bond:
  - Prior to releasing or reducing either the Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as

built” drawings, including a landscape plan showing landscape conditions at the time of the re-evaluation, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village Engineer and attorney each of whom shall provide a written recommendation to the Planning Board which shall make a formal recommendation to the Village Board concerning the request. The Planning Board will, upon receipt of all required documentation, act upon the request.

VIII. Specific Conditions:

- (a) New Plantings must be non-invasive native species.
- (b) Hours of operation shall be 8AM-8PM, the facility shall not be operated as a 24 hour facility, as provided in the submission to the Planning Board dated November 5, 2015 entitled “Notes to Planning Board.”
- (c) The facility will have no more than five (5) staff members working at any one time, as provided in the submission to the Planning Board dated November 5, 2015 entitled “Notes to Planning Board.”
- (d) Site plan approval is granted subject to the applicant resubmitting an appropriate professional lighting plan and acceptance of said lighting plan by the Village Engineer. Applicant will take measures deemed suitable by the Village Engineer in conjunction with the Planning Board to correct any problems identified in the report, including but not limited to light spillage beyond the property line.

Dated as of November 23, 2015

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Chairman

Motion by: Mr. Aukland  
 Seconded by: Ms. Raiselis

In Favor: 4  
 Opposed: 0  
 Abstaining: 0

Mr. Aukland moved, seconded by Ms. Raiselis to approve an Urgent Care facility at 131 Central Avenue; all in favor. Motion carried.

NEW PUBLIC HEARING - 202 Lexington LLC - 160 Wildey Street

Mark Constantine and Bruno Pietrosanti were present on behalf of the applicant.

Chairman Friedlander read the following public hearing notice;

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, November 23, 2015, at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Peter Ferraro, Managing Member (Contract Vendee)  
Lexington 202 Group LLC  
34 Norm Avenue  
Bedford Hills, NY 10507*

*To convert an existing manufacturing/warehouse building to a new self-storage facility.*

*The property is located at 160 Wildey Street and is shown on the tax maps as Sheet 1.40, Block 5, Lot 7 and is in the ID zoning district.*

*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.*

*By Order of the Planning Board*

*Dale Bellantoni  
Secretary to the Planning and Zoning Boards*

*DATED: November 13, 2015*

The certified mailing receipts were submitted and the signs were posted.

Mr. Constantine said the proposal for 160 Wildey Street is to convert the existing factory to a modern state-of-the-art self-storage facility. He said they received approval from the Zoning Board and from the Architectural Review Board. Mr. Constantine said no variances are required in the existing I zone.

Mr. Tedesco said Lucille Munz's report had one comment on the landscape plan. Mr. Constantine said Mr. Pietrosanti has a new plan which replaces the Rosa Rugosa with Shamrock.

Mr. Pietrosanti said there have been no change in the plan since the first meeting; he went over the plan. Boundaries: Wildey Street / Cortlandt Street / Metro North / H-Bridge. The main entrance is under the H-Bridge and there is a second entrance in the back area off the cul-de-sac on Wildey Street. He described the landscaping along Cortlandt Street, the front entrance and rear entrance.

Interior of building:

They will be creating three levels within the building; one 16' with one layer of storage and the second will have two layers of storage. They will be raising the roof but it will still be in compliance with zoning.

Exterior of building:

Raise concrete structure, put fascia on roof for aesthetics, and add a clock with two faces.

Mr. Pietrosanti said there will be a card entrance system.

Lighting:

Up-lighting on the building; some will be on the building as well as below. He showed the lighting plan and stated that there is only the slightest amount of spillage onto the street.

Mr. Pietrosanti said it will comply with all the LEED requirements.

Mr. Aukland asked if some of the building not on your land. Mr. Pietrosanti said some is on Metro North and some of Metro North's property is on their property. Mr. Constantine said at the work session the issue of the building being on the Metro North property was addressed. No work will be done on that portion of the building as discussed at the work session.

Mr. Aukland asked them to talk about the property under the H-Bridge which is Village property. Mr. Pietrosanti said his applicant will commit to do some landscaping to clean up that area, which will be beneficial for both him and the Village. Mr. Ferraro spoke about the property that is under the H-Bridge. He said he agreed with Mr. Blau that as soon as they are granted approved they will work to enhance the Village property under the H-Bridge. He will work with his architect on this. He plans on making this the flagship of their facilities and looks forward to working with the Village on future plans for that area. Mr. Ferraro said he doesn't have a plan at this time; he needs to speak with Mr. Blau. Mr. Constantine said his client will commit to work with the Village to improve the aesthetics, but we will not have any control of that area.

Chairman Friedlander asked the number of storage units and their dimensions. Mr. Ferraro said there will be a little over 500 unit which will range in 40 different sizes and shapes for different uses.

Chairman Friedlander opened the meeting to the public.

Lorenzo Porcelli, resident of Tarrytown asked to see the exterior design again. Mr. Pietrosanti explained the exterior of the building and the materials.

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

Mr. Aukland read the following resolution:

**RESOLUTION**  
**Village of Tarrytown Planning Board**  
**Application of Peter Ferraro**  
**Property: 160 Wildey Street (Sheet 1.4, Block 5, Lot 7 and Zone ID)**

**Background**

1. The Applicant requests site plan approval for the conversion of an existing two-story electrical heating manufacturing building to a three-story self-storage facility.
2. The Zoning Board of Appeals previously determined this to be an Unlisted Action pursuant to the State Environmental Quality Review Act (“SEQRA”), declared itself lead agency under SEQRA, and issued a Negative Declaration dated September 30, 2015 finding that the proposed Project would not have any significant adverse environmental impacts.
3. Subsequently, the Village of Tarrytown Zoning Board of Appeals granted Applicant the requested necessary variance(s).
4. The Planning Board has conducted a duly noticed public hearing on November 23, 2015 at which both the public and the applicant have had an opportunity to present their positions.
5. The Planning Board’s consultant reviewed the proposed landscape plan submitted by the Applicant and provided input to the Planning Board.



6. The Planning Board closed the public hearing on November 23, 2015. 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.

IX. **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.

X. **Approved Plan:**

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

Plans by Lawless & Mangione, Architects & Engineers LLP, entitled:

- A-001.00 Site Plan dated 03/31/2015 and last revised on 11/13/2015
- A-100.00 First Floor Plan dated 03/31/2015 last revised on 11/13/2015
- A-101.00 Second and Third Floor Plan dated on 03/31/2015 last revised on 11/13/2015
- A-200.00 Elevations dated 03/31/2015 last revised on 11/13/2015
- A-201.00 Elevation and Section dated 03/31/2015 last revised on 11/13/2015

Plan by Andrew Gross LC, entitled:

- Site Lighting Plan dated 10/19/2015 (stamp received November 3, 2015)

Plan by JMC Site Development Consultants, entitled:

- L-1 Landscape Plan dated 10/19/2015

(Collectively, the “Approved Plans”).

XI. **General Conditions**

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

- v. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
  
- vi. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
  
- (p) 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
  
- (q) 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.
  
- (r) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
  
- (s) 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.

(t) Plantings Cash Bond:

Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board’s Landscape Consultant to ensure the Applicant replaces any plantings that do not survive for two (2) years (“Cash Bond”).

In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.

At the end of the two year period, the Planning Board’s Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health.

(u) Release of Cash Bond:

Prior to releasing or reducing either the Cash Bond the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, including a landscape plan showing landscape conditions at the time of the re-evaluation, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village Engineer and attorney each of whom shall provide a written recommendation to the Planning Board which shall make a formal recommendation to the Village Board concerning the request. The Planning Board will, upon receipt of all required documentation, act upon the request.

XII. Specific Conditions:

- (g) New Plantings must be non-invasive native species.
- (h) Pursuant to the Staff Report submitted by Lucille Munz, ASLA, the Village of Tarrytown Landscape Consultant, dated November 16, 2017, the Rosa Rugosa proposed in the Landscaping Plan should be changed to a non-invasive native species.
- (i) With respect to the area under the bridge (but not part of the bridge itself) to the east of the subject property that is owned by the Village, but not the Village’s lot or yard (“Bridge Area”), the Applicant agrees and consents to work with the Village Administrator and the Village’s landscape architect to landscape and/or improve the Bridge Area in a mutually acceptable manner. The Applicant must obtain approval of the proposed landscaping and/or improvement of the Bridge Area from the Village

Administrator, which approval will not be unreasonable withheld. The Applicant agrees and consents to improve and/or landscape the Bridge Area at its sole reasonable cost and expense excluding the services of the Village’s Landscape Architect, and once installed and/or improved, the Applicant will maintain the Bridge Area at the Applicant’s sole reasonable cost and expense. In furtherance of this provision and to accomplish the goals outlined in this provision, the Applicant shall provide the Village with the applicable insurance and other necessary documents as required by the Village Administrator, including but not limited to entering into an agreement with the Village in a form acceptable to the Village Administrator. Applicant will seek to complete all improvements and/or landscaping to the Bridge Area within one-year of obtaining a certificate of occupancy for the construction necessary to convert the existing factory building to a self-storage facility in accordance with the Approved Plans, but the Applicant can seek an extension from the Building Inspector for reasonable cause, which extension will not be unreasonably withheld.

Dated as of November 23, 2015

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Chairman

Motion by:	Mr. Aukland
Seconded by:	Mr. Tedesco
In Favor:	4
Opposed:	0
Abstaining:	0

Mr. Aukland moved, seconded by Mr. Tedesco to approve the self-storage facility at 160 Wildey Street; all in favor. Motion carried.

NEW PUBLIC HEARING - Andy Todd - Greystone Lot 5

Chairman Friedlander read the following public hearing notice:

*PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, November 23, 2015 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Broadway on Hudson Estates LLC  
15 Faulkner Lane  
Dix Hills, NY 11746*

*For an amendment to the approved site plan for lot 5 of the Greystone Subdivision. The property is located at 6 Carriage Trail, Tarrytown, New York and is shown on the tax maps as Sheet 1.271, Block 138, Lot 1.5 and is in the R60 zoning district.*

*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.*

*By Order of the Planning Board*

*Dale Bellantoni  
Secretary*

*DATED: November 13, 2015*

The certified mailing receipts were submitted and the signs were posted.

Andy Todd, the developer of Greystone, explained that they have encountered rock and water when excavating for the approved house on lot 5. In order to avoid blasting, he is requesting the approval of the board to raise the house 4'.

Mr. Tedesco read the following letter from Jeff Zappa of 25 Tarryhill Road, dated November 15, 2015:

*Dear Planning Board Members:*

*This letter is in support of the application submitted by Greystone-on-Hudson requesting a variance (Mr. Tedesco said it is actually a modification) to a previously approved site plan. The fence and hedges Mr. Todd installed are aesthetically appealing, and it is our understanding that the change in height by 4 ' will have no impact on the current views.*

Ms. Raiselis asked if any view sheds will be compromised. Mr. Todd said no.

Chairman Friedlander said he went out to the site and it is a very large rock ledge. He concurs with Mr. Todd's statement that there is a big hole there with water in it. Chairman Friedlander said that he also looks at the trees that were planted and Mr. Todd did a great job of screening, so he also concurs with his neighbor Jeff Zappa of 25 Tarryhill Road.

Mr. Todd showed the cross section of the original 240' elevation and the proposed 244' elevation.

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

Mr. Aukland read the following resolution:

## **RESOLUTION**

### **Village of Tarrytown Planning Board**

#### **Application of Andy Todd**

**Property: 6 Carriage Trail (Sheet 1.271, Block 138, Lot 1.5 and Zone R-60)**

#### **Background**

1. The Applicant requests an amendment to a previously approved site plan to raise the proposed first floor elevation of the residential home 4 feet, from an approved elevation of 240' feet to a proposed elevation of 244' feet.
2. The Planning Board previously determined this to be a Type II Action and therefore, no further SEQRA review is necessary.
3. The Planning Board granted the Applicant site plan approval on January 28, 2013, at a duly noticed public hearing.
4. The Planning Board has conducted a duly noticed public hearing on November 23, 2015 at which both the public and the applicant have had an opportunity to present their positions.
5. The Planning Board closed the public hearing on November 23, 2015. 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.

#### **XIII. 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.

XIV. Approved Plan:

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

- Plans by LPR Associates, Engineering, Design & Consulting, entitled:
  - o S-1.0 Site Grading, Utility & Erosion Control Plan dated 9/24/2015
  
- Plans previously approved, including but not limited to, plans entitled:
  - o Site Location Lot 5 dated received 12/03/2012
  - o Front Elevation dated received 12/03/2012
  - o Rear Elevation dated received 12/03/2012
  - o North and South Elevation dated received 12/03/2012
  - o Lot 5 Site Plan dated received 12/03/2012
  - o Lot 5 Site Plan, Approximate Mean Roof Height from Finished Floor dated received 12/03/2012

(Collectively, the “Approved Plans”).

XV. General Conditions

(v) 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”):

- vii. 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.
  
- viii. 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.”

- (w) 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
- (x) 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.
- (y) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (z) 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.

XVI. Specific Conditions:

- (j) With the exception of allowing the proposed first floor elevation of the residential home to be raised 4 feet, from an approved elevation of 240' feet to a proposed elevation of 244' feet, all other conditions remain in full force and effect, including but not limited to the Planning Board's conditions set forth in the January 28, 2013 site plan approval and the conditions set forth in the July 23, 2012 final subdivision approval.

Dated as of November 23, 2015



Chairman

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

In Favor: 4  
Opposed: 0  
Abstaining: 0

Mr. Aukland moved, seconded by Mr. Tedesco to approved the 4' additional height for the house on lot 5 of the Greystone-on-Hudson subdivision; all in favor. Motion carried.

### ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland to adjourn the meeting; all in favor. Motion carried. Adjournment 9:15 p.m.