

Planning Board
Village of Tarrytown
Regular Meeting
June 22, 2015; 7:00 p.m.

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

APPROVAL OF THE MINTUES – April 27, 2015

Mr. Aukland moved, seconded by Mr. Tedesco, and unanimously carried, that the minutes of April 27, 2015, be approved as submitted. Motion carried.

ADJOURNMENTS:

Continuation of Public Hearings:

- 67 Miller Avenue - Bartolacci
- 25 Main Street - HKP Realty, Inc.
- 112 Wilson Park Drive (Lot 2) - Toll Brothers
- 73 High Street - Hanley
- 320-330 S. Broadway – Tappan Manour Condominiums

Continuation of Preliminary Presentations:

- 51 High Street – Batska
- 61 Gracemere - Split Development Corporation

CONTINUATION OF PUBLIC HEARING–Toll Brothers–229 Wilson Park Drive (lot 10)

Jennifer Grey of Keane and Beane and Rob Dowd of Toll Brothers were present for the application. Ms. Gray said they did a site visit to look at the rock outcropping to determine if it makes sense to remove it and allow the trail to go right down the middle of the easement keep it and have the trail go around it within the interior of the easement. Ms. Gray said they decided it makes more sense to keep the rock where it is because removing it would create too much disturbance to lot 10, the open space and the neighbor because of the blasting or chipping involved. Also, due to the topography, it creates some natural screening from the trail for the adjacent property owner. The rock adds a feature of interest for the trail and there is enough room in the easement to have it go around the rock.

Ms. Gray showed the landscape plan which was developed after consulting with the two property owners at 2 and 4 County House Road. Ms. Munz reviewed the plan and

made comments which resulted in a revised plan. She approved the revised plan which included her comments/suggestions. In response to a comment made by a board member, Ms. Gray discussed with Ms. Munz the caliper of trees along the road and Ms. Munz agreed but said no higher than 4" at planting because anything higher would jeopardize the survival of the tree. The trees along the road will be increased from 3½" to 4" caliper. Ms. Raiselis asked if increasing the caliper of the trees is not beneficial to the trees, why are we doing it. Mr. Tedesco read Ms. Munz e-mail regarding the trees.

Mr. Birgy said someone has to do additional maintenance if they are that size, so we need a plan for this extra care. Ms. Raiselis said we are doing a cash bond for the landscaping so there will be ramifications if they are not taken care of. Ms. Grey said Toll Brothers will be responsible for the maintenance for two years once the plantings are done; and if they are not maintained properly, the cash bond will be used.

Ms. Gray said lastly they would like to acknowledge that there still are some open infrastructure items. They have worked with the Village staff and Attorney to create a comprehensive punch list items which Toll has to perform within a specified time. Ms. Gray said they have agreed and consented to that punch list.

Chairman Friedlander opened the meeting to the public.

Mark Fry, Lakes Committee, said he is happy with the changes Toll Brothers made with the rock and the movement of the trail. He believes that the trail easement is a subdivision item. He said that the notes on the final subdivision plan say that the site improvements include the trail and it will be completed at the same time as the other site infrastructure improvements. He said they would like the Planning Board to direct that the easement for the trail be fully granted and that the trail work may continue and not be contingent upon site plan approval for this lot. He said whatever other conditions you wish to place on this lot are fine with them. Chairman Friedlander said if the site plan is approved, the easement will run with it. Mr. Fry said the paperwork on the easement behind lots 11/12/13/14 has not been done yet.

Cathy Ruhland, Chairwoman of the Lakes Committee said they just want to finish that last piece of the trail and not have to wait for the house to be built.

Counsel Zalantis said we discussed it at the work session that the work on the trail will be done at the same time as the construction work on the lot.

Mr. McGarvey said the trail should be outside the limits of disturbance; and with the construction fence up, there should not be a problem working on both the lot and the trail because it is pretty far back.

Ms. Gray said there is landscaping and grading that has to be done on the trail. She said the easement will be recorded prior to the issuance of a building permit; and once they get the building permit, they will clear the easement area. The construction equipment will be brought up on the property once to clear for the house and to clear

the easement area. Once the easement area is cleared out, the trail can be constructed in tandem Toll working on the house.

Mr. Tedesco asked the time frame for the construction of the house. Ms. Gray said they still have to go to the Architectural Review Board and it depends on the Planning Board conditions; hopefully by the end of the summer we will have a building permit.

Mark Fry said if a chain link fence is put up along the easement line, they can work completely independently on the trail while Toll does the landscaping and grading.

Chairman Friedlander said Mr. McGarvey already said they will put a construction fence up and it will be safe to work there.

Ms. Raiselis moved, second 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 Toll Brothers, Inc.
Property: Lot 10 of Wilson Park Subdivision
(Sheet 1.10, Block 1, Lot 30.10 and located in the R80 Zone)

Background

1. The Applicant requests site plan approval to in connection with construction of a single family dwelling.
2. The Planning Board, as Lead Agency, previously declared its intent to be lead agency under SEQRA in connection with the Applicant's proposed development of a 48.1 acre sites that required numerous land use approvals, including but not limited to subdivision and site plan approval. There being no objection, the Planning Board accepted lead agency status. The Planning Board conducted a coordinated review for the proposed Type I action. The Planning Board issued a positive declaration on March 22, 2004 requiring the submission of a Draft Environmental Impact Statement (DEIS). And after submission of the DEIS and Final Environmental Impact Statement, the Planning Board issued a SEQRA Findings Statement in June 2007.
3. In connection with Applicant's request for site plan approval for Lot 10, the Planning Board has conducted a duly noticed public hearings, including on October 28, 2013, May 27, 2014, June 23, 2014, August 25, 2014, September 22,

2014, October 27, 2014, February 23, 2015, March 30, 2015, May 27, 2015 and June 22, 2015 at which both the public and the applicant have had an opportunity to present their positions.

4. The Planning Board's consultant, Lucille Munz, has reviewed the most recent landscape plan submitted by the Applicant (dated June 10, 2014, last revised June 10, 2015) and has confirmed that said plan incorporates her proposed recommendations, which the Planning Board concurs with.

5. The Planning Board closed the public hearing on June 22, 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.

In considering the approval of the site development plan, the Planning Board considered the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and in so doing considered the standards and/or guidelines set forth in Zoning Code §§ 305-135 and 305-142 in making its findings. Many of the standards and/or guidelines set forth in Zoning Code § 305-135 and 305-142 were considered or also considered as a part of Planning Board's site subdivision approvals, including but not limited to the layout of all the lots, traffic access, ingress and egress from the Property and the relation of the proposed lots to the other surrounding lots, including open space parcels, that compromise the overall subdivision. Some of the standards set for the Zoning Code §§ 135-135 are not applicable to the development of this proposed single family house. The proposed house is located on the Property so that it is in harmony with both surrounding homes and adjacent open space parcel. The proposed home has no adverse effect on any properties in adjoining residence districts. The Board has reviewed the drainage system and layout and it affords the best solution for any drainage problem. The overall subdivision provides for the preservation of open space and affords active and passive recreation areas. As for the Property in particular, the conveyance of the proposed easement for the purposes of creating a walking trail into the proposed open space areas, allows for passive recreation and enjoyment of the public of this area. The proposed landscaping plan provides for planting compatible with the natural topography, site characteristics and existing natural landscaping. The proposed planting

enhances the proposed walking trail by providing screening of surrounding properties and emphasizing the nature experience of the trail.

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:

- Site Plan, Lot 10 Block 117, prepared by CMG Engineering, Surveying and Landscape Architecture, P.C., dated October 3, 2013, last revised June 10, 2015
- Landscaping Plan, Lot 10 Block 117, prepared by CMG Engineering, Surveying and Landscape Architecture, P.C., dated June 10, 2014, last revised June 10, 2015
- Slopes 25% and Greater Plan, Lot 10 Block 117, prepared by CMG Engineering, Surveying and Landscape Architecture, P.C., dated April 10, 2015, last revised June 10, 2015
- Cross Section Plan, Lot 10 Block 117, prepared by CMG Engineering, Surveying and Landscape Architecture, P.C., dated June 16, 2014, last revised June 10, 2015
- Trail Photo Plan, Lot 10 Block 117, prepared by CMG Engineering Surveying and Landscape Architecture, P.C., dated June 10, 2015

(collectively “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 as determined by the Village Engineer, 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, 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) Prior to issuance of the building permit, Applicant shall provide and execute with the Village of Tarrytown an Easement Agreement or Declaration for Trail Easement in form acceptable to the Village Attorney granting an easement for the entire easement area depicted on the Site Plan, Lot 10 Block 117, prepared by CMG Engineering, Surveying and Landscape Architecture, P.C., dated October 3, 2013, last revised June 10, 2015 ("Easement Area") for the purposes of creating a trail for general pedestrian purposes and for use by the general public ("Walking Trail"). Said easement agreement shall contain a legal metes and bounds description of the Easement Area.
- (b) Upon issuance of the building permit and in connection with the construction at the Property, the Applicant shall remove and clear all trees, brush and other materials from the Easement Area as designated by the Landscaping Plan, Lot 10 Block 117, prepared by CMG Engineering, Surveying and Landscape Architecture, P.C., dated June 10, 2014, last revised June 10, 2015 and if needed, level or grade the Easement Area or portions of the Easement Area so that a Walking Trail approximately 10 feet wide may be created in the Easement Area as designated on the Approved Plans.
- (c) Applicant shall employ erosion control methods at the Property throughout the construction and as directed by the Village Engineer to ensure protection of the Easement Area.

- (d) If at any time during construction or at any time prior the issuance of the Certificate of Occupancy for the single-family home, there is run-off from the Property that impacts or impairs the Easement Area and/or the ability for the Village of Tarrytown to complete the Walking Trail, the Applicant will remedy and repair such damage so that the Walking Trail can be completed. Any repairs and remediation, if any, of the Easement Area must occur prior to issuance of the Certificate of Occupancy for the Property.
- (e) As a condition of this approval, the Applicant also consents to repair at its sole cost and expense the damage to the trails on or behind lots 13 and 14 so that a walking trail in this area/easement area may be reestablished as previously existed but was washed-out due to run off from lots 13 and/or 14. Said repair work, including but not limited to grading, debris removal and reintroduction of the surfaces of the walking trail, shall be fully completed before the issuance of and as a condition to the issuance of Certificate of Occupancy for the Property.
- (f) Applicant will use its best efforts to assist the Village in entering into a license agreement with the owner of 4 County House Road, Sleepy Hollow, New York (Section 01/115.12, Block 2, Lot 35.2 on the Town of Greenburgh Tax Map), Ms. Robin Curry Bernacchia (“Bernacchia”) concerning the a parcel of unimproved land identified as Section 1.10, Block 1, Lot 30.17.B on the Town of Greenburgh Tax Map (“Open Space Parcel”) which the Applicant is required as part of the subdivision approvals to convey to the Village. The license agreement shall be in a form acceptable to the Village Attorney and shall grant Bernacchia a revocable license agreement to maintain certain specified landscaping on the Open Space Parcel and to maintain the fence that encroaches upon the Open Space Parcel. The requirement that Bernacchia enter into a revocable license agreement with the Village is solely within the discretion of the Village and the Village may ultimately decide not to enter such an agreement. This entering into said revocable license agreement is not a condition of site plan approval and shall not be a bar to the issuance of a building permit or a certificate of occupancy.
- (g) If the Applicant enters in agreement with either: (i) Bernacchia and/or her successors in interest; or (ii) Jorge Beristain & Lena Andreou, 2 County House Road, Sleepy Hollow, New York (SBL: 115.12-2-35.1) and/or their successors in interest, granting rights to the Property, including but not limited to an easement agreement or license agreement, said agreement shall not impair the Easement Areas to be conveyed to the Village the ability to use and maintain the Walking Trail and any such agreement must be in form acceptable to the Village Attorney and is subject to the Village’s consent and approval.

- (h) As per the June 22, 2015 email from the Planning Board’s landscape consultant, Applicant agrees to increase the size from 3.5” to 4” of the caliper of three (3) October Glory Red Maples proposed to be located along Wilson Park Drive and the four (4) Sycamores proposed to be located along Wilson Park Drive and at the entrance of the driveway to Lot 10. Also, Applicant agrees to increase the size of the seven (7) Bottlebrush Buckeye Shrubs to 4’-5’ height which are proposed to be located at the front of the proposed house provided that the Applicant is able to locate and purchase said shrubs at that size and if not, the height of said shrubs shall be 3’-4’ as indicated on the landscape plan.
- (i) New Plantings must be non-invasive native species. This condition is also to be included in the recorded Homeowner’s Deed and conveyed with the property.
- (j) All driveways will be constructed of permeable pavers or an equivalent permeable surface approved by the village engineer.
- (k) During construction, a chain link fence will be placed around the drip line of any significant tree to be preserved within the proposed area of disturbance.
- (l) The Applicant acknowledges that Lot 10 is part of a larger subdivision and there are open items that were conditions of prior approvals, including but not limited to the subdivision approvals, that needs to be completed. The Applicant acknowledges receipt of the attached letter dated June 22, 2015 from Michael J. McGarvey, P.E., attached hereto and made a part hereof and consents to the terms thereof.

Dated as of June 22, 2015 – Lot 10 of Wilson Park Subdivision (229 Wilson Park Drive)

Chairman

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

In Favor: 5
 Opposed: 0
 Abstaining: 0

Counsel Zalantis said the board may want to get a memo from Lucille Munz suggesting the amount of the cash bond which can be approve/agree to at the next meeting (it will be a condition of the approval).

Counsel Zalantis read Mr. McGarvey's list of infrastructure items that still need to be done.

Chairman Friedlander said he thought a lot of these items have already been done; he is disturbed that we have such a long list. Now we only have three months to get these things done.

Counsel Zalantis said they cannot get their C of O until these items are done and they are consenting; it is a protective for the Village. She said they have also put up a Performance Bond for \$340,000 or \$360,000 which also protects the Village.

Ms. Gray said if there is an issue that is not done by October 30th, Toll can put up a bond which will insure the completion of that condition. Toll has told her they plan to have them done much sooner than October 30 (early September). This is just a cushion in case something comes up.

Chairman Friedlander asked why they waited for the last minute. It's negligence and irresponsible on Toll Brother's part; it does seem fair. Toll has built and sold houses and a profit has been made and the Village is still waiting for infrastructure items which were conditions of approval.

Counsel Zalantis said if we missed something and did not list it in this document, we are still covered because they were part of prior approvals.

Ms. Raiselis moved, seconded by Mr. Aukland to approve the resolution for lot 10; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING–Sisters of the Sacred Heart-32 Warren Ave

Sr. Bernadette said she would like to remind the board that the sisters have been in this village and on that site for many, many years and they are also concerned about the environment. She spoke about Lynstaar's report in which he approved what they proposed to do; stated they were above and beyond what is necessary. She stated that it is in conformance with the DEC and all DEC regulations.

Ms. Raiselis said not only did your engineer say it was safe to go to the large tank but the consultant engineer did as well. She said we were only trying to make sure it was done properly. She said they are good stewards to the property and they stepped up to the plate and did everything that they needed to do including hiring Stefan Yarabek for the landscaping.

Mr. Rauth said they only change is a 3,000 gallon fuel tank which is slightly larger.

StefanYarabek showed photos from the trail during the various seasons. He stated that 8 trees will be removed; Norway Maples, Tree of Heaven, invasive species, to open up the area for the growth of the other trees.

Mr. Yarabek discussed the proposed drainage stating that they will install culverts that collect water that goes down to the trail, drainage that will contain the water and planting tree that keep their branches low to the ground giving a layered filter effect. He said the trees being removed at the steep slope area will be flush cut so that there is not disturbance to the steep slopes. She said they did a great job.

Mr. Birgy said he has always thought of Marymount and good neighbors and good for the community and we must look at the needs of the entire village. We hope people don't think we were just giving them a hard time; we know they are concerned about the environment but we have a large responsibility to the village.

Mr. McGarvey received a letter from the Lakes Committee stating that the tank did not meet New York State DEC regulations. I have tried to reach them but was unable to at this time. He recommended that it be a condition of approval.

Chairman Friedlander opened the meeting to the public.

Carole Griffiths, 251 Martling Avenue, member of TEAC submitted a letter in which she commented on the generator. She said at first she did not like the plan but is happy with it now. She particular likes the layered landscaping. She congratulated them on a great job.

Mark Fry, Lake Committee, said he is pleased with the landscape land and the drainage for the trail.

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

Counsel Zalantis summarized the following Negative Declaration:

RESOLUTION OF THE VILLAGE OF TARRYTOWN ADOPTING A SEQRA NEGATIVE
DECLARATION FOR THE PROPOSED SITE PLAN APPLICATION OF
SISTERS OF THE SACRED HEART OF MARY

BACKGROUND

1. The Applicant Sisters of the Sacred Heart of Mary (“Sisters”) seeks site plan approval to install an emergency generator at the rear of the building of Marymount Convent.

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;

3. There being no objection, the Planning Board accepted lead agency status.

4. A Short Environmental Assessment Form (“EAF”) has been submitted and reviewed along with other information regarding the proposed site plan application.

5. The Planning Board as Lead Agency prepared Part 2 of the EAF.

6. The Planning Board retained a consultant, LynStar Engineering, P.C. (“LynStar”) to perform a review of the proposed installation of a standby emergency generator to analyze the potential impacts of the installation on the environment and assets of the Village of Tarrytown, including the abutting nature trail and former reservoir and LynStar issued its report dated April 2015 and appeared before the Planning Board on May 27, 2015.

DETERMINATION

The Planning Board determines as follows:

1. The Planning Board, acting as lead agency, finds that there will be no significant adverse impacts from the Sisters’ proposed site plan application seeking approval to install an emergency generator. The proposed generator will be located on level ground and the fuel storage tank protected by a double wall. Any combustion noise will be mitigated through the use of a critical silencer and aside from emergency use, the generator will be tested at most once a week for about 30 minutes. The proposed generator is 300 feet away from Neperan Road and therefore barely noticeable. Although the proposed generator is about 100 feet from the nature trail, the proposed screening in accordance with the landscape plans will make it barely visible. The proposed action avoids any significant adverse impacts on abutting properties and will have no impact on community services. Thus, the Planning Board issues a SEQRA negative declaration.

2. A copy of this Negative Declaration shall be circulated to all Involved Agencies.

3. 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: May 27, 2015

CHAIR

Mr. Birgy moved, seconded by Mr. Tedesco to approve the Negative Declaration; all in favor. Motion carried.

Mr. Birgy read the following approval resolution:

RESOLUTION
Village of Tarrytown Planning Board
Application of Sisters of the Sacred Heart of Mary
Property: 32 Warren Avenue (Sheet 1.50, Block 20, Lots 70 and Zone R40)

Background

6. The Applicant requests site plan approval to install an emergency generator at the rear of the building of Marymount Convent.

7. 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.

8. The Planning Board has conducted a duly noticed public hearing on February 23, 2015, May 27, 2015 and June 22, 2015 at which both the public and the applicant have had an opportunity to present their positions.

9. The Planning Board retained a consultant, LynStar Engineering, P.C. (“LynStar”) to perform a review of the proposed installation of a standby emergency generator to analyze the potential impacts of the installation on the environment and assets of the Village of Tarrytown, including the abutting nature trail and former reservoir and LynStar issued its report dated April 2015.

10. LynStar’s principal also appeared at the May 27, 2015 public hearing and responded to questions from Board.

11. In addition, the Planning Board’s consultant reviewed the proposed landscape plan submitted by the Applicant and provided input to the Planning Board.

12. The Planning Board closed the public hearing on June 22, 2015. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

The Planning determines that the implementation of the proposed action will not result in any significant adverse impacts and issues a Negative Declaration under SEQRA (a copy of which is attached hereto); and

The Planning Board further 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 Hudson Engineering & Consulting dated December 15, 2014 and last revised June 19, 2015 entitled “Site Plan”, Sheet No. C-1 and entitled “Aerial Photograph Map”, Sheet No. AP-1.
- Plan by Landmark Facilities Group, Inc. entitled “Generator Site Plan” dated October 16, 2014 and Revised June 19, 2015, Drawing No. SE-1.
- Plan by Hudson and Pacific Designs for Marymount Convent entitled “Planting Plan” dated June 8, 2015 and revised June 15, 2015
- Plan by Hudson and Pacific Designs for Marymount Convent entitled “Tree Plan” dated June 8, 2015 and revised June 15, 2015

(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, 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) 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.

VIII. Specific Conditions:

- (a) The approval is conditioned upon the generator being the generator specified in or being substantially similar to the generator identified in the Applicant’s June 19, 2015 submission (as per the specifications marked June 19, 2015 in the top right corner entitled: (a) “Enclosure and Sound Data Sheet – Diesel 350-600 kW Standby/325-550 kW Prime”; (b) “Diesel Generator Set MTU 12V1600 DS600”; and (c) Fuel System Sub-Base Tank Data Sheet) and in accordance with plans marked June 19, 2015 in the top right corner entitled :Kraftsoffbehaelter Fuel Tank and Behaelter Tank.
- (b) The secondary containment for the generator must meet or exceed New York State DEC standards for secondary containment.

Dated as of June 22, 2015 – 32 Warren Avenue, Sisters of the Sacred Heart

Chairman

| | |
|--------------|-------------|
| Motion by: | Mr. Birgy |
| Seconded by: | Mr. Tedesco |
| In Favor: | 5 |
| Opposed: | 0 |
| Abstaining: | 0 |

Mr. Birgy moved, seconded by Mr. Tedesco to approve the resolution for a generator at 32 Warren Avenue; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING-TarrytownWaterfront LLC-5 Hudson Harbor (River House)

Ms. Raiselis recused herself on this application.

Chairman Friedlander asked Counsel Zalantis to explain the issue with the subdivision application and how it effects the site plan application. Counsel Zalantis explained that the subdivision public hearing could not be heard as a public hearing tonight because there was not enough time to have the public hearing notice advertised in the newspaper 10 day prior to this meeting, which is a requirement for public notification. She said the site plan application could be discussed, but not approved because we cannot approve a site plan prior to subdivision approval. She said because the subdivision public hearing has to be adjourned, any discussion would be treated as a preliminary presentation; so you might as well just adjourn it.

Chairman Friedlander said even though we cannot make a determination on the site plan tonight, we will discuss it and make comments so that we can move it along.

John Meyer and Sean Flynn of National Resources and John Imbiano, IQ Landscape Architecture and Ulises Montes De Oca of Lessard Design for the architecture were present on behalf of the applicant.

John Meyer said their presentation is to hopefully answer any questions or concerns the board brought up at the last meeting and the last staff meeting.

Chairman Friedlander asked Mr. Meyer to give the dimensions of the building along the park area for the sake of the public:

Mr. Meyer said:

- Eastern side of the building: 81'.9"
- Edge of the building to the RiverWalk: 38 feet
- Distance going west alongside the building before it breaks (N/E corner): 153 feet
- Break point: Approximately 30 feet (entire length to the break point is 123 feet)
- Western side: 146 feet
- Running southeast: 72' 11"
- Along the south: 125' 6"

Dimensions of the triangles:

- Southeast corner: Approximately 61 feet by 61 feet
- Northeast corner: Approximately 42 feet by 42 feet
- From the building to the property line: 38 feet (that's constant)
- Width of the entire building north to south: 207 feet plus the 82 feet = 288 feet

Chairman Friedlander asked what is right in front of the building. Mr. Meyer said it is a walkway, patio area and entrances into the ground level units. Chairman Friedlander asked the dimension of the green area. Mr. Meyer said approximately 22 to 23 feet. Chairman Friedlander asked what the walkway area is and Mr. Meyer said approximately 16 feet. He stated that the building setback is definitely 38"; it was one of the requirements.

Mr. Birgy said this building is 12 feet short of the length of a football field; he doesn't feel it is accurately depicted and doesn't show how monstrous this building is that you are proposing to put on our waterfront. Mr. Birgy said again that this is a small Hudson River village and this is a large monolithic building that is proposed as an urban, commercial, large structure which he cannot see any place on our waterfront. Mr. Meyer reminded Mr. Birgy that the red line, which they have talked about before, is the footprint of the townhouses which were approved by the village and this is less than what was originally approved, and the green area is now open space which is different than before. He said the Cooney building fully blocks end views. Mr. Birgy said he rejects that; it is totally false. Mr. Birgy said if you drive down Wildey Street and looking from above the building in other areas, this building will be seen. He said you had an approval for 28 townhouses. Mr. Meyer said yes and bigger than this. Mr. Birgy said but they could have been configured in a way that was not almost as big as a football field in length. He feels that this building and Lookout North and South are overpowering in architecture to the original townhouses on West Main Street. Mr. Meyer said we do have a model that we will be presenting that shows you the facades.

Mr. Meyer introduced John Imbiano of IQ Landscape Design to discuss the landscaping. Mr. Imbiano showed conceptual sketches of the various landscape area. He spoke about Scenic Hudson RiverWalk Park, northwest corner of the property. He said he would like to have a sidewalk. This area is underutilized and there are a lot of ways that it can be made better. He said the natural garden does not seem to be working. Suggested public art, creating a smaller walk way. What is lacking is shade; would like to introduce a lawn area where people can sit and overlook the Hudson River. Install a flexible bench which can be incorporated as part of the art.

He discussed the interior park and said they wanted to emphasize the views from this park to the marina and the Hudson River. He feels it is an opportunity to tie it into the activity on the Sleepy Hollow development. They want to buffer out some of the building to the south and east of the park by using a very low branched tree to create a wall of screening on those two sides. The lawn is a very import aspect to allow people to enter the park for lounging and engaging it. Mr. Imbiano said they may possible create a fountain in the center; and using some of the same materials used in the buildings to create a pergola. They researched the history of the area and found that it was called the place of the elms by native Americans who settled in this area; so they will plant some variety of elms that are resistant to Dutch elm disease for shade in that area. He show pictures showing the three major portals into the park and the materials used which are representative of the buildings in the development. He also showed are variety of perennials that could be used and various styles of benches and seating that could be used. He said it is a very different space than what they are proposing for Scenic Hudson RiverWalk Park; it is more friendly, usable and garden-like.

Chairman Friedlander asked Mr. Imbiano to explain some of the elements suggested for the corners of the building. Mr. Imbiano said the reduced the impervious area and made very simple sitting areas oriented toward the river. They removed the proposed

water elements. There will be flowering trees and perennials and some shade trees to soften the building. They also took a look at the connection from the cul-de-sac leading to the river view where you get a view south toward the Tappan Zee Bridge.

Chairman Friedlander said he thinks it is a big step in the right direction but feels the building to too big. The back park is better than the front park. The bike trail doesn't go anywhere; starts at West Main Street but doesn't go anywhere. If they still want to keep the trail maybe it should go to the cul-de-sac and make it a turn around so that you can continue onto the streets. He said the front part is what most people will be looking at and that should be spectacular; it's critical to get it right. He said it needs the property setting in the landscaping with benches and features to draw people there. He agrees that a site visit would be good; unless you are there to see what is there, you can't make a rational decision on the building. It would give us an opportunity to give our input.

Mr. Tedesco agrees that a site visit is essential. He said we talk about you coming up with variations of the roof.

Mr. Aukland asked if this park is going to be much easier to maintain than the existing park. Mr. Imbiano described some of the types of plants and grasses that need little maintenance.

John Meyer said he did provide roof variation in the packet handed out and introduce Ulises Montes De Oca of Lessard Design to discuss the architecture. He showed images of the existing buildings in the development and the architecture and materials that are the same as this building. He said this building has a little bit of each of the buildings and it is a good transition. He said in order to make the entrance doors on the ground floor more like front doors rather than patio doors by making it an arched door and by providing more light with a lamp on each said and a little bit of a pergola jutting out. The mass of the building has been broken down to look like a house. Two bays equal the portion of a townhouse. He showed what the building would look like with towers on the roof if they were allowed to increase the height. He showed the renderings from all elevations. He said the towers are 3'; and those that have a roof are 5'-12", the height to the peak is 8' in addition to the 40' they already have. It will be 50' from the ground to the peak.

Chairman Friedlander said the back of the building, the west side, looks like townhouses; but the east side does not. It looks more like an apartment building because it is a long straight line with nothing to soften it; is there anything we can do about that. Mr. Montes De Oca said there are a lot of balconies along the back side of the building which softens it up, but there is not point in putting balconies on the front side. He said they have extended the corner balconies and there are Juliet balconies on the sides to give you the feeling of outdoor space.

Mr. Birgy spoke about the mass of the building again comparing it to all of the condominiums (one after another) on the Hudson River in New Jersey which obstruct

the entire view of the Hudson River. He asked that the board hold off on the architecture discussion until they meet with the Architectural Review Board jointly.

Chairman Friedlander said in all fairness if you go back and look at the original building, which he prefers, that was approved (and they have a right to do it) and measure the blocked waterfront at the same height of 42', it did the same thing as this. He said without the garage it is the same as this. He said this one blocks it less if we can get the major public improvements with the parks and the pocket parks.

Mr. Birgy said they never said this building was going to be 290' in length. The developer has rights as a developer but we have our rights as residents.

Mr. Aukland said if we have a riverscape then we can see exactly what the massing of each building is in their context. He said by looking at what is on the screen, that building appears to be much bigger than the townhouses that it was to replace. Mr. Aukland said as he understands it the massing of this building is the same as the townhouses but when looking this rendering (G.04) the townhouses are much smaller.

Mr. Birgy said this is not accurate and said this is what has been going on with this for a year. This drawing does not show it accurately.

Joe Cotter, National Resources, said when the board originally approved the townhouses they went further to the northeast. The Cooney building which is allowed to go up to 45' and is 250' totally obscures the River House and we have a DPW there as well. We were not allowed to obscure the 80' view corridor to the south, which we did not do. The reason we did not put too much detail into the front of the River House is because you don't see it from anywhere. He said if you take the lineal feet of the townhouses, it is almost 500', so you would have a wall of townhouses to the river, which was approved. There is very little perspective of the eastern facade from anywhere in the Village. Mr. Cotter said we are trying to be responsive to today's market which is for single floor living. We spent a lot of time on landscaping but we would like to meet with the board and the Village's Landscape Architect and get some input into the area we missed, Hudson RiverWalk; the focal point is the northwest corner of that park. Mr. Cotter said he would welcome a joint meeting with the ARB; he feels that town will give it a more aesthetic look from the RiverWalk.

Chairman Friedlander asked for a riverscape and a street level perspective. Place it at five different places and see what it looks like for each location to get a full panorama from the RiverWalk. He said he doesn't feel this is an accurate depiction. It will be very helpful especially if we are going to do a site walk.

Mr. Tedesco said to make that site walk most effective, you should provide details of the plantings to our landscape architect and your landscape architect should be there also.

Mr. Blau said once we raise the height, it has to go back to the Board of Trustees and the Planning Board to approve variances for the height. Secondly, Scenic Hudson does

not own the park, the Village does. Scenic Hudson has a conservation easement on the park and we have to make them part of the discussion. We have already had a discussion with them about changing the park and they are interested but any changes made to the park have to be approved by the Board of Trustees.

Mr. Birgy would like a total cubic footage on this structure so that we understand and can compare it to West Main Street.

Counsel Zalantis said we need a proposed agreement for that park area and how it is going to be maintained.

Chairman Friedlander said we will talk to the ARB about a joint meeting.

Chairman Friedlander said let's tentatively set the site walk for 1:00 p.m. on Thursday, June 25, 2015.

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

Mr. Tedesco moved, seconded by Mr. Aukland to have the public hearing on the two lot subdivision at Hudson Harbor; all in favor. Motion carried.

Chairman Friedlander asked if anyone wants to speak.

Mark Fry asked that the Chairman request that the documents put on the website. Chairman Friedlander said he would look into it.

NEW PUBLIC HEARING - 372 South Broadway - NY Dealer Stations LLC (Shell)

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, June 22, 2015, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

NY Dealer Stations LLC
235 Mamaroneck Avenue, Suite LL
White Plains, NY 10605

To consider an application for site plan approval for modifications to the building associated with the removal of the existing service bays and the expansion of the convenience store use,

The property is located at 372 South Broadway and is shown on the tax maps of the Village of Tarrytown as Sheet 1.140, Block 89, Lot 6 and is in the NS 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: June 12, 2015

The certified mailing receipt were submitted and the sign was posted

Noel Barnett of Stonefield Engineering and Frank Filiciotto, P.E., Traffic Engineer were present on behalf of the applicant.

Mr. Tedesco asked if we have heard from John Canning, the Traffic Consultant, on this application. Mr. McGarvey said we did send him their traffic study but have not heard back from him; we are still waiting to hear if he has any conflicts in that area.

Mr. Tedesco said the overriding issue that we discussed last time is that the Shell Station is one little part of a giant intersection that is going to have some changes in the near future. We were looking for an overall plan to look at that whole area, perhaps a meeting with the planning board and the DOT and the entities in that area: JCC, Montefiore, Honda, CVS and the whole shopping center, the bridge. Mr. Tedesco said is it worth it for them to continue at this point until we come up with some resolution. Mr. McGarvey said they do need to go before the Zoning Board for some variances for parking and parking setbacks and the sign is larger than what is allowed. Mr. Aukland said the problem is the whole complex with the entrances and exits. The proposal in its own right is fine, but in the context of that area there are a lot of issues that affect your site. Chairman Friedlander said the new bridge which is directly across from you and the bike path is going to affect the site even more. With all the new traffic coming into that area, it is going to be very difficult to make a determination on how this will impact this property. Chairman Friedlander said he does not think we will be able to make a determination at this time; but it is a public hearing, and it is up to you if you would still like to discuss the project at this time.

Counsel Zalantis explained that this board declared itself lead agency but the 30 days for the Notice is not up yet; so this board cannot make a determination nor can any other interested agency, in this case the Zoning Board, until this board makes a SEQRA determination. This board cannot approve until the variances are approved; so it is SEQRA, variances, site plan approval. Mr. Barnett said we will be submitted to the Zoning Board for the July meeting.

Mr. Barnett said he discussed with his client whether to continue tonight or not and have decided that we would just like to discuss traffic and our traffic report.

Frank Filiciotto, Traffic Consultant with Stonefield Engineering. He said he would like to go over the site plan because he believes it addresses a lot of the issues the board is concerned about. Although they are changing out the bays for a convenience store, it will not change the site drastically. They are cleaning up the access. They have a driveway on White Plains Road that is very close to the intersection and another one further east plus the shopping center has one just beyond that, so there are three driveways in a row. We realized that we need DOT approval for any driveway on either road. We are proposing to eliminate the driveway closest to the intersection and move it closer to the second one and make it in conjunction with that driveway; making it an in and out driveway. In doing so that drivers will only have one driveway for both entering and exiting the site and they will not be competing with a second driveway. The driveway at the easterly property line into shopping center will remain. By moving the first driveway east, it will eliminate cars driving from the shopping center and through their site.

Mr. Filiciotto said the site only has 7 parking spaces; and today if it were done according to the code, it would require 24 spaces. We have reorganized the site to provide 13 spaces, which Mr. Barnett will speak about later on. He said he understands the board's concern with traffic in that area; but what they are actually doing is reusing an existing site for a better use by today's standards. It is a use that will be used by their existing customers. Mr. McGarvey asked if they checked the easement between their property and the shopping center because that first driveway may be part of it. Mr. Filiciotto said he will look into it.

Mr. Aukland said unfortunately you have a property with many driveways on South Broadway and on Rt. 119, a site that we would not approve today. Although I see your proposal as an improvement in all respects, but it is still in that awful context; and I don't see anything that addresses those basic issues. Mr. Filiciotto said he believes that reducing the number of curb cuts down to one from two is a positive. He said we don't have any control over the rest of that property. He said cross access is a pretty popular thing to provide today and he was surprised to see that this site had that. It is usually the DOT who encourages it because it gets people off the streets. Mr. McGarvey said he agrees with him. Today shopping areas are trying to link all of the areas together so people don't have to leave one area and go back out on the highway to get to another area. He said I think you should check the easement between your property and the shopping center. If you can use that entrance into your property, you can get rid of that other driveway. Mr. Filiciotto said the shopping center entrance is an "in" only. Chairman Friedlander said but the DOT may approve that as a two-way if you are eliminating two driveways, which is a big change. He is concerned that you have a gas station with 6 fuel pumps. Did they ever consider making that larger and doing away with the building all together. We have many stores in Bridge Plaza that offers the same services as a convenience store. Why do you need a convenience store when you may possibly profit more from more fuel pumps? Do you know why they want a

convenience store? Mr. Barnett said we would still need a variance. Parking is the biggest problem and a convenience store requires less parking than a service area; so by eliminating the service area, we will have about 80% of the required parking. Mr. Filiciotto said the footprint of the building remains the same; it is just the re-use of an existing building.

Chairman Friedlander said you are adding to the building for the extension of the existing convenience area. Mr. Barnett we are only making the convenience store bigger on the interior, we are not expanding the building.

Mr. Barnett said at the preliminary presentation the board asked about the ongoing site remediation. They submitted an annual report and don't know if they had a chance to review it, but he is more familiar with what is going on at the site today and asked if the board had any questions. Ms. Raiselis asked him to give an overview of what is going on. Mr. Barnett said there is an on-going monitoring program on the site for petroleum and as part of this proposal that monitor program will not be alter at all except for the adjustment of some of the monitoring wells just to meet with the proposed grading. It is associated with an off-site spill in 1986 and an on-site spill in 1996 and we have submitted a request to close the spill that was associated with their site because they have reached the acceptable levels with the DEC.

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

NEW PUBLIC HEARING - 25 Leroy Avenue - Temple Beth Abraham

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, June 22, 2015, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Temple Beth Abraham
25 Leroy Avenue
Tarrytown, NY 10591

To consider an application for site plan approval for the installation of six 20 foot steel poles for new parking lot LED lights.

The property is located at 25 Leroy Avenue and is shown on the tax maps of the Village of Tarrytown as Sheet 1.110, Block 78, Lot 18 and is in the M2 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: June 12, 2015

The certified mailing receipts were submitted and the sign was posted.

Stuart Skolnick, Director of Temple Operations, appeared on behalf of Temple Beth Abraham. They are proposing to install six 20 foot poles with lighting on top in order to illuminate their parking lot. They will be on timer so that they will go on at dusk and shut off at dawn. He said he submitted a photometric diagram showing where the light will be shed which will be in their parking area with very little backflow, no more than 10 feet which is also on the Temple property. Mr. Skolnick held up a small diagram for the public to see; he pointed out the area where the lights will be installed and where the light will spill stating that there will be very little spillage from these lights.

Mr. Aukland asked the effect on the neighbors. Mr. Skolnick said most of the spillage is into the parking lot. The squares on the plan are the positions of the poles. Anything in front of that shines into the parking lot, anything behind it is spillage. Mr. Aukland said if I was a neighbor would I be able to see the light coming from these poles. Mr. Skolnick said he does not believe there will be that much spillage coming from these poles that would shine into the neighborhood. Ms. Raiselis said they received a letter from a neighbor, Monica Esser of 61 Loh Avenue (attached), who is concerned about how the changing of the lights will impact the neighborhood. If you are lower than the light, it will affect them. Mr. Skolnick said as you go further and further from each stand, there is less and less light spillage.

Ms. Raiselis said we might have to look at some landscaping or something that would block the neighborhood better; maybe just a tree that will mask the source of the light, not the light itself. Mr. Skolnick said there are already trees there. Ms. Raiselis said we have to see something from an engineer stating how those lights will affect the neighbors. Mr. Aukland said he thinks it is fixable and we need a lighting engineer to tell us how to do that. He feels they are all in favor of the proposal but we have to be sure it does not affect the neighbors. He said we can put a screen on the light to dim the light from the neighbor.

10:00 p.m. – Mr. Birgy left the meeting.

Mr. Tedesco said it might be helpful if we had a representative from Fanning Electric to discuss the specifics. He read a letter from another neighbor (attached).

Chairman Friedlander asked how many feet back is the first light pole from the entrance to the driveway. Mr. Skolnick said between 45 and 50 feet. Chairman Friedlander said so it has to be about 140' from the house. Mr. Aukland said we need to have a lighting engineer show us how far it illuminates off your property into the neighborhood; and if it is 0, then we are done. Mr. Skolnick said he thought that was what his diagram did because it shows less and less lighting as it goes the further from the pole.

Mr. Barry Ecker, Tarrytown resident said this all started to protect the neighbors and congregants because of the increase in disturbances. The 20 foot pole was the suggestion of the Chief of Police. The rationale being that they could see into the Temple's property when they patrol the street.

Diana Wolpac, 58 Leroy Avenue said everyone is happy that the Temple is concerned about safety for the Temple and the neighborhood, but six 20 foot lights for the size of the parking lot are a bit much. Her neighbors also suggested that the lights not be on continuously; once any event is over, they would hope that the lights would go off. They feel that the Temple has been a wonderful neighbor but no one wants Shea Stadium in the neighborhood.

Tobin Kent, South Grove Street said he has three concerns with the proposal. The existing lights go straight out and up and there are people in that neighborhood who have lights in their house all night long. He asked if they will be removing the existing lights once the new ones are installed. Mr. Ecker said that has not been discussed yet. Mr. Tobin said he insists they put timers on the lights. He said six lights is too much, the whole street is lit up.

Ms. Raiselis asked if they had the whole site evaluated or are you just going to someone to get lights. Mr. Ecker said they had the site checked by the Town of Greenburgh and Village of Tarrytown police and both said we need lights.

Mr. McGarvey suggested they get a light designer. They may not need 20' poles because it seems very bright in the top right-hand corner. They may not need all of these lights. Mr. Larry said the upper right-hand corner is where people get through. Chairman Friedlander feels they will be best served by getting a lighting engineer to evaluate the property and prepare a proposal.

Fergus O'Sullivan, 153 Gove Street, said the existing lights are too bright and would like to suggest a bollard light system. He said he is ok with the lights just not the 20' poles. He said bollards 6' high would work and be better.

Mr. Tedesco said they would need to provide visuals and they should consult a lighting engineer to draw up a plan. They should bring the engineer to the next meeting.

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

CONTINUATION OF A PRELIMINARY PRESENTATION - Ferraro - 160 Wildey Street

Mark Constantine, on behalf of the applicant, stated that they have applied to the Zoning Board, which as far as he is concerned that is the one application that they have submitted to the Village. They were scheduled to appear before the June Zoning Board meeting, but the meeting was cancelled due to a lack of a quorum. Last Thursday they received a notice requesting them to be at this meeting. They want to comply with the Village, so they are here; but because of the short notice, their architect was not able to be present. There is not much for us to present except for our points of submission to the Zoning Board and maybe to answer some questions from the board.

Mr. Tedesco said he had some questions about the Zoning Compliance Table that you submitted. He said you indicate that 52 parking spaces are required, there are 36 existing and you indicate on your site plan that you are going to provide 34, and you could purchase 16 spaces from the Village of Tarrytown. If you go those 16 spaces, you would only be a couple short of the required spaces. Since there is not guarantee that you will get those 16 spaces, he presumes that they are going to the Zoning Board for 18 spaces. Mr. Constantine said that is correct. He said this calculation is different from the original because the requirement of raised islands was not considered with the first application; they are also asking the Zoning Board for relief from those raised islands. Based on the existing code, which does not have a specific standard for a self-storage use, the number of spaces is between 16 and 18. Mr. Tedesco said we need to know the exact number; even if there are two options, one with the raised island and one without.

Mr. Tedesco said his second question is regarding the FAR. In the "required" column, you have zero. Mr. McGarvey said there is no FAR in that zone. Mr. Tedesco said so he can get the proposed FAR without a variance. Mr. McGarvey said the floor area is also why he is here. Mr. Tedesco said you have to clean up the building height, the number of existing stories. Mr. Constantine said they submitted an application before the Zoning Board with an updated Zoning Chart. He said he was not aware that they was to submit a revised chart to this board before received the variances. Mr. Tedesco said but you are before us for a site plan. Mr. Constantine said he just took over this application and he was not aware that a site plan application was before this board at this time. He is only aware of a Zoning Board application which contains a Zoning Chart dated May 21, 2015. Mr. Tedesco asked why you are here. Mr. McGarvey said they submitted a site plan application and they were here already, they were at the staff meeting already. After that meeting they decided they were going to go to the zoning board, although I believe they belong here. Chairman Friedlander said we were advised to send them to the zoning board, get their variances, and then come back here. Counsel Zalantis said what she advised was for Type II actions. This board has to determine if this is a Type II action or an unlisted action or Type I action. If you determine that this is a Type II action, they go on to the Zoning Board; but if you determine that this is a Type II action, this board may want to declare themselves lead agency and handle SEQRA. A SEQRA determination has to be made before variances. Mr. Constantine said he does not see anything in the Village Code that says they

cannot go to the ZBA and just because they came before this board once, it does not say they are bound to this board for the SEQRA determination. SEQRA says that it is between the two boards to decide who will be lead agency; it is not automatically the planning board. He said the only approval we are seeking that is not as of right is for parking which is a variance by the zoning board. The only potential adverse impact for this proposal, based on the fact that we are remaining within the footprint and envelope of the building, is a parking impact. It seems inconsistent that the planning board is going to be lead agency under SEQRA for a decision by the Zoning Board. Counsel Zalantis said you still need two discretionary approvals, one for variances and one for site plan. Mr. Constantine agreed with Counsel Zalantis. Counsel Zalantis said it is between the two boards to decide who will be lead agency. If the planning board agrees that it should be the zoning board, they do not have to declare themselves lead agency. Mr. Constantine said he agrees with everything that Counsel Zalantis says but he does not think under the law that the planning board has preeminence over the zoning board. Mr. Constantine said we do not have an active application before this board. He said the only impact this application has is for parking and he does not see it as an adverse impact and this board does not have any jurisdiction right now over this application for a variance. Counsel Zalantis said haven't you filed a site plan application. Mr. Constantine said as far as he knows that application was withdrawn. He asked to confer with his client regarding the status of their application. Mr. Constantine said they are going according to the Village Code and they felt they did not want to waste the planning board's time if they were not able to get the required variances. After conferring with his client, Mr. Constantine said when his client brought the zoning board application into Village Hall, he may have said they want to adjourn the planning board application rather withdraw it. He said they are withdrawing the application and he will supply us with a letter stating so tomorrow. He understanding that they will eventually have to come before the planning Board.

Mr. Tedesco moved, seconded by Chairman Friedlander to go into Executive Session; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to go back into the regular meeting; all in favor. Motion carried.

When the board returned from the executive session, Mr. Constantine asked if no other action was taken in the executive session. Counsel Zalantis said it was a discussion of procedure and legal issues.

Mr. Constantine said they are withdrawing their application. Counsel Zalantis asked that they confirm their withdrawal with a written letter and acknowledge that they will have to re-file. Mr. Constantine said yes, he agrees and will send the written acknowledgement tomorrow.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland to adjourn the meeting; all in favor.
Motion carried. Adjournment - 11:00 p.m.

Dale Bellantoni
Secretary