

Planning Board
Village of Tarrytown
Regular Meeting
June 27, 2016 at 7:00 p.m.

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

Chairman Friedlander called the meeting to order at 7:03 p.m.

APPROVAL OF THE MINUTES – May 23, 2016

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of May 23, 2016, be approved as submitted.

Mr. Friedlander read the following adjournments:

- Continuation of a Public Hearing – Peter Bartolacci - 67 Miller Avenue
- Continuation of a Public Hearing – Toll Brothers, Inc. - 112 Wilson Park Drive
- Continuation of a Public Hearing – Tarrytown Associates - 1-7 Main Street
- New Public Hearing – Mark Morganelli - 1 Dixon Lane

Mr. Friedlander announced an agenda change and the Board will hear the Preliminary Hearing for the E.F. School Application–100 Marymount Avenue, before the Realty@460 SB LLC – 460 South Broadway application.

CONTINUATION OF PUBLIC HEARING - Ann Hanley – 73 High Street

William Robb, Attorney, representing Ms. Ann Hanley, apologized for Ms. Hanley's absence as she had a planned vacation and was unable to reschedule. He explained that the original violation was issued 2 years ago and the application before this Board was adjourned because of an issue with the property line. He is currently representing the homeowner and seeking adverse possession in connection with the property line claim, but needs approval from this Board for the undisputed portion of the wall in order to clear the violation from the record and proceed with the work. He believes the application speaks for itself and approval is sought to replace an existing wall which was destroyed by Hurricane Sandy. He welcomed questions from the Board.

Mr. Friedlander confirmed that the wall is less than 6 feet tall. Mr. Robb said yes, that is part of the application, to make the wall conform by reducing the height.

Mr. Friedlander asked if anyone in the public had a comment.

Mr. Peter Bartolacci, of 67 Miller Terrace, Tarrytown, NY came to the podium and asked the Planning Board why this application was referred to the Planning Board. Village Engineer McGarvey said the applicant is here for steep slopes and previously they had a 10 foot high wall. Mr. McGarvey said you can't have a wall higher than 6 feet.

Mr. Bartolacci asked if it was exact replacement and Mr. Robb said they were replacing a previous existing wall but not the same.

Mr. Bartolacci asked if one of the reasons it was referred to Planning Board was for steep slopes. Mr. McGarvey said yes. Mr. Bartolacci asked if it was disturbing steep slopes outside the limits of the pre-existing structure. Mr. McGarvey said the village did not recognize this as a pre-existing structure since there was no permit to build this wall. He said they are here to legalize a wall that is in the client's backyard; there was a disturbance of steep slopes and a wall was built, which was not on their property.

Mr. Bartolacci asked where in the village code does it say that because someone's wall goes over someone's property, it has to go to the Planning Board.

Counsel Zalantis advised Mr. Bartolacci that if he had an issue with the building inspector's determination, he has a right to appeal that determination. A determination was made, and it came before the board for a variety of reasons, including a waiver for steep slopes.

Mr. Bartolacci asked if there is a height limit and referred to minutes from a prior meeting. He asked if they are before the Planning Board because it disturbs steep slopes and height of wall. Mr. Bartolacci said there are walls in this village that are higher than 6 feet that have been approved without going to the planning board.

Mr. Bartolacci started asking questions not relevant to this particular application so Village Administrator Blau directed Mr. McGarvey not to answer any of these questions. Mr. Blau said he was asking questions regarding interpretations of the building inspector, and this was not the forum to be having this discussion.

Mr. Friedlander said we have been very patient. The application in front of us is to replace this wall. If you want to talk about something else then there is an appropriate forum for that. Mr. Friedlander asked Mr. Bartolacci if he was opposing this wall or this application. Mr. Bartolacci said no he is not.

Counsel Zalantis again advised Mr. Bartolacci that the applicant is here for a steep slope waiver and that is what this board is considering.

Mr. Bartolacci again referred to other minutes of meetings, relative to another application.

Mr. Blau stated to Mr. Bartolacci that, as we are all aware, your matter is adjourned because you have filed an Article 78 against the village. You should not be here challenging this application. The applicant is not complaining about the jurisdiction of this Board, and this Board would like to make a determination.

Counsel Zalantis advised Mr. Bartolacci that the recourse is not to come before this Board to complain about this Board's jurisdiction. His recourse is to appeal that determination to the Zoning Board of Appeals.

Mr. Friedlander asked Mr. Bartolacci to sit down.

Mr. Bartolacci asked to have the documents he referred to put into the record.

Counsel Zalantis advised that she does not think we should accept documents in the record if they are not applicable to this application.

Mr. Friedlander again asked Mr. Bartolacci to leave the podium and advised that the Board will not receive these documents.

Mr. Bartolacci left the podium and left the documents next to the secretary who did not accept them.

Mr. Tedesco read the resolution into the record.

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted June 27, 2016)**

**Application of Ann Hanley
Property: 73 High Street (Sheet 1. 190, Block 115, Lot 30 and Zone R-7.5)
Resolution of Site Plan Approval**

Background

1. The Applicant requests site plan approval to reconstruct a six foot high retaining wall consisting of railroad ties on property located at 73 High Street. The proposed replacement wall will reconstruct a retaining wall damaged during Super Storm Sandy. The proposed wall will consist of railroad ties with no connection to the existing wall and will be constructed entirely on the Applicant's property. The proposed wall will go up to six feet and then be tiered back to four feet with landscaping in between.

2. The Applicant has made a preliminary presentation to the Planning Board on February 23, 2015 and, thereafter, the Planning Board has conducted a duly noticed public hearing on March 30, 2015, September 28, 2015 and June 27, 2016 at which time all those wishing to be heard were given the opportunity to be heard.

3. The Planning Board has carefully examined the Application and received comments and recommendations from the Village Consulting Planner in memorandum dated

June 16, 2016 and comments from the Building Inspector/Village Engineer which they have considered.

5. The Planning Board has reviewed and considered the *Narrative on Steep Slopes* dated June 8, 2016 and revised dated May 6, 2016 prepared by Steven Costa, P.E., the applicant's engineer, documenting that the steep slope disturbance has been kept a minimum of 580 square feet. The steep slope disturbance is at the rear of the property and abuts an undeveloped parcel that is primarily woods and brush. Photographs showing the views from neighboring properties indicate that the project will have limited visibility from neighboring properties.

6. The Planning Board closed the public hearing on June 27, 2016. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

IT IS HEREBY RESOLVED THAT the Planning Board has determined that the application is a Type II action under NYS DEC 617.5 (c) (10) "*construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density*" and, therefore, no further SEQRA review is necessary; and furthermore makes the following determination of findings:

Determination

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

I. Findings

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. ***Neighborhood Character:*** Specifically, there will not be an undesirable change in the character of the neighborhood since the proposed replacement wall is located at the rear of the property and borders an undeveloped parcel that is mostly woods and brush and will have limited visibility from neighboring properties. Photographs of the views from these properties reinforce the limited visibility of the project from these properties. Moreover, the wall is a replacement of a previously existing wall damaged by Super Storm Sandy. The wall's height will be limited to 6' and then tiered back to 4' with landscaping in between. ***Alternate Feasible Method to achieve benefit sought by applicant:*** The benefit cannot be achieved by any other method than a waiver. The wall is crucial to maintaining the existing character of the neighborhood since it provides a level surface at the rear of the house that supports the outside deck that is just several feet from the wall and the steep slope. The area that is to be disturbed is 580 sf. The disruption is

mitigated by the presence of the grass and shrubs which have already been planted in the area to be disturbed. The vegetation assists with absorbing potential rainwater runoff that could occur if the area was covered by hard or impervious surface. The wall construction will use perpendicular “dead men” supports for the structural strength to support the weight of the soil and vegetation above it. There have been no complaints or issues with respect to runoff. ***Impact on Other Properties:*** The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood. The existing conditions of the slope will be improved and serve to minimize erosion and sedimentation and prevent the loss of topsoil from the rear yard of the property. It will provide protection to the home owner against possible slope failure and landslides as it will retain the soil behind it in a more uniform grade. It will not cause an increase in stormwater runoff or flooding since the soil behind it is covered with grass. This grass coverage will absorb precipitation and allow natural percolation through the soil rather than being diverted as runoff. The wall also provides protection for the neighboring properties by preventing a slope failure or collapse such as caused by Super Storm Sandy. ***Consistency of Project with Intent of the Steep Slopes Chapter:*** Granting the waiver will be consistent with the purposes, objectives or general spirit and intent of the “Visual Character and Environmentally Sensitive Areas” Chapter in the Zoning Code. The proposed project will: 1) afford a more stable and maintainable condition which will provide long-term protection from soil erosion and sedimentation; 2) provide increased slope stability to protect against slope failures; 3) provide an improved stormwater drainage system which will minimize runoff and flooding; 4) improve the site’s aesthetic character, while maintaining sufficient protection to the public health, safety and general welfare of the Village of Tarrytown and its residents.

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

The Planning Board has reviewed the Applicant’s site plan. The property is located at 73 High Street in an R-7.5 Residential District. The Applicant is proposing to replace a retaining wall damaged by Super Storm Sandy with a railroad tie wall six feet in height and then tiered back to 4’ with landscaping in between. The landscape plans show a total of 16 Spirea with 8 on the upper level and 8 on the lower level. The replacement of the new retaining wall will be constructed entirely on the applicant’s property and will be independent with no connection to the existing wall. The area of disturbance will be 580 sf. The disturbed soil has already been planted with grass and shrubs to minimize erosion and stormwater runoff. The reconstructed wall will be in the rear yard of the residence and will have limited visibility from neighboring properties. The Applicant has provided photographs of the views from neighboring properties showing that the project has limited visibility from these properties.

II. Approved Plan:

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

Plans by Steven A. Costa, P.E. dated November 13, 2014 and revised May 6, 2016. A side elevation of the retaining wall with landscape plan and planting details have been included. The Plans are entitled:

- *“Proposed Retaining Wall Replacement @ 73 High Street, Tarrytown, New York”*
- *“Hanley: 73 High St. – Landscape Plan, Retaining Wall, North Side*

(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.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

(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) 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.
- (e) All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

IV. Specific Conditions:

- (a) New Plantings must be non-invasive, native plant material.

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

In Favor: 5
Opposed: 0
Abstaining: 0

CONTINUATION OF PUBLIC HEARING - Kaufman Organization – 69 N. Broadway

David Barbuti, Architect, representing applicant, Mr. Eric Thomas, also present, appeared before the Board for approval to convert existing retail space into a gym at 69 North Broadway. He explained that they are currently before the Zoning Board for a parking variance for 38 spaces, but needed the Planning Board to make a SEQRA determination before the Zoning Board could make their determination.

Planner Bob Galvin confirmed that the Zoning Board would need this Board to declare a negative declaration.

Mr. Friedlander asked if anyone in the public had any comments. No one appeared.

Mr. Tedesco read part 3 of the Short Environmental Assessment Form for this Application (issuing a negative declaration) as follows:

“Snap Fitness is proposing to open a 24/7 gym in a vacant store in a building at the southwest corner of Dixon Street and North Broadway. The retail space is a former carpet store, vacant for over a year. The subject building has 64 off-street parking spaces located to the rear. The McKeel municipal lot is located opposite on the east side of N. Broadway containing 70 off street parking spaces. Dixon Street is a residential street with one/two family residences. The topography of Dixon Street goes downhill and, therefore, the homes are lower than the parking lot. The closest residence is some 75” from the rear wall of the proposed gym. The gym will occupy the first floor (7,500) s.f) of the one story subject building. This building has windows along N. Broadway with no windows on Dixon Street and only a small basement window in the rear. There are no lights on the building with no rooftop lights existing on the adjoining store. The exterior of the building will not be altered. The applicant’s floor plan indicates a total of 38 cardio and weight machines, free weights and dumb bells as well as a boxing exercise area. The Applicant is not intending to use the 3,500 s.f. basement. Applicant’s parking Study (Stonefield Engineering, 12/29/15) indicated 182 spaces available within a minute walk. The Study also concluded that the facility’s peak hour demand is much later than most surrounding retail. The McKeel lot has the majority of vacancies. The Village’s Traffic Consultant (Michael Maris) reviewed the Study (2/9//16) and confirmed the existing parking availability and utilization rates in the Study and concluded that there are sufficient vacant spaces to serve the facility’s needs. Applicant developed a narrative addressing member enrollment, utilization, especially during overnight hours, security protocols (including monitoring) and sound management. Initial membership is estimated to be 300 with average work out time of 45 minutes. Peak hours will be 5 pm – 8pm Mon. through Wed. with 25/30 persons per hour. Overnight utilization is estimated to be 0-4 check in-s per hour. If gym is not staffed, doors will be locked with secure door access w/member ID pass cards. During overnight hours, the rear door can be deactivated to restrict usage of the rear lot. Members can park on Broadway or in the Mckeel lot during these hours. The gym will be under 24 hour video surveillance w/duress alarm systems and monitoring linked directly to the Village Police Dept. Sound management will include industry standard sound & vibration absorbent flooring and controlled level of interior music. Based on the PB’s review of the EAF, Applicant’s Parking Study, the Maris Traffic Review and Applicant’s Narrative, the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level required for a Positive Declaration.”

Mr. Tedesco moved, seconded by Mr. Aukland, that the proposed action will not result in any significant adverse environmental impacts. All in favor. Motion Carried.

Village Planner Galvin mentioned that the narrative that was provided to the Board was very helpful and is consistent with some of the research he has done.

Mr. McGarvey asked the applicant to confirm that there are only 38 pieces of equipment at the proposed facility.

Mr. Tedesco, moved, seconded by Mr. Aukland to amend the negative declaration to reflect that there will be 38 pieces of equipment, instead of 48 at this facility. All in favor. Motion carried.

Mr. Tedesco advised the applicant that they can return to Zoning Board for their determination and come back to the Planning Board, if approved at Zoning.

PRELIMINARY PRESENTATION - E. F. SCHOOL - 100 Marymount Avenue (Butler Hall)

Philip Johnson, Executive Director of EF School, and applicant, explained that they are planning and designing an office space renovation at Butler Hall. As part of project, and their commitment to increase accessibility to the building, they need approval from the Planning Board to build an ADA compliant ramp into the building and an egress stair.

Mr. Johnson introduced John Malone, of Ferguson Malone Architecture, and Chris Orofino, PE, of VHB, the Engineer for the project. He said that Hudson Pacific is their landscape consultant.

Mr. Malone, Architect, presented a rendering of the proposed ramp and explained that this project is in support of an interior renovation. Butler Hall is a classical building and difficult to gain access to, which is why they are placing the ramp on the side - to limit the visual impact. He presented another image showing the impact from the front of Butler Hall which shows no visual impact.

Since the building is historic, Mr. Malone explained that they designed the ramp so that its intent is not to look like the existing building. He explained that the standards for treatment of historic buildings is to show new intervention and to make the application reversible; there are also stone lentils supporting the existing stairs that they want to keep in place underneath the ramp.

Mr. Malone said that this application does affect steep slopes slightly. In addition, Stormwater information has been provided; the goal being to collect as much as we can and store and filtrate on site. Mr. Malone asked if the Board had any questions.

Mr. Aukland asked that they submit a plan at the next meeting pointing out the differences between what is existing and what is proposed.

Mr. Raiselis asked if the doorway is ADA accessible. Mr. Malone said the width is okay but they will need to a new door with an automatic door opener. She asked what reversible means and also indicated a need for signage. Mr. Malone said it is good

preservation policy to do as limited amount of damage to the historic structure and signage will be put in place to indicate ADA accessibility.

Mr. Aukland said all of these details can be discussed at the public hearing.

Mr. McGarvey advised the applicant that they will need to go to the Architectural Review Board. Counsel advised that they could start the ARB application process, but would need site plan approval first.

Mr. Birgy asked if there was anything they could do to make the ramp more sympathetic or aesthetically pleasing to the building. Mr. Malone said they will tint concrete to match the limestone color of the building and make railing more transparent to blend in with the building.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that an escrow in the amount of \$2,500.00 be established. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to move this application to public hearing. All in favor. Motion carried.

NEW PUBLIC HEARING – DCD Realty Holdings – 480 S. Broadway

This portion of the meeting was transcribed by a court stenographer and the transcript will be included as part of the record.

Mr. Friedlander 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 27, 2016 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

DCD Realty Holdings LLC
480 South Broadway
Tarrytown, NY 10591

to request a two (2) year extension of the Planning Board Site Plan Approval of July 23, 2012, previously extended through July 23, 2016, in order to demolish an existing automotive dealership and construct a new automotive dealership.

The property is located at 480 South Broadway and is shown on the Tax Map of the Village of Tarrytown as Sheet 1.180, Block 102, Lots 1-6, 8 and 11 and is located in the NS 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

Lizabeth Meszaros
Secretary to the Planning Board

DATED: June 17, 2016

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

John J. Hughes, Jr. ESQ, representing owner, Dwight Dachnowicz, introduced Mr. Jack Ryan, V.P of Operations of Honda, John Manilio, PE, Craig Zimmerman, PE, the design engineers for this project, and John Collins, of Maser Consulting, who is working on the traffic study and will arrive shortly.

Mr. Hughes said he is here on behalf of his client to request an extension to the July 23, 2012 site plan approval knowing the following:

That his client is not interested in pursuing this application because:

1. This site plan requires several zoning board variances which are unlikely to be approved;
2. The neighborhood group (Pennybridge Association) has previously objected and they have litigated to overturn this matter;
3. Upon receipt of the 460 S. Broadway approval; his client will surrender as a condition of approval, this application completely.

His client's only interest in extending this approval is to protect the only "go forward" plan that he has now in the event that the 460 S. Broadway application does not proceed, knowing the many hurdles that confront him. His client does not wish to disturb the neighborhood and would like an extension of time held in abeyance to consider the 460 S. Broadway site plan application. His client is not trying to use it as leverage.

Mr. Tedesco asked Mr. Hughes if his client would still abide by the conditions that the residents have found so favorable in this area if the 460 application was approved and the 480 application is surrendered.

Mr. Hughes said that the absence of car trailers has been in effect since 2012 and his client will continue to do that going forward. Also, his client plans do more landscaping

in the back of the 480 property in order to maintain the civility and quiet with the neighbors, which has existed for a good period of time.

Village Administrator Blau asked about the other conditions such as the test drive on Sheldon Avenue. Mr. Ryan, VP of Operations, said these conditions are probably being adhered to now and is also agreeable to this.

Mr. Aukland said he is ready to support an extension and appreciates that the applicant will stand by the conditions.

Mr. Friedlander asked if anyone in the public had any comment.

Henry Steiner, Village Historian of Sleepy Hollow, who grew up in Tarrytown and has written much about the history of Tarrytown and Sleepy Hollow, came to comment on the history of Pennybridge as a District.

He explained that Pennybridge, along Broadway, has always assumed the same kind of commercial character as we see today with the building of the thruway and the bridge over 50 years ago.

He reflected on changes that the new bridge and the thruway brought to Tarrytown which have been part of the local landscape for the past half century. He referred to the corporate building, the old Howard Johnson restaurant, the Shanghai Inn, and the Hilton Inn (now the Doubletree).

He summed up that the transformation of Pennybridge into a commercial district is complete and permanent. The community embraced the changes and has accepted Pennybridge as a commercial district. The dye was cast back in 1955, and we cannot reasonably expect to turn the clock back.

Mr. Tedesco moved, that the Planning Board approve the extension for the site-plan approval at 480 South Broadway, that was originally made on July 23, 2012. This extension is until July 23, 2018, which is 2 years from the current approval extension date of July 23, 2016. This extension is subject to the conditions that were imposed in the original site plan approval.

Seconded by Mr. Aukland. All in favor. Motion Carried.

CONTINUATION OF PUBLIC HEARING - Realty @460 SB LLC – 460 South Broadway

This portion of the meeting was transcribed by a court stenographer and the transcript will be included as part of the record.

John J. Hughes, Jr., Attorney, representing the applicant, introduced John Manilio, PE of Redcom LLC, who presented a PowerPoint presentation and explained the progression of the project from the beginning to present as follows:

The original plan in February 22, 2016 included 25 bays and 88 parking spaces.

On March 28, 2016,

- Reduced steep slope disturbance from 1,000 s.f. to 721 s.f.
- Increased the parking count from 88 to 90 spaces
- Increased landscaping and eliminated two landscape variances.

On June 27, 2016, the plan has reduced and eliminated as many variances as possible:

- Decreased building from 24,653 s.f. to 20,907 s.f.
- Decreased number of bays from 25 to 21
- Increased parking count from 90 to 108 spaces
- Increased front yard setbacks from 53.5 & 34.9 ft. to 54.9 & 37.8 feet
- Increased rear yard setback from 54.8 ft. to 57.8 ft.
- North parking setback increased from 9.3 feet to 10.3 feet
- South parking setback increased from 6.0 feet to 10.1 feet (portion still at 6.6 feet in rear of lot)
- Steep slope disturbance decreased from 702 s.f. to 644 s.f.
- Impervious coverage (building and paved area) decreased from 58,107 s.f. to 56,519 s.f.
- Setback of service drive-thru garage doors, from the front of the building, increased from 14.0 feet to 20.5 feet
- Increase landscaping along frontage and added evergreen trees along off-ramp

Mr. Manilio continued to explain the architectural changes from February until present as follows:

The February rendering plan incorporated full Honda specification; landscaping was added pursuant to comments from the Preliminary Hearing.

- In March, they added a 3 foot high stone wall along the frontage to mimic existing stone walls along South Broadway and the Doubletree Hotel.
- In April 12, 2016 they replaced the 3 foot high wall with 3 foot high shrubbery; added additional street trees and some stone to the front façade, up to the window line. Another rendering increased the number of street trees and added additional brick along service drive-thru doors and section of building along the main entrance.
- This evening, June 27, 2016, they increased landscaping and included the 480 facility. They added stone elements along garage doors to break up the white

and tie into character of the village. Mr. Manilio showed another rendering depicting the entire corridor tied together in architecture and style.

Mr. Manilio referred to site plan progression and explained the variance progression which is outlined in the attached PowerPoint presentation.

Mr. Tedesco thanked Mr. Manilio for pictures of dealerships in historic areas. He noticed there was a lot of glass. Mr. Manilio said that most of those were for showrooms but they could add glass in the south part of the building.

Mr. Birgy asked if they could consider going up instead of out and having a second floor. Mr. Manilio said they have moved up tech rooms and administrative office.

Mr. Birgy asked about possibility of splitting service to 2 floors, which could mitigate other variances. Mr. Manilio said that the lifts are not very good and it would be inefficient. He said they could consider moving the waiting area on the second floor which is not ideal to have. Everyone likes the first floor and there is a code requirement to have bathroom on first floor.

Mr. Friedlander asked about the alternative to have customers go around the back to mitigate the traffic impact. Mr. Ryan, VP of operations, said they have valets the minute you walk in you get a ticket. They don't really want people to go around the building. The current proposal works very smoothly in inclement weather. It is a better experience for the customer.

Mr. Friedlander asked Mr. Ryan if he would be willing to change the plan if the traffic study indicates that it will not work. He explained that with JCC expanding, traffic patterns will not decrease, they will intensify. Mr. Ryan said he would be willing to look at it, but they also stagger appointments to mitigate traffic impacts.

Mr. Manilio feels the current design will work. Mr. John Collins, of Maser Consulting, the traffic consultant for Honda, said his study determined that there is less traffic impact than what the diner generates now. He too is also concerned about getting people in safely and efficiently without backing up traffic and Honda was very conscious of this during the design phase.

Mr. Collins explained on a peak day they would make 12 appointments per morning they doubled that to 24 of what they anticipated which is one car every 2.5 minutes. The doors open up in less than 5 seconds. Mr. Collins said he is comfortable that they won't have the condition that a vehicle will be turning left and blocking traffic. There is enough room, they have more time to clear the queue. He further stated that the same thing is happening now at the diner. They went back and did a traffic count as directed by consultant. It is actually a better situation than we currently have now.

Ms. Raiselis asked if building can be shifted back a little more. Mr. Manilio said maybe about 5 feet but they need to get access around the building.

Mr. Aukland wanted to ask Mr. Canning, the Village Traffic consultant, if he agrees with Mr. Collins.

Mr. Canning said he is in agreement, but currently the peak hour traffic can drive in and go anywhere in the lot now at the diner. He suggested a quantitative study of existing facility and translate it over the proposed facility; and do a calculated analysis to determine that the queuing is not a problem. And, if the applicant can't do that, then they need to have an alternate plan, such as a valet or have cars enter in the back.

Mr. Ryan said we could also have a valet outside to direct.

Mr. Canning said we all know that this stretch of road is busy.

1. He asked applicant to get accident reports to see if there is an accident problem.
2. When cars are getting delivered and try to make right turn into driveway, he wants to know if the truck can make the turn. Mr. Ryan said this will not happen since there will be no trailers delivering the cars.
3. He wants to know make sure 108 spaces are enough for the employees. Mr. Ryan said services only primarily with a sales component. So there will be adequate parking.

Mr. Birgy asked about vehicle service. Mr. Ryan said very few cars require overnight stays; ones that do are moved to another bay; parts are available the next day. Honda grades its dealerships on writing up and servicing quickly.

Mr. McGarvey asked about sales component. Mr. Ryan said they have 1 or 2 sales reps and sales are done in the office. Customers will go across the street to look at cars.

Paul Birgy asked the square footage of the bays. Mr. Manilio said about 6,000 s.f. Mr. Manilio said they went from 1,000 s.f. to 644 s.f of disturbance.

Paul Birgy asked again about a 2 story building to make it more compliant. Mr. Ryan explained that elevators do break and that creates a traffic problem.

Mr. Friedlander asked about the bump out in front of the building. Mr. Manilio said this is a customer lounge and sales office. It is about 20.5 feet x 122 feet. Mr. Friedlander said if you took this part off you could move the building back.

Mr. Friedlander referred to site plan which was extended which did have a ramp and asked if this was possible. Mr. Manilio said they would need at least 150 feet for a ramp to work.

Ms. Raiselis said the width cannot change much in terms of the bays so you don't want to make it higher.

Lee Alefantis, 8 Glenwolde Park, Tarrytown, suggested using underneath pits instead of lifts similar to Jiffy Lube. Mr. Manilio said it will not help the height issue because you have to lift cars and vapor in the pits is not very safe for employees.

Mr. Friedlander suggested putting the ramp in the back. Mr. Manilio said the ramp has to be two-way and mass wise, going taller will have a bigger impact.

Mr. Hughes said the size is the function of the demand and when you move things around it affects efficiency. This is the minimum size they need to operate. It needs to be 21,000 square feet.

Mr. Birgy said he is not asking you to make it smaller, he is asking for an alternate plan.

Mr. Manilio said there is a relationship and layout is designed for efficiency.

Mr. Friedlander said the problem is that you only have less than 2 acres of land to satisfy the business. When you looked at this land you recognized it would not meet code. You then said this is what we need to make it profitable. There is a conflict between the code and what you need. We want to compromise with you to make it work for your benefit as well as ours. The suggestions we give are not receptive. Mr. Friedlander said this is not a big enough piece of land to do what you want to do.

Mr. Friedlander suggested cutting off front area of the building and make the serviceable area smaller.

Mr. Hughes said we need time to study this to make sure we are not creating another problem which may be worse than what we have now. His client is entering into a big investment and he has common sense needs for the business. His client will need time to digest to intelligently respond to the Board.

Village Planner Galvin said you will have the transcript so you can respond to these comments. He also gave Mr. Hughes a memo outlining alternate plans, and comments to their response to the EAF part 2, which may be helpful as they move forward.

Lee Alefantis, 8 Glenwolde Park, Tarrytown, NY returned and said he feels that Honda has made concessions. He asked the Board what is wrong with what they have since he sees a smaller footprint.

Mr. Friedlander said the building is still too big by code which will go to the Zoning Board for determination. In addition to size, there are issues with visual impact, mass, safety, the environment, traffic and landscaping.

Mr. Aukland said we have to look at all the factors when considering this type of application. Mr. Friedlander said they need to make sure this project is good for the village.

Mr. Alefantis said he can't understand how they have come this far and they are still too big. He commended Honda and the Board for their work on this application.

Mr. Alefantis felt that the traffic coming from Irvington is not related. Mr. Friedlander said you can't treat everything independently and we all are just trying to figure out the best project for the village. We want to work with Honda.

Mr. Birgy said we want this project to happen; we just need compromise.

Mr. Aukland asked Mr. Hughes what the applicant would do to this facility if it were a viable dealership down the line. Mr. Hughes said it is a full service dealership and the interior configuration could change down the line to make it more sales and less service. Right now service is the primary need for this dealership.

Mr. Tedesco thinks that there should be a special Planning Board meeting for this application. He recommended that the village traffic consultant, John Canning, be able to complete his traffic report so that it may be included at the meeting.

Mr. Aukland read a letter from the Pennybridge Association into the record, dated May 23, 2016 (attached). He commented that this letter and all of this discussion is in line with how the Planning Board is trying to find ways to accommodate this application.

Mr. Tedesco, moved, seconded by Mr. Aukland, to continue the Public Hearing at some later date yet to be determined. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 9:50 p.m.

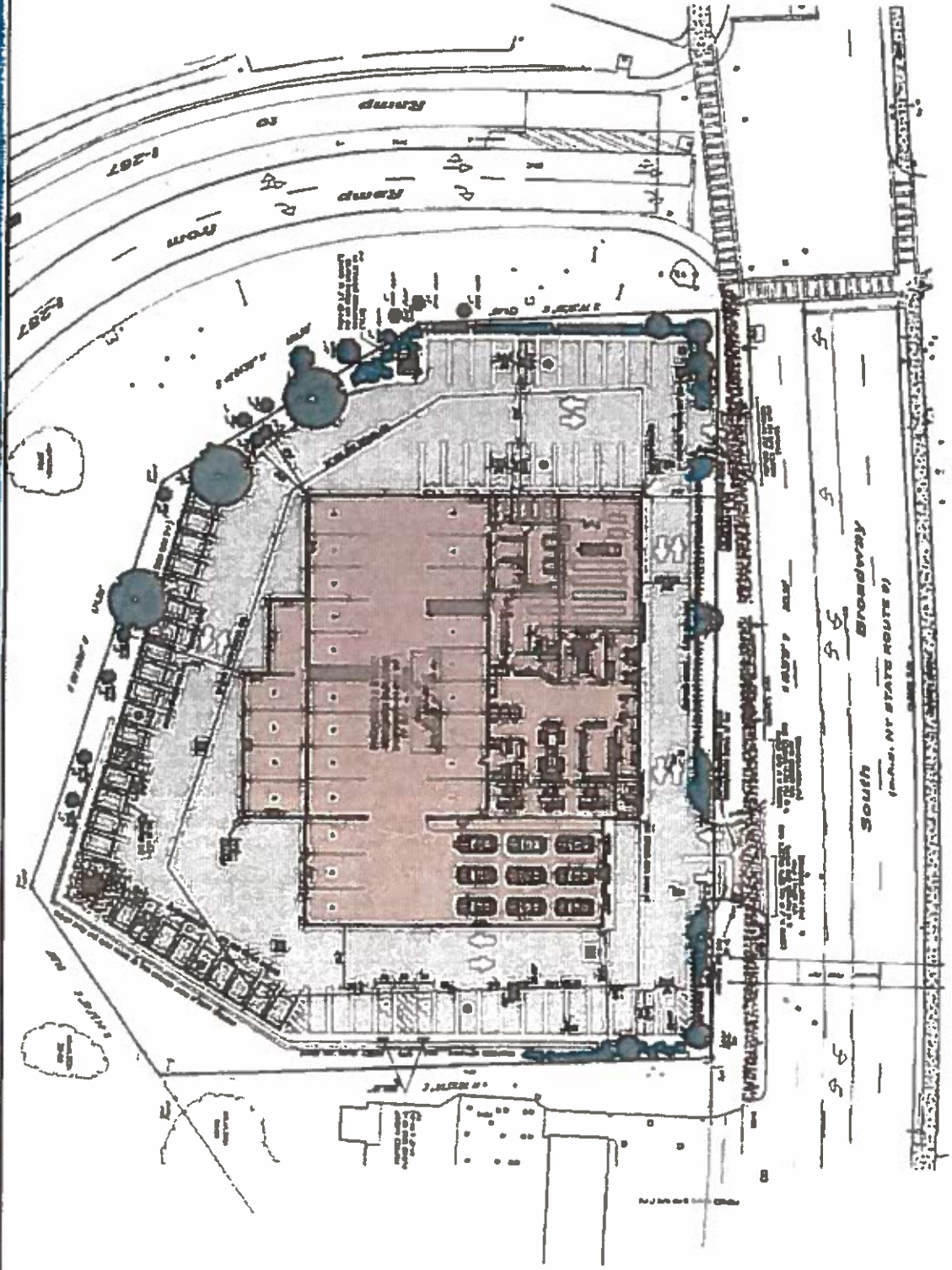
Liz Meszaros
Secretary

Realty @ 460 SB LLC

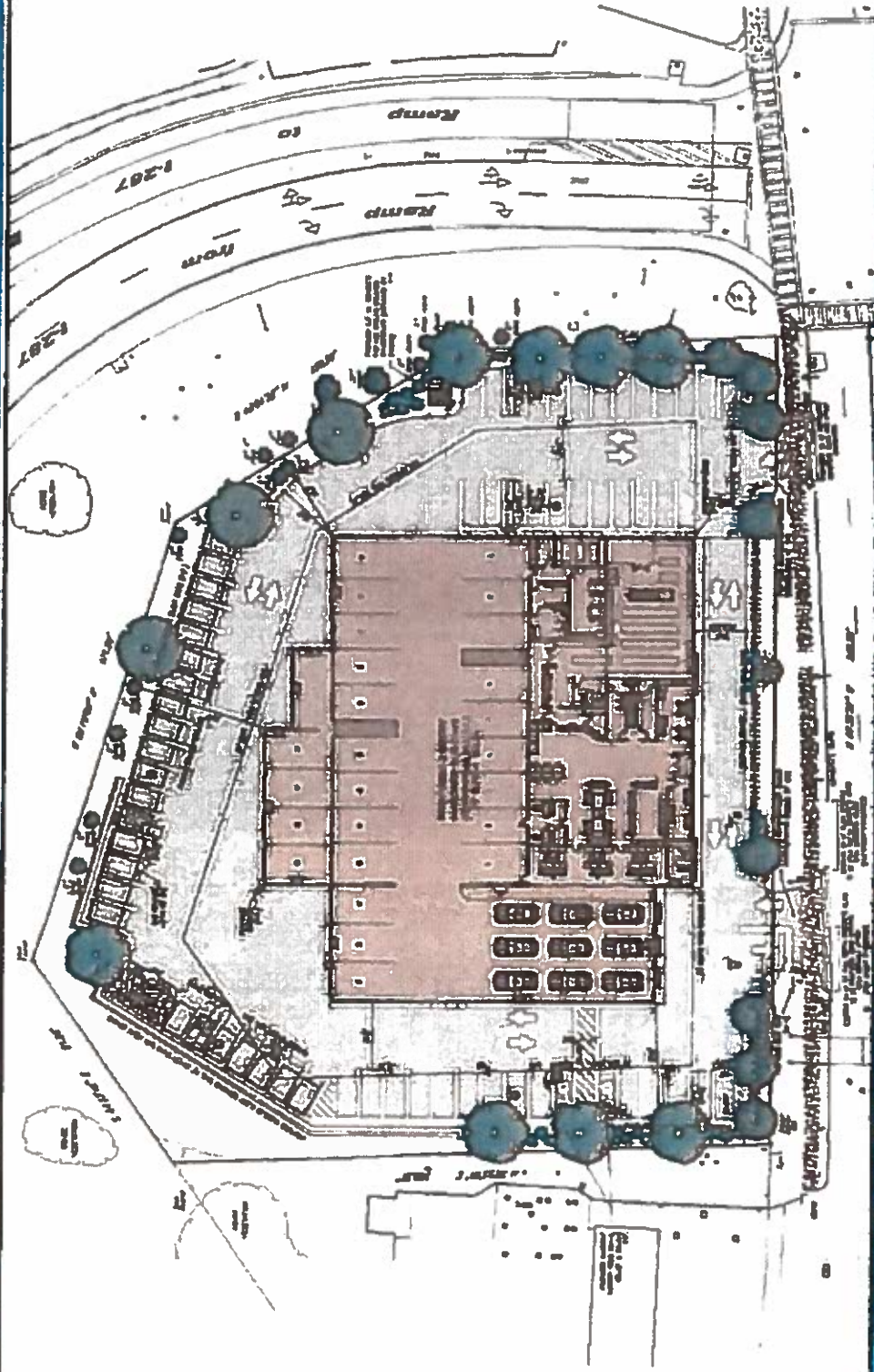
**Block 96, Lot 3
Village of Tarrytown, New York**



February 22, 2016 - Site Plan Rendering

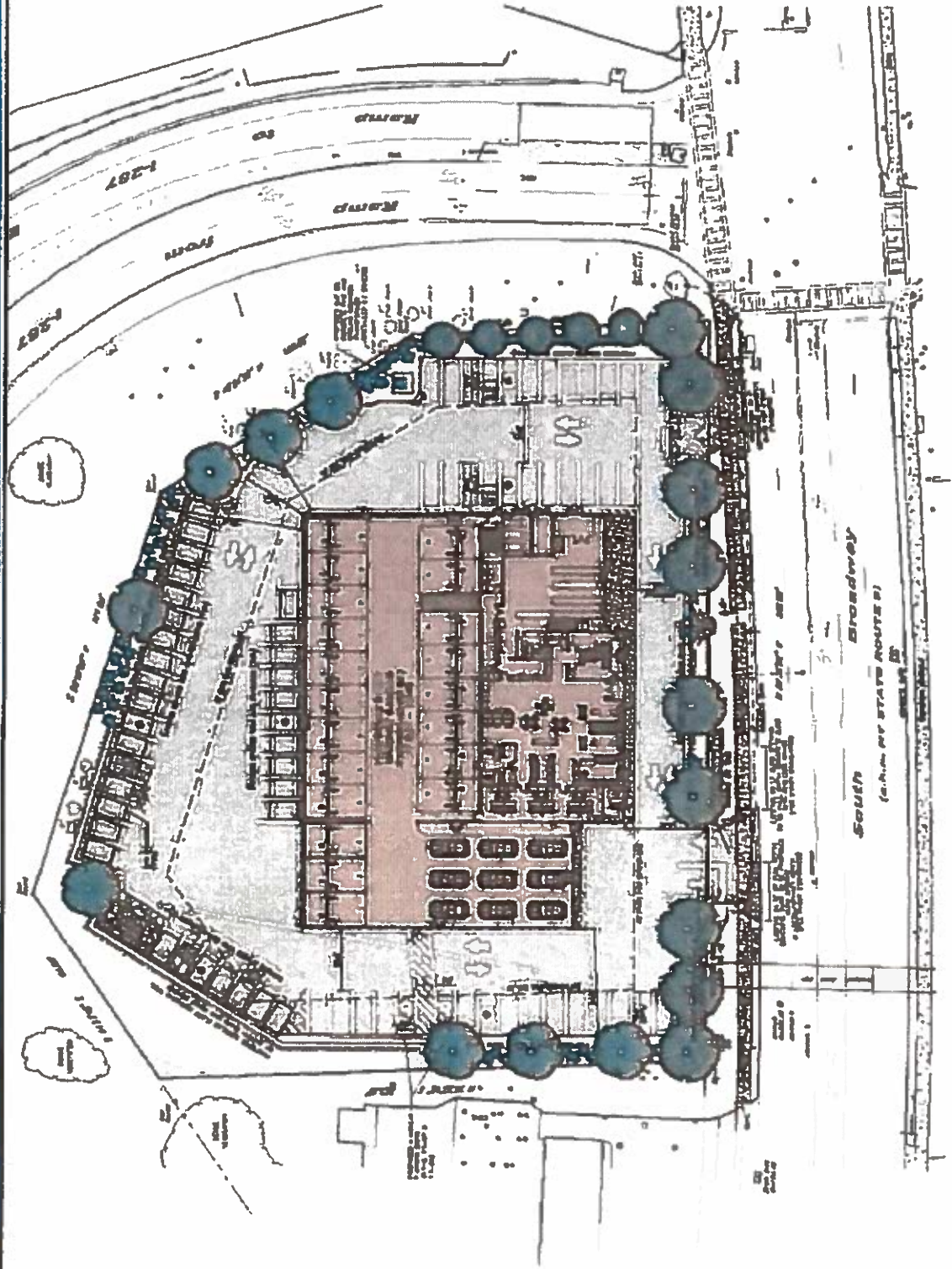


March 28, 2016 - Site Plan Rendering



- Increased parking count from 88 to 90.
- Reduced steep slope disturbance from 1,000 sf to 721 s.f.
- Increase landscaping and eliminated two landscape variances

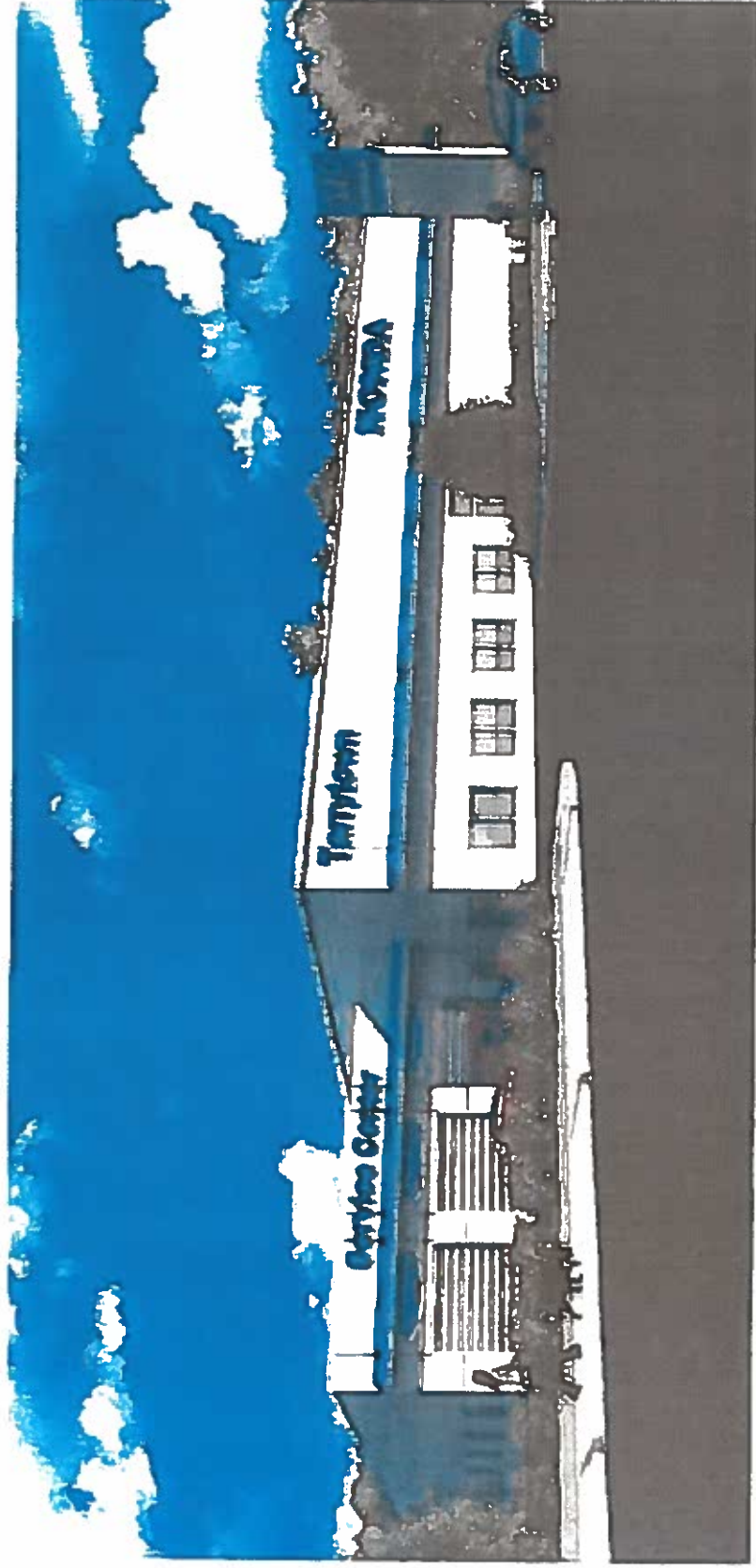
June 27, 2016 Site Plan Rendering



- Decreased building from 24,553 s.f. to 20,907 s.f. (35.4% to 29.98%).
- Decreased number of bays from 25 to 21.
- Increased parking count from 90 to 108.
- Increased front yard setback from 30 feet to 33.9 feet.
- Increased side yard setbacks from 53.5 & 34.9 ft. to 54.9 & 37.8 ft.
- Increased rear yard setback from 54.8 ft. to 57.8 ft.
- North parking setback increased from 9.3 feet to 10.3 feet.
- South parking setback increased from 6.0 feet to 10.1 feet. (Portion still at 6.6 feet in rear of lot)
- Steep slope disturbance decreased from 702 s.f. to 644 s.f.
- Impervious coverage (building and paved areas) decreased from 58,107 s.f. to 56,519 s.f.
- Setback of service drive-thru garage doors, from the front of the building, increased from 14.0 feet to 20.5 feet.
- Increase landscaping along frontage and added evergreen trees along off-ramp.

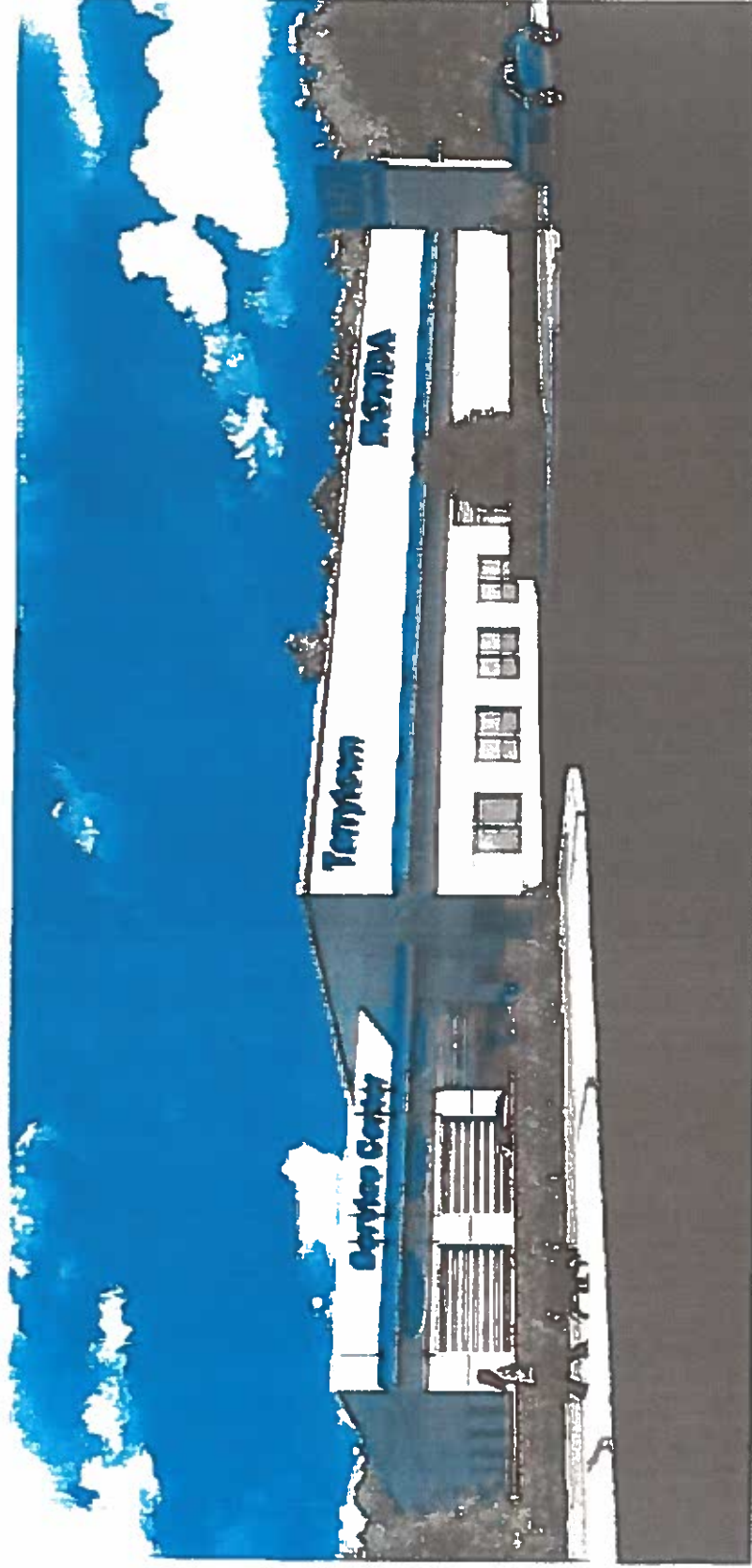
Modifications Made

February 22, 2016 - Architectural Rendering



- Full Honda specifications with white EIFS finish and blue accent ACM panels.
- Added landscaping pursuant to comments from Preliminary Hearing.

March 28, 2016 - Architectural Rendering



- Added 3 foot high stone wall along frontage to mimic existing stone walls along South Broadway and Double Tree Hotel.

April 12, 2016 - Architectural Rendering



- Replaced 3 foot high wall with 3 foot high shrubbery.
- Added additional street trees.
- Added stone to front facade, up to window line.

April 12, 2016 – Architectural Rendering



- Increased number of street trees.
- Added additional brick along service drive-thru doors and section of building along the main entrance.

June 27, 2016 - Architectural Rendering



- Visual of renovated 460 S. Broadway.
- Entire corridor will be tied together in architecture and style.

June 27, 2016 - Architectural Rendering



- Increased number of street trees.
- Added accent stone along frontage of building facade.
- Added additional screening along off-ramp.

	Required	02/01/16	03/16/16	Current
Min. Front Yard	30'	30'	30'	30'
Min. Side Yard	30'	34.9'	34.9'	34.9'
Min. Side Yard (2)	60'	88.4'	88.4'	88.4'
Min. Rear Yard	50'	54.8'	54.8'	54.8'
Max. Building Height	35'/2 Stories	24'/1 Story	24'/1 Story	24'/2 Stories
Total Building Coverage	20%	35.4%	35.4%	35.4%
Minimum Floor Area	N/A	24,653 s.f.	24,653 s.f.	24,653 s.f.
Impervious Coverage	N/A	58,107 s.f.	58,107 s.f.	58,107 s.f.
Steep Slope Disturbance	0 s.f.	+/- 1,000 s.f.	702 s.f.	702 s.f.
Parking Count	199/188	88	90	90
Parking Setback (North)	10'	9.3'	9.3'	9.3'
Parking Setback (South)	10'	6.0'	6.0'	6.0'




Site Plan Progression



Variance	Required	Diner	02/01/16	03/16/16	Current
Parking setback from side yard	10'	5.9' & 11.1'	6.0' & 9.3'	6.0' & 9.3'	6.0' & 9.3'
Parking location	None in front yard	31 spaces	4 spaces	No change	No change
Minimum off-street parking	(Required)/Proposed		(199)/88	(199)/90	(199)/90
Special front yard setback (Broadway)	100'	50.4'	30.0'	30.0'	35.9'
Maximum building coverage	20%	12.1%	35.4%	35.4%	35.4%
Parking stall size	9'x18'	9'x18'	9'x18'	9'x18' & 8'x18'	9'x18' & 8'x18'



Variance Progression

Variance	Required	02/01/16	03/16/16	Current
Wall signage	<ul style="list-style-type: none"> • 1 sign per wall per frontage. • Sign length no greater than 15'. • Maximum 2' height. Lettering 18" maximum. 	<ul style="list-style-type: none"> • 6 signs total. • 3 signs greater than 15'. • Lettering 30" height. 	No change	No change
Freestanding signage	<ul style="list-style-type: none"> • 1 sign, in lieu of wall signage. • Max. 24 s.f. per side. • Max. height of 18'. • 3' open space from ground. 	<ul style="list-style-type: none"> • 1 sign along with wall signage. • 64 s.f. per side. • Height of 25'-7" • No open space 	No change	No change
Parking lot trees	1 tree per 1,000 s.f. of nonbuilding or paved areas.	(34 trees)/8 trees	(34 trees)/19 trees	(35 trees) 
Street trees	Min. 40' on center, max. 60' on center	(5 trees)/3 trees	Eliminated (5 trees)/7 trees	Eliminated (5 trees)/5 trees 
Parking/loading spaces	Evergreen hedge, wall or fence, 2' min. height.	Portions of rear parking area with no landscaping strip.	Portions of rear parking area with no landscaping strip.	
Parking islands with material	5	None proposed	No change	No change

Variance Progression



PNA

Pennybridge Neighborhood Association
12 Walter Street • Tarrytown, NY 10591
914.909.6742 • marissafeind@gmail.com

May 23, 2016

Dear Planning Board Members:

As Chairman of the Pennybridge Neighborhood Association, I am aware of the ongoing discussion with reference to the property at 460 S. Broadway and the application Tarrytown Honda has submitted to expand their dealership on this property.

I am very concerned about the direction the Planning Board has taken in this matter. Our concern with the overdevelopment of the 480 S. Broadway property and the safety issues it would inflict upon our neighborhood would be eliminated greatly by the approval of Honda's application of the 460 S. Broadway property. We are curious why the PB is hesitant to approve the new plan? If the 460 property does not happen, this will bring us back to square one on the 480 property. This is a fight that we will continue to pursue, despite Honda proposing a remedy in the 460 property. The application for the 460 property does not have nearly the impact on the residential area that the 480 plan does and in my opinion, a new sleek building would greatly improve upon the dated run-down diner that is there now.

I have watched the previous meetings and it appears you are intent on denying the application unless you receive a historic look. Please reconsider approving this application as we are greatly concerned for our families and the impact the 480 property has on us. If the 460 project falls through, the 480 project will be back on the table, as well as all of the concerns of Pennybridge.

As much as we would like commercial properties to be eliminated in the residential neighborhoods of Tarrytown, this is not realistic. Tarrytown Honda has acted in good faith trying to find a site that will accommodate their needs while having the least impact on the citizens of our lovely town. The residents of Pennybridge have been promised wonderful landscaping, less traffic and noise with the approval of the 460 property. Please look at these two properties in tandem and choose which would be best for the high volume part of Honda's business... the smaller building already too big for its lot in the middle of residential neighborhood or the commercial property next to the Thruway, gas stations and other commercial properties?

We hope you will please give Tarrytown Honda the chance to pursue their 460 S. Broadway application. Although there may be some compromises that need to happen, it would be a great shame to have to start all over again.

Many thanks,

Marissa Feind
Pennybridge Neighborhood Association

