

Planning Board
Village of Tarrytown
Regular Meeting
July 27, 2015; 7:00 p.m.

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

ABSENT: Member Aukland; Village Administrator Blau

APPROVAL OF THE MINTUES – May 25, 2015

Mr. Tedesco moved, seconded by Mr. Birgy, and unanimously carried, that the minutes of May 25, 2015 be approved as submitted. Motion carried.

ADOURTNNMENTS:

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
- 372 S. Broadway - NY Dealer Stations LLC (Shell)
- 25 Leroy Avenue - Temple Beth Abraham

Continuation of Preliminary Presentation

- 61 Gracemere - Split Development Corporation

Greystone-On-Hudson - Lots 5 and 7

Chairman Friedlander said in order for the house to be sold there was a condition of approval that there be a sign-off on the landscaping plan. He said that he and Lucille Munz walked the site today so that Mr. Todd could come to tonight's meeting and obtain the approval so that he could be issued a C of O and proceed with the sale of the house.

Andy Todd introduced himself and explained that he previously received site plan approval for lot 5 of the Greystone-On-Hudson Subdivision. They will be submitting the plans for that house shortly and he is before the board at this time to extend the approval. He said the lot is located on the west side of the existing house. You go through the cul-de-sac and continue down along the southern part of the property to reach lot 5.

Chairman Friedlander asked if the house is the same as what was approved. Mr. Todd said there will be slight modifications to the architecture, nothing major; it's just to make it look prettier.

Chairman Friedlander asked if anyone had any questions. Ms. Raiselis asked if anyone has seen the changes. Mr. Todd said they are just architectural modifications. Mr. McGarvey said the extension of the building does not exceed the footprint of the approved building.

There were no other questions or comments.

Mr. Tedesco moved, seconded by Ms. Raiselis that the planning board grant an extension of the site plan approval for lot 5 of Greystone-On-Hudson for a period of two years from the current expiration date in January 2015; all in favor. Motion carried.

Mr. Todd said the second item is regarding the new house; it was just sold and requires approval of the landscape plan by the Village's Landscape Architect, Lucille Munz and by the Planning Board. Ms. Munz said she went to the site today and looked at the plantings and asked Mr. Todd to help her quantify the number of plans that were originally approved and the number that were planted. She said 44 trees were approved and 167 were planted; 48 shrubs were approved and 785 were planted. Ms. Munz said it is substantially landscaped. She said what was there before with the exception of the Sycamore were a lot of invasive plantings. Ms. Munz said a lot of subtenant trees were planted; maples and dogwoods. She said the landscaping is over and above what was required. Chairman Friedlander asked if there were any questions. Mr. McGarvey asked Ms. Munz if she is happy with it. Ms. Munz said she is happy. Chairman Friedlander concurred with Ms. Munz; he said it is quite impressive. Mr. Birgy asked about native plantings and there is any difficulty getting them. Ms. Munz said the problem is deer. In this case they are highly ornamental and specially ordered; high-end plantings. She asked Mr. Todd to provide her with his landscape plan for the next hour prior to purchasing and planting them. She said she would like to incorporate more native plants and feels there is an opportunity to do so. She loves what was planted but feels the next house should have more native plants. That is her recommendation moving forward.

Mr. Tedesco moved, seconded by Ms. Raiselis to approve the recommendation of the Village Landscape Architect, Lucille Munz, regarding the landscaping on lot 7; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING - Tappan Manour Condominium - 320-330 South Broadway

Dan Collins of Hudson Engineer on behalf of the applicant said they met with the Zoning Board of Appeals and all required variances were approved.

They provided a revised plan in accordance with Mr. McGarvey's request as follows: provided four handicap parking spaces in north parking lot; a truck turn analysis to show that a standard fire truck could maneuver through the site which has been shown on the site. After further review the fire department has asked that a truck maneuvering exercise be completed prior to striping and layout to determine if they can make that turn and the plans will be revised accordingly if necessary. Ms. Raiselis asked what they will do if there is not enough room. Mr. Collins said they will have to lose two spots but hopefully it will be fine and they will be able to keep the two spaces. Mr. McGarvey said it works on paper. Mr. Collins said in order to off-set the possible loss of two spaces and the handicap spaces; they have added three additional spaces in that parking lot (he showed where they are on the plan). He said a landscape plan has been provided for your review. Mr. Collins introduced their Landscape Architect, Rosalia Sanni, who was present to go over the plan.

Ms. Sanni handed out an updated plan and described it stating that they have added 14 new trees and transplanted one making 15 trees in total. She said they are keeping the walls and adding some hedges and various shrubs in the front. She has included more trees to screening from CVS along with ornamentals and border plantings. Included is a plant list showing the size of the trees and shrubs.

Ms. Munz said the majority are non-native with the privet being non-native and invasive; it is on the DEC's Do Not Plant List; so it will have to be removed. Ms. Munz said in her prior report she provided alternatives that are native; she tried to respect Ms. Sanni's habit and plant materials. Ms. Raiselis asked if there are comparable in shape, size, type that are native species that can replace these, specifically the privet. Ms. Munz said she gave three alternatives for the privet, as well as some of the others. She said her intent is not to redesign Ms. Sanni's plans but to marry it with some native plant material. Ms. Sanni said she will certainly look at Ms. Munz's list and research for habit and shape but she said she has to factor in that the site has deer and they must be deer resistant.

Mr. Tedesco said he does not agree; native plantings are more important because they are being driven away.

Ms. Munz said she tried to give many choices and still respect the designer's intent.

Chairman Friedlander asked Mr. McGarvey if he is good with the plan. Mr. McGarvey said yes. He opened the meeting to the public; no one appeared.

Ms. Raiselis asked if they could approve tonight since they are asking for a revised landscape plan. Counsel Zalantis said you can approve conditioned upon the approval of the revised landscape plan. The Chairman cannot sign-off on the final site plan until that plan is provided and approved.

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

Ms. Raiselis commented about the landscape policies that they have been following. She read into the record the following: In terms of a landscaping and screening plan, all planting must be non-invasive native species and all new trees must be 4" caliper or greater. This requirement for native planting is based on planning board research into the many significant ecological benefits of these plantings through attendance of seminars sponsored by the State, Westchester Native Plants Center, and visits to local nurseries. There exists a great variety of native, non-invasive ornamentals that can be used in place of non-native ornamentals.

Ms. Raiselis explained about the cash bond for landscaping. After new landscape plan is approved there will be a cash bond held for two years. If all or most survive, they will get their money back; if not, the Village will replace or let the applicant do it. Ms. Raiselis read the following resolution:

RESOLUTION
Village of Tarrytown Planning Board
Application of Tappan Manour Condominium
Property: 320-330 South Broadway (Sheet 1.14, Block 89, Lot 3 and Zone M-3)

Background

1. The Applicant requests site plan approval in connection its proposed site plan application for parking improvements seeking to increase the number of parking spaces to an existing parking lot and to make associated stormwater improvements;.
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 a duly noticed public hearing on March 30, 2015 and continued the public hearing until July 27, 2015 at which both the public and the applicant have had an opportunity to present their positions.
4. At the April 27, 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 Planning Board closed the public hearing on July 27, 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 Hudson Engineering & Consulting for Project: Proposed Parking Improvements 320-330 South Broadway with:
 - o C-1 Existing Conditions Map dated 12/8/14
 - o C-2 Demolition Plan dated 1/16/15 Rev. 7/23/15
 - o C-3 Layout Plan dated 12/8/14 Last Rev. 7/23/15
 - o C-4 Stormwater Management and Erosion & Sediment Control Plan dated 1/16/15 Rev. 7/23/15
 - o C-5 Site Details dated 1/16/15
 - o C-6 Site Details dated 1/16/16
- Plan by Rosalla Sanni Design LLC Landscapes & Garden Design for Tappan Manor Condominium entitled "Planting Concept Plan" dated June 11, 2015 and last revised July 6, 2015, Drawing No. LC-1.0.

(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) The Planning Board adopts the recommendations set forth in the July 23, 2015 Staff Report issued by Lucille Munz, ASLA.
- (b) New Plantings must be non-invasive native species.
- (c) A revised and final landscape plan but be submitted that incorporates native plant material and removes the proposed invasive species.
- (d) Final signing of the site plan is conditioned upon final edits and recommendations of the Applicant's landscape plan as reviewed and recommended by the Village's landscape architect.

Dated as of July 27, 2015

Chairman

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

In Favor: 4
Opposed: 0
Abstaining: 0

Mr. Tedesco asked Mr. McGarvey if they needed a condition requiring a curb cut from the DOT. Mr. McGarvey asked Mr. Collins if they have contacted the DOT yet. Mr. Collins said yes but they have not heard back from them yet.

Ms. Raiselis moved, seconded by Mr. Tedesco to approve the application for Tappan Manour Condominium, 320-330 South Broadway; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING - 5 Hudson View Way (Riverhouse)

Ms. Raiselis rescued herself from this application.

John Meyer of National Resources was present on behalf of the applicant and Michael Waring from Lessard Design. Mr. Meyer apologized for not attending the July staff meeting stating that it was a miscommunication on their part. He said they understands that they do not want any further presentation until they have met with the board at the next staff meeting and get their comments and any further items for that. Mr. Meyer said he knows that their landscape architect met with the Village's landscape architect and Chairman Friedlander today. He stated that their landscape architect will be making changes to the landscape plan and will be submitting the revised plans reflecting the comments from that visit.

Mr. Tedesco asked Mr. Meyer if he received Mr. McGarvey's and Counsel Zalantis' memos to the planning board dated July 24, 2015 with comments after Mr. McGarvey reviewed the June 17, 2015 submission for the site plan and the subdivision. Mr. Meyer said he has not and asked if he could have a copy. He was handed a copy.

Chairman Friedlander explained that he requested that he meet with John Imbiano, Landscape Architect for Hudson Harbor, and Lucille Munz, to go over the plan that was given to them last Friday. Ms. Munz and he made and then submit it to Ms. Munz for her review. Chairman Friedlander asked him come to the August 13, 2015 staff meeting so that the entire board could comment on that conceptual plan. Once that

was done he could draft actual documents required for site plan approval with all of the features and dimensions, etc. spelled out in detail. So we will see him at the August 13th staff meeting, review and comment on the plan so that he can come to the August 24, 2015 regular meeting with a plan that meets the criteria for approval.

Mr. Birgy asked Mr. Meyer if he had the cubic volume of the building which he asked for at the last meeting. Mr. Meyer said he did not. Mr. Birgy said ignoring my request will not make them go away. Mr. Meyer said he understands and he will get that for him.

Mr. Birgy said he is not against Hudson Harbor he just doesn't think what is proposed is in conformance with the site. They are getting larger and more monolithic, taking up more space. He feels the building is too big and not fitting into the site. He read an excerpt from the attached article into the record. Mr. Birgy said when he asked the architect how he came up with the design; he came up with an economic reason. This building is fantastic but it has nothing to do with Tarrytown or Hudson Harbor; it belongs in Brooklyn. He asked that they go back to the drawing board.

Mr. Tedesco said they will have a joint meeting with the Architectural Review Board on the architecture. Chairman Friedlander agreed but said until we resolve the issues we have here, there is no point in having that meeting. The issues that Paul raised have been raised before and we do not see any changes in the mass or bulk of the building. He shares Mr. Birgy's concerns and believes the only way he will accept the mass of this building is if the landscaping is so outstanding that it will take away from the size of that building. When all the materials are in, we will continue.

Mr. McGarvey said he reviewed some of his comments with Mr. Meyer last week and he has to elaborate on some of them.

Counsel Zalantis said they should discuss an appropriate escrow for this project and it should be discussed at the work session. Chairman Friedlander said to Mr. Meyer at the work session we will discuss the escrow account.

Mr. Tedesco moved, seconded by Mr. Birgy to continue the public hearing at the August 24, 2015 regular meeting; all in favor. Motion carried.

WILSON PARK LOT 10 - APPROVAL OF THE LANDSCAPE PLAN

Ms. Munz said she based the bond on what she thought the installation of each of the plants would cost, added them all up; she took it from their supplied list and came up with approximately \$36,000 for the planting cost for that property which is what the cash bond should be. Ms. Munz said she does not believe that they are installing an irrigation system which is another reason to have a cash bond with substantive plantings like that. Mr. McGarvey asked is that for just the plants or is installation included. Ms. Munz said it includes installation. Mr. McGarvey thought it would be much more. Ms. Munz said if she designed it, it would be about \$75,000 but she was basing it on their plan. Ms. Munz said she is hoping they will all survive but there is

always at least 5% to 10% that do not; so they will not be replacing everything. Ms. Raiselis said you are also saying if there is a draught and they don't water sufficient, they could lose a bigger percentage. She said this lot is more substantially planted than all the other lots.

Mr. Tedesco moved, seconded by Ms. Raiselis that the board accepts Ms. Munz cash bond recommendation of \$36,000 for the lot 10 landscaping; all in favor. Motion carried.

CONTINUATION OF A PRELIMINARY PRESENTATION - Batska - 51 High Street

Hernane DeAlmeida, Engineer of Record for the proposed project said they received Zoning Board approval and they now back before this board for site plan approval for the demolition of an existing two-family house and the construction of a new two-family house on the existing foundation at 51 High Street with the same non-conformities. He said the house is in very bad shape. Regarding the site, nothing is changing except for the removal of the existing shed on the back right side of the property; it will not be replaced. The impervious coverage will come down slightly with the removal of the shed; that area will be grass. Everything else will remain the same. They are not proposed any site work except for the repair of concrete or stairs as needed. He said the house has been neglected for some time; he showed the board a picture of the present house. He said it is now boarded up. They found a mattress in the house and believe that vagrants were living in it.

Mr. Birgy asked if they have a landscape plan. Mr. DeAlmeida said no; they are not planning to make any changes to the site. Mr. Birgy said you still need a landscape plan because it is required when you build a new house. Mr. McGarvey concurred. Mr. DeAlmeida said he was not aware of that or he would have been prepared to present one. Mr. Tedesco said you still have time because we will set a public hearing for next month so you will have between now and then to prepare it. Mr. Tedesco asked Mr. McGarvey if storm water will be affected by this. Mr. McGarvey said no.

Mr. DeAlmeida asked if the board had as specific landscaping requirements that he should be aware of. Ms. Raiselis said native non-invasive plantings.

Mr. Tedesco said the board declares this a Type II action which requires not further review for SEQR.

Mr. Tedesco moved, seconded by Mr. Birgy to set an escrow of \$2,500.00; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a public hearing for the August 24, 2015 meeting; all in favor. Motion carried.

Mr. DeAlmeida explained how the house is going to be taken down by hand. It is very time consuming and asked for their approval to get a demolition permit to start demolishing it. Mr. Birgy said you can't get any equipment in there. Mr. DeAlmeida

said no and they are going to stick build the new house. Ms. Lawrence said she was at the site many times and there is no way that you can get an excavator back there. The board OKed the Demo Permit.

Mr. McGarvey said he does not have a problem with it if the board doesn't have a problem with it. He said you will have to give me all of the documentation associated with a demo permit and documents stating that the gas, electricity, water and sewer have been cut off.

Counsel Zalantis said you are granting a waiver based on the Zoning Board approval.

Ms. Raiselis moved, seconded by Mr. Tedesco to approve a waiver based on the Zoning Board approval to obtain a demolition permit; all in favor. Motion carried.

NEW PUBLIC HEARING - Kosoff - 105 Deertrack Lane

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, July 27, 2015, at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*Steven Kasoff
105 Deertrack Lane
Irvington, NY 10533*

for alterations to the interior of the existing residence and an addition of a three-car garage, mud room, and master bedroom suite. The property is located at 105 Deertrack Lane and is shown on the tax maps of the Village of Tarrytown as Sheet 1.230, Block 132, Lot 66 and in the R-10 Zone.

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

By Order of the Planning Board

Dale Bellantoni, Secretary to the Planning and Zoning Boards

DATED: July 17, 2015

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

Taso Kokoris, Architect for the applicants explained that they are going before the Zoning Board on August 10, 2015 then will be back for the August 24, 2014 Planning Board meeting.

Mr. Tedesco asked what variances they need. Mr. Kokoris said floor area. Mr. Tedesco asked why the variance was not on the zoning form for the planning board application. Mr. Kokoris said he was not aware of the need for a variance. Mr. Tedesco asked about the height of the house. Mr. Kokoris said the existing house remains the same; the addition is not as high.

Mr. Birgy asked to see a rendering without the addition. He asked if they did a historical study on the house. Mr. Kokoris said no but he saw from the foundation that it was a carriage house.

Mrs. Kasoff said the original mansion burned down in the 60s and that is when the rest of the houses were built. Her house was owned by several people; they heard many crazy stories about it. She said they love the history of the house and that is why they are keeping it architecturally the same. Mr. Birgy believes it has significant historical significance. You are adding a garage onto a carriage house and I would hate to see it altered in a way that would affect that. Mr. Kokoris said we discussed all of this with the Architectural Review Board and they are putting the addition on the rear of the house in order to preserve the architectural features such as the tower and windows. He designed it to integrate it into the existing design of the house.

Ms. Raiselis said she thinks you are doing an admiral job; and truthfully, you are adding a garage onto a home that once was a carriage house; but it is no longer a carriage house. She said building grow and evolve as people live in them and that is a part of architecture that we live with; it changes as we do.

Mr. Tedesco asked if the existing detached garage in the rear of the property will be removed. Mr. Kokoris said no but it will no longer be accessible as a garage because they are removing the driveway and making it a lawn.

Mr. Birgy asked if they thought about putting a breezeway between the house and the garage to maintain the original structure of the house. Mr. Kokoris they cannot do that because they are using the space above the garage as living space. Mr. Kokoris said the house already had an addition put on by the previous owner, which they are removing.

Mr. Birgy asked if we could get the Historical Society to comment. Mr. Tedesco said perhaps they can give you some ideas.

Mr. Tedesco said the board declared this a Type II action which requires no further review for SEQR.

Mr. Tedesco moved, seconded by Ms. Raiselis to set an escrow for \$2,500.00; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to continue the public hearing at the August 24, 2015 planning board meeting; all in favor. Motion carried.

DISCUSSION

The board discussed escrow, in particular Hudson Harbor's, which they felt it should be raised to \$25,000 and as it draws down it has to be replenished.

Chairman Friedlander moved, seconded by Mr. Tedesco to raise the escrow for Hudson Harbor to \$25,000; all in favor. Motion carried.

ADJOURNMENT

Ms. Raiselis moved seconded by Mr. Tedesco to adjourn the meeting; all in favor. Motion carried. Adjournment - 8:30 p.m.

Dale Bellantoni
Secretary

