

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

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

ABSENT: Counsel Zalantis

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

APPROVAL OF THE MINUTES – June 27, 2016

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of June 27, 2016, be approved as submitted.

Dr. 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

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

David Barbuti, Architect, representing applicant, Mr. Eric Thomas, franchise owner of Snap Fitness, appeared before the Board for approval to convert existing retail space into a gym at 69 North Broadway. He stated that they were granted the parking variance for 38 spaces at the Zoning Board meeting of July 11, 2016.

Chairman Friedlander asked if anyone in the public had questions. No one appeared.

Chairman Friedlander asked if the Board had any questions.

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

Mr. Tedesco read the Resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted July 25, 2016)**

**Application of Kaufman Organization/Snap Fitness  
Property: 69 North Broadway (Sheet 1.40, Block 14, Lot 4 and 5 and Zone R-R)  
Resolution of Site Plan Approval**

### **Background**

1. The Applicant requests site plan approval to construct interior alterations to convert existing vacant retail space to a new gym.

2. The Planning Board determined that the Project was an unlisted action under SEQRA on November 23, 2015 and issued a Notice of Intent to be Lead Agency on November 25, 2015, assumed Lead Agency status at its meeting on January 25, 2016 and issued a Negative Declaration for the proposed unlisted action on June 27, 2016.

3. The Applicant has made a preliminary presentation to the Planning Board on October 26, 2015 and, thereafter, the Planning Board has conducted a duly noticed public hearing on November 23, 2015, January 25, 2016, February 22, 2016, June 27, 2016 and closed the public hearing on July 25, 2016 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated February 5, 2016, February 17, 2016, March 21, 2016, June 16, 2016 and July 12, 2016 and comments from the Village of Tarrytown Police Chief dated January 20, 2016 and the Fire Department in a review dated February 26, 2016 and comments from the Building Inspector/Village Engineer which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for a parking variance of 38 spaces. The ZBA opened a public hearing on this application on June 13, 2016. The ZBA closed the public hearing on July 11, 2016 and approved the requested variance on that date.

6. The Planning Board has also considered the *Parking Assessment Report* by Stonefield Engineering and Design dated February 9, 2016 and the review of this Parking Study conducted by Michael Maris, the Village's Traffic/Parking Consultant, dated February 19, 2016. The Applicant's Traffic/Parking Consultant presented his findings to the Planning Board at their February 22, 2016 meeting at which time the *Maris Review* was also summarized. The *Maris Review* confirmed the existing parking availability and utilization rates in the Applicant's *Parking Assessment Report* and concluded that there are sufficient vacant spaces to serve the facility's parking needs.

7. The Planning Board reviewed the Applicant's *Narrative* dated July 20, 2016 providing information requested by the Planning Board addressing member enrollment, utilization especially during the overnight hours, security protocols including monitoring and sound management at their meeting on July 27, 2016.

8. The Planning Board closed the public hearing on July 25, 2016. 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.

The Planning Board has reviewed the Applicant's site plan. The project is a 24/7 gym in a vacant store in a building at the southwest corner of Dixon Street and North Broadway. The property is located in the Restricted Retail RR Zone. 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. The gym will occupy the first floor (7,500 sf) of the one story subject building. This building has windows along North Broadway with no windows on Dixon Street and only a small basement window in the rear. The exterior of the building will not be altered. The applicant's floor plan indicates a total of 38 cardio & weight machines, free weights and dumb bells as well as a boxing exercise area. The Applicant is not intending to use the 3,500 sf basement. Applicant's Parking Study 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/Parking Consultant reviewed the report and concluded that there are sufficient vacant spaces to serve the facility's needs. The 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 avg. work out time of 45 min. Peak hours will be 5 pm-8 pm Mon. through Wed. with 25/30 persons per hour. Overnight utilization is estimated to be 0-4 check-ins per hour. If the 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/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.

#### **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 David A. Barbuti, Architect, PC dated October 6, 2016 and last revised February 10, 2016 unless otherwise noted entitled:

- *Survey Map of 53-69 North Broadway* prepared by Gerald T. Buckley, PLS dated August 8, 2015
- SP1 *Site Plan and Schedules*
- A1 *Basement Plan*
- A2 *First Floor Plan*

(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) 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 as required 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.

#### IV. Specific Conditions:

- a) The Applicant shall comply with the conditions imposed by the Zoning Board of Appeals in their resolution dated July 11, 2016 granting the Applicant's variance including but not limited to
  - i. Applicant shall restrict the use of the boxing ring to normal business hours, beginning no earlier than 7am or 8am and shall ensure that the boxing ring is secured to prevent unauthorized use during hours of non-use for safety purposes;
  - ii. When gym is not staffed, doors will be locked w/member key card access only;
  - iii. After 8:30 pm, the rear door will be deactivated to restrict usage of the rear lot. Appropriate signage will be posted on premises and in the rear parking lot indicating that members will use only the front door;

- iv. Gym will be under 24 hour surveillance w/emergency alert system linked to the Tarrytown Police Department; applicant will be required to install an emergency “key-box”.
- v. Sound management will include industry standard sound and vibration absorbent flooring and controlled level of interior music;
- vi. Applicant shall not use the basement for gym activities; it may be used for storage purposes only.
- vii. The Applicant shall restripe the parking spaces and fire lane in the rear parking lot adjacent to the subject building.

b) To avoid overcrowding and/or over utilization of parking, the boxing ring shall be used solely for exercise purposes and there shall be no exhibitions or other events for spectators.

Changes to the Specific conditions in the resolution were noted as follows:

Item IV. (a) iv - Village Engineer McGarvey requested that an additional condition be added requiring the applicant to install a Knox Box aka/ Key Box on the building in case of emergency.

Item IV. (a) iii - Chairman Friedlander and the applicant came to a compromise and agreed to make it a condition that after 8:30 pm, the rear door of the facility will be deactivated to restrict usage of the rear lot.

Item IV. (a) vi - Mr. Friedlander also requested that the resolution state that it specify that the lower level can only be used for storage purposes.

Mr. Tedesco moved, seconded by Mr. Aukland, that the application be approved with the noted changes. All in favor. Motion carried.

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

In Favor: 5  
Opposed: 0  
Abstaining: 0

Announcement of Retirement of Village Engineer Michael J. McGarvey, PE

Chairman Friedlander announced that Village Engineer McGarvey will be retiring from the village after 12 and half years of service and this will be his last meeting. Mr. Friedlander and the entire Board expressed their gratitude and appreciation to Michael for his service and said he will be greatly missed. Mr. McGarvey thanked the Board, the Village Planner and Counsel and said that it has been a pleasure working with all of them.

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

John J. Hughes, Jr., Attorney, representing the applicant, introduced Jack Ryan, VP of Operations of Honda, John Manilio, PE and Craig Zimmerman, PE of Redcom LLC, the engineers for this project, and Mr. Jack Collins, of Maser Consulting, the applicant's traffic engineer, who will comment on their findings.

Mr. Collins referred to his June 30, 2016 memorandum to the Board which concluded that the traffic generated by the new facility will be less than what currently exists.

With regard to accident history at this intersection, they collected data from the NYS Department of Transportation and the NYS Department of Motor Vehicles, and there have only been 4 reported accidents at this location within the last 3 years.

With regard to site access and circulation, there is sufficient parking and enough storage to accommodate vehicles without backing out in the state highway.

Ms. Raiselis asked Mr. Collins for an average and Mr. Collins said from 7 am to 10 am it was one vehicle every 3 minutes.

Dr. Friedlander was concerned about cars lining up and not getting serviced quickly enough which could affect traffic. Mr. Ryan, VP of Honda Operations, said that the valet does not ask what is wrong with the car, the car is taken immediately and driven to the bay. There is no discussion with what is wrong with the car at this point.

Dr. Friedlander asked Mr. Collins to clarify the location of the accidents. Mr. Collins explained that NYSDOT file goes by reference marker. The request was between those 2 locations which Mr. Canning requested in his memo. He wanted to know if there was a history of accidents in front of the diner and Mr. Collins said there are 4 accidents on record over a 3 year period.

Chairman Friedlander asked if anyone had any questions about traffic report.

Planner Galvin noted that in Mr. Canning's report there were a number of conditions that were memorialized that you may want to include them at a later date.

Mr. Manilio presented a PowerPoint presentation and explained the changes to the plan from the last meeting of June 27, 2016, based on the Board's comments.

- Added additional trees reduced amount of building in rear.
- Reconfigured parking in rear of building to reduce steep slopes and eliminating parking to 10 feet. Still disturbing 325 s.f., but this will go back after wall is built.
- Moved building back 4 feet, which is the most that can be done; need circulation around building.
- Added decorative walls at ingress and egress driveways similar to Doubletree Hotel.

Mr. Manilio said that it is inefficient to move the service bays up; they would need 175 feet for a ramp which would result in less service bays. In addition, a building height of 38 feet would be needed, which would require an additional variance. On the first floor, the lifts are in the ground which would not work on the second level.

Mr. Birgy asked Mr. Manilio what the lot size was. Mr. Manilio said it was 69,720 s.f.

Village Engineer McGarvey asked if the leftover parking will accommodate the employees and public. Village Planner Galvin stated that Mr. Canning, of VHB, did confirm in his memorandum to the Board that the parking was sufficient.

Mr. Birgy asked if any walls will be in steep slope area. A brief discussion took place and Mr. Manilio said that the concern of the disturbance of steep slope is to control erosion and soil behind the wall. He took 5 feet off of the wall and identified on the plan where the most disturbance would be, which is closer to the gas station.

Mr. Lee Alefantis, 8 Glenwolde Park, Tarrytown, raised his hand and the Chair asked him to come to the podium to speak. Mr. Alefantis asked Mr. Manilio if they reduced the grade level of the parking lot. Mr. Manilio said they brought it down in the rear and it is being raised in the southwest section, so the wall will only be 4.5 feet. Mr. Alefantis thanked Mr. Manilio for clarification.

Mr. Manilio referred to the building façade changes and said they will be adding stone, landscaping and windows.

Ms. Raiselis asked about elevation plan.

Village Planner Galvin asked Mr. Manilio to show the brickwork.

Mr. Manilio presented the new building looking south but it was hidden with trees. The Board asked to see the building without the trees at the next meeting, with an overlay.

Chairman Friedlander asked Mr. Manilio to go back to the rendering to show the garage doors. Mr. Friedlander asked if they could look better. Mr. Manilio said they are vision panels and they are high speed doors so it is hard to dress them up.



Dr. Friedlander asked if doors are closed all the time. Mr. Manilio said yes they are, which is cost efficient. Ms. Raiselis feels the doors will look sleek and they are made of homogenous material.

Mr. Manilio explained why certain elements have to stay on the first floor. There are 14 critical connection points in order for their operation to run efficiently. The service writers need to talk to customers, technicians and the manager so they need to be close by; the parts drop off needs to be in a secure location with easy access to building. There is a relationship between all of these points.

Mr. Manilio showed variance progression again.

Mr. Aukland said this information was helpful. He asked again about moving the customer service facilities to the second floor.

Mr. Manilio said it will not be as efficient. If the customer is upstairs; it would be harder to find them if there was a question about service. Mr. McGarvey said you could call the customer on their cell phone. Mr. Manilio showed a floor plan with indicating square feet of all of the area on the first floor. He said that only a small percentage of the building is devoted to customers; approximately 3,000 s.f. is used for customer interaction. The rest of the area is what is needed to operate; cars are large and they need room to move around.

Mr. Manilio continued to go through the square footage of bays, etc. Mr. Birgy asked about a possible single ramp. Mr. Manilio said it would not be efficient. The height will be exceeded and you need a 38 foot height to put lifts on the 2<sup>nd</sup> floor, which is another variance.

Mr. Birgy said the building is very close to the road. Everything the Board brings up is not convenient or not efficient and it doesn't work for you. We want you to have this building and we want to work with you.

Mr. Manilio said they have been listening to the Board and whatever we do is not good enough at this point. If we add height, it will add mass. If you put in a ramp, you are only cutting 3 foot off of the building and causing another variance and the perception from the street would be the same.

Mr. Birgy said it is the responsibility of the Board to determine what is best for the village. He would like the footprint smaller so that we can move the building back further away from the road. The Board also asked for a view of the diner vs. the proposed to get an idea of the impact.

Dr. Friedlander said you have a contract for a piece of land; changes have been relatively marginal. Mr. Birgy is suggesting that you get closer to what would be more acceptable to the village. You have concentrated on why it can't be done instead of why it can be done.

We have been making suggestions to help. We have suggested a single lane ramp. Mr. Birgy is asking for a compromise. A 3 foot variance might be more acceptable than the large coverage that you are asking for. A second story could be better. He asked Mr. Manilio if it was too expensive.

Mr. Manilio feels like he has stated the reasons why. He was embarrassed to even submit some of the plans because he didn't think that it would work. He referred to the ramp, which he again said would be an inefficient since it would be wasting a lot of space to accomplish a 3 foot strip in the back.

Chairman Friedlander is prepared to have a special session in August to discuss this application and invite the Architectural Review Board. Meanwhile, they will review the comments from John Canning's traffic study. He requested that renderings be created so that they may get a better picture of the building without the landscaping. Also, it would be helpful to show both buildings (the proposed and the existing 480 site) dressed up side by side.

Mr. Aukland thanked Honda and recognized the improvements made to date. He likes the parking going to the back but acknowledged that the only way to reduce the bulk of the building is to reduce the number of bays, which the applicant said they cannot do.

Village Planner Galvin commented that an alternative is to expand the second floor and bring the building back 8 or 9 feet, which was previously discussed at the last meeting.

Mr. Tedesco moved, seconded by Mr. Aukland, that the public hearing be continued and that a date be set to hold a special meeting on this matter, jointly with the Architectural Review Board. All in favor. Motion carried.

#### NEW PUBLIC HEARING - C.M. PATEMAN – 48 Sheldon Avenue

Chairman Friedlander read the Public Hearing notice.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 25, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

C.M. Pateman  
612 South Broadway  
Tarrytown, NY 10591

for the construction of a single family home. The property is located at 48 Sheldon Avenue and is shown on the tax maps of the Village of Tarrytown as Sheet 1.180, Block 103 Lots 9 and 10 and in the R 7.5 Zone.

Additional approvals will be needed from the Architectural Review Board.

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: July 15, 2016

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

C.M. Pateman, applicant, addressed the Board, requesting site plan approval to construct a single family residence at 48 Sheldon Avenue. He explained that the property is the former location of Consolidated Engine Company. He appeared before the Planning Board in April for a Preliminary Presentation and was sent to the Zoning Board for a FAR variance, which was approved at the July 11, 2016 meeting, after a plan revision. He explained that his revised plan is identical to the Zoning Board plan, except he has added a swimming pool in the back.

Village Engineer McGarvey explained to the Board that Mr. Pateman's original site-plan required a variance of 669 s.f. The Zoning Board denied this variance on June 13, 2016. Mr. Pateman revised his plan, reducing the FAR variance to 391 s.f, which was approved by the Zoning Board on July 11, 2016.

Lee Alefantis, 8 Glenwolde, Tarrytown, stated that he and several residents support Mr. Pateman's current submission as well as the previous submission to the Zoning Board. They feel the new home will be a nice addition to the neighborhood; it will be an improvement and increase our property values and tax base.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the Public Hearing. All in favor. Motion carried.

Mr. Tedesco read the resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted July 25, 2016)**

**Application of C. M. Pateman Development & Consulting Corp.  
Property: 48 Sheldon Avenue (Sheet 1.180, Block 103, Lot 9 and 10 and Zone R-7.5)  
Resolution of Site Plan Approval**

### **Background**

1. The Applicant requested site plan approval to construct a new single family residence on vacant property located at 48 Sheldon Avenue. The Project is proposed to be constructed on two lots comprising 13,508 sf property (the former site of the Consolidated Engine Firehouse).
  
2. The Planning Board on April 25, 2016 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) “*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*” and, therefore, no further SEQRA review is necessary.
  
3. The Applicant has made a preliminary presentation to the Planning Board on April 25, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on July 25, 2016 at which time all those wishing to be heard were given the opportunity to be heard.
  
4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated April 14, 2016, May 16, 2016 and July 14, 2016, the Village Landscape Consultant in a Staff Report dated July , 2016 and comments from the Building Inspector/Village Engineer which they have considered.
  
5. The Zoning Board of Appeals reviewed the Applicant’s request for an FAR variance of 669 sf which was denied at the Board’s meeting of June 13, 2016. The Applicant subsequently revised his application seeking a substantially lesser FAR variance of 391 sf. This new application was the subject of a public hearing held on July 11, 2016. The Zoning Board closed the public hearing on July 11, 2016 and approved the requested variance on that date.
  
6. The Planning Board closed the public hearing on July 25, 2016. 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.

The Planning Board has reviewed the Applicant’s site plan. The Project is a single family residence being constructed on two lots consisting of 13,508 sf located at 48 Sheldon Avenue. The minimum lot size in the neighborhood is 7,500 sf. The property will consist of a single family residence with 3,316 sf of gross floor area where 2,995 sf are permitted. The Applicant had initially submitted plans for a residence with a gross floor area of 3,594 sf which was 669 sf above the maximum gross floor area permitted. The Applicant’s revised plans substantially reduced the amount by which the gross floor area exceeded the permitted gross floor area by 42 percent or 319 sf above the maximum permitted. This smaller variance was approved by the Zoning Board of Appeals. The Architectural Plans have been revised to remove the kitchen in the lower level shown on the original submission. The Applicant’s revised plans show that the proposed residence consists of a lower level and a first floor with a kitchen/dining area, two family rooms, five bedrooms and four bath rooms plus an attached garage. The proposed residence will be 2 1/2 stories with a height of approximately 25’ feet. The revised plans show that the proposed residence will have a proposed pool (12’ x 24’) and deck (22’ x 14’) in the rear yard. The revised plans (S-1.0 revised July 6, 2016) and the Zoning Board of Appeals resolution reference the relocation of a utility pole currently located in the area of the proposed driveway. The ZBA resolution notes as a condition of their approval that if for any reason the pole cannot be relocated, the Applicant shall revise the Approved Plans to relocate the driveway to accommodate the utility pole. The Sheldon Brook Drainage easement issued to the NYSDOT have been added to the revised survey and site plan. A sight line easement has also been added to site plan. The FEMA base flood elevation (BFE) have also been added to the revised site plan. With the ZBA approval of the FAR variance, the Project now meets all bulk and dimensional requirements. Total coverage at 15.8 percent is significantly under the 30 percent maximum. The Project’s impervious surfaces are 28.9 percent where a maximum of 40.75 percent is allowed. There are no steep slopes being effected. A *Stormwater Management Plan and Drainage Analysis* report and plan was prepared by Hudson Engineering & Consulting dated May 12, 2016 and submitted with the Application. Infiltration will be managed by ten cultec units located in the rear of the property. All footing drains and roof leaders will not be connected to drainage structures; individual overflows will be provided to the catch basin on Sheldon Avenue. The Applicant has already planted 70 Arborvitae trees on the property and has submitted a Landscape Plan prepared by Stephen Lopez, AICP, RLA dated May 9, 2016. This plan has been reviewed by the Village’s Landscape Consultant and commented on in a staff report dated July 21, 2016. The ZBA noted in their resolution that the landscaping plan demonstrates that there will be substantial screening of the residence. The Applicant has also provided elevations and photo renderings of the proposed residence.

## 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 C. M. Pateman Development & Consulting Corp. dated April 11, 2016 unless otherwise noted entitled:

- A-1 “*Floor Plans, Proposed Residence for Charles M. Pateman, 48 Sheldon Avenue*” last revised June 24, 2016.
- A- 2 “*Front Elevation, Proposed Residence for Charles M. Pateman, 48 Sheldon Avenue*” last revised June 24, 2016.
- A- 3 “*Elevations, Rear & Left Side*”
- “*Topographic Survey prepared for C. M. Pateman Development & Consulting Corp. in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y.*” prepared by Ward Carpenter Engineers Inc. dated February 26, 2016 and last updated June 22, 2016.
- S - 1.0 “*Site Grading, Utility & Erosion Control Plan*” prepared by LPR Associates Engineering, Design & Consulting dated April 4, 2016 and last revised July 6, 2016.
- C - 1 “*Stormwater Management*” prepared by Hudson Engineering & Consulting, P.C. dated May 12, 2016.
- C - 2 “*Details*” prepared by Hudson Engineering & Consulting, P.C. dated May 12, 2016.
- “*Landscape Plan, Pateman Residence, Sheldon Avenue, Tarrytown, NY*” prepared by Stephen Lopez, AICP, RLA dated May 9, 2016.  
(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”):

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

comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”

- 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) 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) Landscaping: All landscaping shall be native plants and 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) The Applicant shall comply with the conditions imposed by the Zoning Board of Appeals in their resolution dated July 11, 2016 granting the Applicant's FAR variance including but not limited to the merger of lots 9 and 10 into common ownership and filing of the final plat with Westchester County Clerk showing the merged lots and all easements, including a sight line easement. Additionally, if the utility pole proposed for relocation in the area of the driveway cannot be relocated, the Applicant shall revise the Approved Plans only to relocate the driveway to accommodate the utility pole, to the satisfaction of the Building Inspector/Village Engineer.
- (b) The Applicant must submit a revised landscape plan that conforms to the requirements noted by the Village landscape architect Lucille Munz in her Staff Report dated July 21, 2016 (*see graphic marked up plan on page 1*). The revised planting plan shall indicate:
  - a) Clarification of the planting known as SM at the front foundation planting. There should be substantive foundation plantings indicated.
  - b) Add additional trees and shrubs as noted.
- (c) Approval of a revised landscape plan by the Village's landscape architect is a condition of a site plan approval and no permits may be issued unless and until the Village's landscape architect approves such revised landscape plan.

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

In Favor: 5  
 Opposed: 0  
 Abstaining: 0

Mr. McGarvey asked about recreation fees, which will be explored, and the pool must conform with the setbacks.

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



NEW PUBLIC HEARING - E. F. SCHOOL - 100 Marymount Avenue (Butler Hall)

Chairman Friedlander read the Public Hearing notice.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 25, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Education First – NY Campus  
(EF Schools, Inc.)  
100 Marymount Avenue (Butler Hall)  
Tarrytown, NY 10591

to construct an exterior ADA ramp to Butler Hall and a new egress stair to Academy Hall. The property is located at 100 Marymount Avenue and is shown on the tax map of the Village of Tarrytown as Sheet 1.80, Block 43, Lot 1.1 and is in the R-20 Zoning district.

Additional approvals will be required from the Architectural Review Board.

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 and Zoning Board

DATED: July 15, 2016

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

John Malone, Architect, of Ferguson Malone Architecture, representing E.F. Schools addressed the Board and said they are here for approval of an addition of an ADA accessible ramp to Butler Hall and a small addition of a new egress staircase.

He presented a plan showing the existing vs. proposed as requested by the Board at the preliminary hearing. He explained that the ramp was designed so visual impact is limited. He presented a rendering of potential impact of ramp from the front of Butler Hall which illustrated that the new ramp is not visible.

The next rendering showed the proposed ramp at the existing entrance. Mr. Malone said the door will be operated electronically to allow for ADA access. 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.

In addition, they wanted to reduce the mass of the ramp by using cantilever. The color scheme will be tinted to the existing limestone and the railing will be gray to limit the visual impact and blend in with the building.

He showed a diagram of the landscape improvements and explained that the existing trees will be maintained.

Mr. Tedesco asked for Mr. Malone to explain his plan for the protection of trees during construction such as the magnolia trees.

Mr. Malone said they will be protected by a chain link fence during construction and that the project was designed to keep the ramp away from the Magnolia tree.

The proposed planting plan shows new hedges and a central planting in the courtyard which will hide the drain that will collect stormwater. Three new trees will be planted. They plan to add sympathetic Rhododendron and Azalea. They also plan to extend plantings to the downslope portion on the eastern side.

Mr. Malone is asking for relief of steep slope and high ground and they submitted a detailed narrative to the Board and have tried to limit the steep slope as much as possible.

Ms. Raiselis asked if this landscaping plan fits in with the entire campus plan. Mr. Philip Johnson, Executive Director of EF School, said that they are keeping consistent with the campus plan. He presented a plan from Hudson Pacific explaining an extension to the plan to fill in the areas which will affect interior views and be lovely.

Ms. Raiselis said she said she is happy to see the improvements on the campus in the Irving Avenue area, which was neglected for some time.

Chairman Friedlander asked if anyone have any comments. No one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland to close the public hearing. All in Favor. Motion carried.

Mr. Tedesco read the Resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted July 25, 2016)**

**Application of Education First School, Proposed Exterior ADA Ramp at Butler Hall  
and a New Exterior Egress Stair from the Lower Level of Marian Hall to Academy Hall  
Property: 100 Marymount Avenue (Sheet 1.50, Block 24, Lot 1 and Zone R-20)  
Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval to construct an ADA ramp at the south elevation of Butler Hall and a new exterior egress stair from the lower level of Marian Hall to Academy Hall on the EF Tarrytown campus.
2. The Planning Board on June 27, 2016 determined this to be a Type II Action under NYS DEC 617.5 (c) (8) “*routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.*” and, therefore, no further SEQRA review is necessary.
3. The Applicant has made a preliminary presentation to the Planning Board on June 27, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on July 25, 2016 at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application and received comments from the Consulting Village Planner in memoranda dated June 16, 2016 and July 14, 2016, the Village Landscape Consultant in a staff report dated July 21, 2016 and comments received from the Building Inspector/Village Engineer in a letter to the Applicant dated May 23, 2016 and July 12, 2016 which they have considered.
5. The Application includes alterations to Butler Hall which is a locally designated landmark. As such, the Architectural Review Board will need to review the proposed project which will be a condition of site plan approval.
6. The Planning Board at its meeting on July 25, 2016 reviewed and considered the Applicant’s *Narrative on Steep Slopes Waiver Request*, provided by John Malone, AIA dated July 19, 2016. This Narrative addresses the criteria for granting the waiver for steep slope disturbance under 305-67 (F) (1) (b). The Narrative indicates that the disturbance of steep slopes is 494 sf and highlights the minimal nature of the disturbance and limited impact of the proposed improvements. The Narrative concludes that benefits to the applicant and its availability for use for handicapped access outweigh any detriment to the community’s health, safety and welfare.

7. The Applicant has provided a *Drainage Memo for Butler Hall ADA Ramp Project* prepared by VHB Engineering dated June 9, 2016 indicating the nature of stormwater management in connection with the plan.

8. The Applicant's *Narrative on Steep Slopes Waiver Request* indicates that both improvements, the proposed Butler Hall ramp and the proposed egress stair are above the 300 foot elevation mark and are defined as "high ground" under section 305-67 A.(2)(b). The Applicant states that the location of the improvements on defined "high ground" is unavoidable given the configuration of the existing buildings. The positioning of the improvements provide limited visual impact and reduce the impact on the historic character of Butler Hall. The proposed egress stair from Marian Hall provides the most direct access path and is generally hidden from view. It takes advantage of an existing ramp landing and reduces the amount of steep slope disturbance and protects an existing mature magnolia tree. The Building Inspector/Village Engineer in a letter to the Applicant dated July 12, 2016 determined that approvals from the Planning Board for steep slopes and high ground must be obtained and requested the submission of the Applicant's Narrative.

9. The Planning Board closed the public hearing on July 25, 2016. 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 and the waiver for steep slopes and high ground 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:*** Granting a waiver will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The proposed ADA ramp and new stair connecting the lower level of Marian Hall to the existing Academy Hall accessible entrance will not be visible from Marymount Avenue or any public way. The ramp will include new plantings intended to soften the visual impact of the ramp. The new stair is located along the northern façade of Academy Hall and like the ADA ramp is generally hidden from view. The

stair is positioned to take advantage of an existing ramp landing which will reduce steep slope disturbance and protect an existing mature magnolia tree. ***Alternate Feasible Method to achieve benefit sought by applicant:*** The benefit of handicapped accessibility cannot be achieved by some other method without a significant negative impact to the historic character of a locally landmarked building. The ADA ramp has been positioned to use the existing side entrance to Butler Hall. Other locations in the courtyard that had a lesser steep slope impact but were rejected since the required length of the ramp would be such that these locations required adjacency with more significant historic features of Butler Hall, specifically, the semicircular transept apse. The positioning of the new stair is along the northern façade of Academy Hall. This location provides the most direct egress path and is generally hidden from view. Its use of an existing ramp landing reduces the amount of required construction in the steep slope area and protects an existing mature tree. The configuration and historic nature of the existing buildings around the courtyard limit the positioning of alternate locations of improvements. ***Impact on Other Properties:*** The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood or community. These conditions will improve as a result of the proposed storm drainage and improved landscaping. Life safety and accessibility will be improved. The ADA ramp has been designed to be more sympathetic and aesthetically pleasing to the historic landmarked building. ***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 ADA accessibility improvements will: 1) not increase erosion, sedimentation, or loss of topsoil; 2) will not significantly disturb habitat; 3) will not increase risk of slope failure; 4) will not increase runoff; 5) will improve safety of an existing developed site; 6) will not affect the Village’s surface or groundwater resources; 7) will not negatively impact natural vistas; 8) will preserve the character of a local landmark; 9) will increase public access and fire safety. The Project will provide handicapped access to Butler Hall and the new proposed egress stair will improve a substandard and possibly dangerous fire egress condition. The primary beneficiaries of the ramp and stair are students, staff, and residents of the EF Campus. However, all visitors to the campus, including the greater Tarrytown community, will benefit from increased accessibility and fire safety. The benefit to the applicant and community outweighs any potential negative impacts of the steep slope and high ground disturbance associated with the proposed improvements, and that alternate approaches would be either infeasible or would have a negative impact on the historic character of Butler Hall.

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 extensively reviewed the Applicant’s site plan. The proposed ADA ramp provides handicapped accessibility to the southern entrance of Butler Hall. Students and visitors will now have access to Butler Hall’s classrooms, study space and offices. The Project will also include modifications to the existing sidewalk and existing steps. The Project is being done in connection with interior office space renovations at Butler Hall. Since Butler Hall

is a local designated landmark, the architect has located the ADA ramp at the side of the building to limit visual impacts. The rendering of the ADA ramp from the front of the Building shows no visual impact. The new exterior egress stair will connect an existing lower level exit from Marian Hall with the existing Academy Hall accessible entrance. The architect has designed the project to not be intrusive on the historic building. Signage will be put into place indicating ADA accessibility. The Board of Architectural Review will review the project due to its landmark status. Two dry wells are proposed to capture and temporarily store the increase of runoff volume. The stored runoff will infiltrate through the surrounding well drained soil. An eight-foot diameter dry well with four-feet of storage depth is proposed for location at the sidewalk entrance intersecting with the driveway. The second dry well has a six-foot diameter with 4-feet of storage depth and is located at the center of the sidewalk between Butler Hall and the Academy Building. The volume provided by both dry wells exceed the volume required. The two dry wells are connected via a 12" diameter HDPE pipe. The proposed drainage system can capture the increase in stormwater runoff, temporarily store and infiltrate the runoff through the surrounding well drained soil.

## II. Approved Plan:

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

*Site Plans – Education First ADA Ramp @ Butler Hall* prepared by VHB Engineering, Surveying & Landscape Architecture, P.C. unless otherwise noted dated June 9, 2016 and last revised July 7, 2016 entitled:

- G 0.00     *“General Notes, Butler Hall ADA Ramp”*
- SS-1       *“Steep Slopes Disturbance Plan”*
- C-01       *“Legend and General Notes”*
- C-02       *“Abutter’s List and Map”*
- C-03       *“Layout and Materials Plan”*
- C-04       *“Grading, Drainage and Utility Plan”*
- C-05       *“Erosion and Sediment Control Plan”*
- C-06       *“Erosion and Sediment Control Notes and Details”*
- C-07       *“Site Details I”*
- EX-1       *“Existing Drainage Plan”*
- PR-1       *“Proposed Drainage Area Plan”*
- A 0.10      *“Demolition Plan”* prepared by Ferguson Malone Architecture dated May 5, 2016 and last revised June 6, 2016
- A 0.11      *“Architectural Site Plan”* prepared by Ferguson Malone Architecture

- A 0.12 “*Planting Plan*” prepared by Stephen A. Yarabec, ASLA, Hudson & Pacific Designs, Inc.
- A 0.13 “Diagram of Existing vs. Proposed” prepared by Ferguson Malone Architecture dated 7/19/16
- A. 2.00 “*Ramp Elevations and Sections*” prepared by Ferguson Malone Architecture dated October 9, 2016
- A 2.01 “*Stair Elevation*” prepared by Ferguson Malone Architecture
- A 3.01 “*Stair Sections*” prepared by Ferguson Malone Architecture dated October 9, 2016
- T-1 “*Topographic Base Map, EF Academy Butler Hall*” prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.
  - “*Final Subdivision Plat prepared for Fordham University, Marymount Avenue and Neperan Road, Village of Tarrytown, Town of Greenburgh, Westchester County, NY*” prepared by John Meyer Consulting, P.C. dated July 14, 2010 and last revised April 1, 2011. (the “Approved Plans”).

### ***Additional Materials***

*Drainage Memo for Butler Hall ADA Ramp Project* prepared by VHB Engineering dated June 9, 2016.

*Narrative on Steep Slopes Waiver Request*, provided by John Malone, AIA dated July 19, 2016.

### **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) ARB Review: The Project includes alterations to Butler Hall, a local designated landmark, and, as such, it will need to be reviewed and approved by the Board of Architectural Review. No construction may take place and a building permit may not be issued until Applicant has obtained such 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.

IV. Specific Conditions:

- a) Prior to the issuance of a building permit, the application will need to be reviewed by the Village Tree Commission.



- b) The Applicant shall submit a revised landscape plan that conforms to the requirements noted by the Village landscape architect Lucille Munz in her Staff Report dated July 21, 2016 (*see graphic marked up plan on page 2*). The revised planting plan shall indicate:

(a) All new plant material must be changed to native species.

(b) Applicant shall be required to install a chain link fence around the 30” Magnolia and Japanese Maple trees, identified in the Landscape Plan, to protect them from harm during construction.

- c) Approval of a revised landscape plan by the Village’s landscape architect and Building Inspector/Village Engineer is a condition of a site plan approval and no permits may be issued unless and until the revised landscape plan is approved.

After reading the special conditions, the changes that were made are noted as follows:

Mr. Aukland made a correction that all “new” plant material must be changed to native species.

Mr. Tedesco requested that a special condition be added to require that chain link fences be used to protect the existing Magnolia and Japanese Maple trees during construction.

Ms. Raiselis recommended that items c and d be removed as follows:

c. applicant should consider leveling the planting area in the courtyard as indicated on page 2 by raising the height of the curb.

d. Applicant should consider no shrub planting by the circular railing as to allow for light to the lower level.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application with noted changes. All in favor. Motion carried.

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

In Favor: 5  
Opposed: 0  
Abstaining: 0

NEW PUBLIC HEARING - MARK MORGANELLI – 1 Dixon Lane

Chairman Friedlander read the Public Hearing notice.

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, July 25, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Mark Morganelli  
1 Dixon Lane  
Tarrytown, NY 10591

to consider an application to convert first floor space to retail for Jazz Forum; interior alterations to existing space.

The property is located at 1 Dixon Lane, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 14, Lot 22 and is in the RR 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

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: July 15, 2016

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

Joel Sachs, ESQ., Attorney, Keane and Beane, PC, representing the applicant, Mr. Morganelli, is here on behalf of Jazz Forum Arts. He thanked the Board for changing the order of applications this evening to accommodate Mr. Morganelli's fundraiser. He introduced Mr. Morganelli and his wife, Ellen Prior, along with Steve Tilley and Jonathan Walko, both of Steve Tilly Architects.

Attorney Sachs informed the Board that his client was before the Zoning Board in late May and on July 11, 2016, he was granted a number of parking variances. His client has secured parking agreements at the Key Bank and the Chase Bank lots. He also indicated that at the last Zoning Board meeting, a large number of residents spoke out in favor of the proposed use and submitted a petition with over 600 signatures and his client has be

receptive to addressing the issues of concern with some of the neighbors. He introduced Mr. Morganelli, the applicant, to say a few words.

Mark Morganelli said he has been through a lengthy process. The Zoning Board Decision was unanimous and it was requested that they get a variance for 5 year agreements with Chase and Key Banks for use of their parking lots for their patrons. He is completely willing to work with his neighbors. He explained that he has had 3 preview events and that the music is in the extreme corner of the building where the walls are 16 inches thick so there is no sound issue. He also said that signage will be placed inside and outside the building and semi-permanent signs will be placed in the both parking lots to advise his patrons.

Jonathan Walko, of Steve Tilly Architects, presented a basic floor plan of the venue. He identified where the jazz bands will be performing in the extreme rear of building. He also pointed out the storage kitchen, restrooms and handicapped accessibility. He informed the Board that the upstairs is the apartment where the owner lives.

Chairman Friedlander asked if anyone in the public had any questions.

Katie Krider, 42 N. Washington Street, Tarrytown, came to the podium and advised the Board that her property backs up to Dixon lane. She asked if the entrance was going to change. She did confirm that she cannot hear the sound at all. Her concern is people coming and going since it is a private lane. She is also concerned about the safety on the lane and the noise it may generate later in the evening.

Attorney Sachs advised that the entrance will not change.

Mr. Raiselis commented that they don't have the legal capacity for a large crowd.

Michelle Casarella, 36 N. Washington Street, Tarrytown, said her backyard is right there and her main concern is the vendors coming and blocking the lane to make deliveries.

Mr. Tedesco said a condition of the resolution is that they cannot use the lane to make deliveries.

Another concern she has is patrons congregating in the lane after performance.

Mr. Tedesco said another condition requires signage on property and in the parking lot indicating that they cannot drop off or pick up.

Mr. Morganelli said as far as vendors go, we will only be open on the weekend and food and beverage are only vendors. There will be limited vendor traffic. He also said that prior businesses were able to receive deliveries. There was an antique store at this location that had many deliveries. The record will show that their vendors used the lane so he doesn't understand why he can't do the same. It has been a commercial building for 106 years.

Mike McGarvey asked if his deed mentioned any delivery restrictions.

Ms. Raiselis asked if they have a liquor license. Mr. Morganelli said yes and he has gotten an extension on the license. Ms. Raiselis thinks this condition is onerous and that resolution should be changed to say “no deliveries that will block the entire lane”.

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

Mr. Tedesco read the resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted July 25, 2016)**

**Application of Mark Morganelli  
Property: One Dixon Lane (Sheet 1.40, Block 14, Lot 22 and Zone R-R)  
Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval for a change of use converting first floor space from retail to Jazz Forum Arts; interior alterations only.
2. The Planning Board determined that the Project was a Type II action under NYSDEC 617.5 ( c ) (7) "*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls*". The first floor space being renovated is 3,701 square feet. Therefore, no further SEQRA review is necessary.
3. The Applicant has made a preliminary presentation to the Planning Board on October 28, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on July 25, 2016 at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated March 17, 2016, March 28, 2016 and July 12, 2016 and comments from the Village of Tarrytown Police Chief dated January 20, 2016 and from the Building Department which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant’s request for a parking variance of 38 spaces. A side yard setback for parking of 6’ and a variance from the minimum width

of parking spaces of 1' for proposed parking spaces of 8' wide instead of the required 9'. The ZBA held a duly noticed public hearing on the application on June 13, 2016 and July 11, 2016. The ZBA closed the public hearing on July 11, 2016 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on July 25, 2016. 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.

The Planning Board has reviewed the Applicant's site plan. The subject property is a 4,834 sf parcel in the Restricted Retail RR Zone. The property fronts on Dixon lane with the door located at the corner facing the surrounding parking lot behind Mrs. Greens. The project is to repurpose and renovate the first floor of the building as the Jazz Forum while maintaining the second floor as the owner's residence. The first floor is 3,701 sf. The building is a 1 ½ story mixed use structure. The first floor was a former bread bakery with the second floor being residential. There is an attached one car garage with two outdoor parking spaces with direct access to Dixon Lane which is a narrow private road. These two outdoor spaces are indicated as handicapped. A new entrance will be constructed on Dixon Lane.

The Jazz Forum Arts is a non-profit performing arts organization presenting jazz concerts on Friday and Saturday evenings and Brazilian music on Sunday afternoons. In addition, it will have community events such as photography exhibits. The Jazz Forum will operate for a limited number of hours: Friday and Saturday evenings from 7:00pm to 1:00 am and on Sundays from 4:00pm to 7:00 pm and will be closed during the months of January and February. The first floor will include a stage, kitchen, office and an area with a pool table. The estimated number of potential occupants is 99 persons.

The ZBA and Planning Board have received documentation from the Applicant indicating that he has arrangements with Chase Bank/NYS Parks and Key Bank to utilize their parking lots during the Jazz Forum's hours of operation. Specifically, Chase Bank has 22 spaces which are available from 6:30pm – 1:00am on Friday and Saturday and 3pm - 8pm on Sunday. The Key Bank has 16 space available from Friday after 5pm and Saturday after 2pm with all day availability on Sunday. The Applicant will install signage, approved by the Building Inspector, around the Property and at designated parking lots notifying its patrons where they are allowed to park and that they cannot use Dixon Lane for dropping off and picking up patrons, except for handicapped persons. The ZBA has documented in their resolution of July 11, 2016 that the

Board conducted a site visit of the property and is satisfied that the music from inside the venue cannot be heard outside, and therefore, there will not be any noise impacts.

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 Stephen R. Tilly, Architect, PC dated May 24, 2016 and last revised July 12, 2016 unless otherwise noted entitled:

- Survey Data for the Property was obtained from Link Land Surveyors dated

May 1, 2015

- T-001 *Key Plan and Parking Map*
- A-100 *Proposed Plot Plan w/Zoning Analysis & Photos*
- A-101 *Proposed Floor Plan w/Building Code Analysis*
- A-201 *Proposed Exterior Elevations*

(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) 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 as required 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.
- IV. Specific Conditions:
- a) The Applicant shall comply with the conditions imposed by the Zoning Board of Appeals in their resolution dated July 11, 2016 granting the Applicant's variances including, but not limited to the ZBA's limit on the days and hours of operation and the maximum capacity of 99 persons and, specifically:
    - i. The Applicant shall obtain all required state, county and local permits and approvals prior to the issuance of a building permit. The Applicant shall obtain any and all variances from the New York State Uniform Fire Prevention and Building Code deemed necessary by the Building Inspector/Village Engineer;
    - ii. Application is a change of use and place of assembly with approved plans showing a floor occupancy loading of over 100 persons. Therefore, NYS Building Code would require that the first floor be installed with a fire sprinkler system.

- iii. The Applicant shall notify the Westchester County Department of Health to review the Application and obtain any approval and/or permit as required which will be presented to the Building Department prior to a building permit being issued;
- iv. The Applicant shall submit on an annual basis updated letters and/or agreements with Key Bank and Chase Bank demonstrating that they will continue to be able to utilize these parking lots to provide at least 38 parking spaces during the Jazz Forum’s hours of operation. In the event that the Applicant can no longer use these parking spaces, Applicant shall find another provider of off-street parking for the 38 parking spaces within a reasonable distance of the Property as determined by the Building Inspector/Village Engineer;
- v. The Applicant shall install signage around the property and at the designated parking lots notifying its patrons where they are allowed to park and that they cannot use Dixon Lane, a private road, for dropping off and picking up patrons, except for handicapped persons.
- vi. There shall be no deliveries for the Jazz Forum that will block Dixon Lane.

Mr. Aukland clarified that the specific conditions refer to 100 persons, therefore it is required to have a sprinkler system. The applicant agreed to install a sprinkler system but to restrict the occupancy to 99 persons, which was part of a condition of the ZBA approval.

Mr. Aukland asked if the language could be changed in specific condition # 4 that applicant must submit to the “Village of Tarrytown”, rather than the “ZBA”. Counsel Silverberg advised that you can’t change or overrule a condition of the ZBA, but you may revise the resolution to say, “shall submit on an annual basis.”

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application with the conditions noted. All in favor. Motion carried.

Motion by:	Mr. Tedesco
Seconded by:	Mr. Aukland
In Favor:	5
Opposed:	0
Abstaining:	0

## ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 9:25 p.m.

Liz Meszaros- Secretary