

Planning Board
Village of Tarrytown
Regular Meeting
November 28, 2016 at 7:00 p.m.

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

Chairman Friedlander called the meeting to order at 7:00 pm

APPROVAL OF THE MINUTES – October 27, 2016

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of October 27, 2016 meeting be approved as submitted. All in favor. Motion Carried.

Chairman Friedlander read the following adjournments:

- Continuation of a Public Hearing – Peter Bartolacci - 67 Miller Avenue

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. Village Engineer Pennella asked to speak and said that he has received comments from the village's stormwater consultant, Dvirka and Bartilucci Engineers, advising that the applicant has made numerous positive provisions to the stormwater plan. He has prepared a memo to the Planning Board indicating that stormwater mitigation has been satisfied with regard to SEQRA.

Chairman Friedlander asked if anyone in the public or the staff had a comment. No one appeared.

Mr. Tedesco read a portion of the Determination of Significance for the Honda application and advised that a copy will be provided to the applicant and included in these minutes.

Mr. Tedesco concluded that there will be no significant adverse impact on the environment and therefore an environmental impact statement need not be prepared for this project.

Mr. Tedesco, moved that the Planning Board issue a negative declaration for this application, seconded by Mr. Aukland. All in favor. Motion carried.

Mr. Hughes thanked the Board.

Mr. Aukland advised them that they will return back to the Board to continue the site plan approval process after going to the Zoning Board.

NEW PUBLIC HEARING – Toll Brothers -112 Wilson Park Drive (Lot 2)

This portion of the meeting was transcribed by a court stenographer that was provided by the applicant.

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, November 28, 2016 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Toll Land V Limited Partnership
250 Gibraltar Road
Horsham, PA 19044

For site plan approval for property located at 112 Wilson Park Drive (lot 2), Tarrytown, New York for the construction of a new single-family residence.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.50 Block 20, Lot 60.2 and is located in an R60 (Single-Family dwelling) and R-30 (Bulk) 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

DATED: November 18, 2016

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

Jennifer L. Gray, of Keane and Beane, PC., attorney for the applicant, introduced herself and her colleague, Judson Seibert, also of Keane and Beane, Robert Dowd, representing Toll Brothers and Doug Carver, of CMG Engineering, the architects and engineers for this project.

Ms. Gray explained that she is here on behalf of Toll Brothers to obtain site plan approval for construction of a single family dwelling on Lot 2 of the Wilson Park Subdivision at 112 Wilson Park Drive. She briefly went over the past history of this application, explaining that they were before the Planning Board back in May through October of 2014, at which time, the Board directed the preparation of a SEIS, to further study the Brace Cottage. The court ultimately reversed this determination and Toll was not required to prepare a SEIS. The time to pursue an appeal of that decision expired

this summer and they have since submitted an updated application and site plan in September of 2016 and are seeking site plan approval.

Ms. Gray described Lot 2, a flag lot which has access through a common driveway off Wilson Park Drive. Wilson Park is to the north and east of the lot. Further to the east is where the soccer field is located. The lot is 1.36 acres and is zoning compliant. No waivers are currently requested but the Planning Board did grant a waiver with respect to lot frontage (because of the flag lot) at the time of subdivision approval.

With regard to the landscaping plan, of the existing 27 trees surveyed, 10 will be removed, 21 new trees and over 100 small trees and shrubs will be planted. Currently, this is the site of the Brace Cottage which is been proposed to be removed, which she will comment on later in her presentation.

As part of prior review, Ms. Gray stated that all comments from the village's Landscape Architect, Lucille Munz, have been incorporated into the Landscape Plan, and at the request of the Planning Board they submitted letters from Steve Coleman confirming that there are no wetlands on the site. There was a question about an existing Oak tree at the corner of the property which was the subject of some disturbance. Steve Coleman confirmed that this was the result of some construction work that the homeowner on Lot 1 was performing.

Ms. Gray said they have also added a drainage feature to address the runoff into Wilson Park and offered an expanded access easement to the village for handicapped access, emergency access and for maintenance purposes. She noted that they realized that a leftward bend in the existing driveway was not included in the easement area and they are proposing to expand the area of the easement to better reflect the existing conditions at the site. In addition, they have incorporated double silt fencing as requested by the Planning Board for erosion and control and have also submitted section drawings.

Ms. Gray added that they are in receipt of Planner Bob Galvin's memo to the Board and a memo from Village Engineer Pennella late this afternoon, but have not yet reviewed this memo, but will address his concerns.

They also received copies of 2 letters dated November 15th and November 17th, from the Friends of Brace Cottage and the Tarrytown Lakes Committee, respectively, and have sent their response to the Board.

With respect the Friends of Brace Cottage letter, she stated that the State Historic Preservation office's evaluation (SHPO) said that Brace Cottage is eligible to be listed; however, this evaluation does not change anything with respect to SEQRA. From a site plan perspective, she said that they previously have offered and continue to offer to sell this property to anyone interested in it for preservation purposes and we will make any architectural elements available from Brace Cottage, before its demolition.

With respect to the Tarrytown Lakes letter to the Planning Board, which referred to infrastructure items, there is a punch list that they (Toll Brothers) continue to constructively work on with the village, and there are some remaining items.

Ms. Gray welcomed any questions. She wanted to give the public an opportunity to speak and respectfully asked that the Board formally classify this application as a Type II action this evening.

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

Mark Fry, President of the Friends of Brace Cottage and a member of the Tarrytown Lakes Committee introduced himself. Mr. Fry briefly spoke and expressed his pleasure that SHPO has determined that Brace Cottage is eligible for historic designation. He thanked Keane and Beane and Toll Brothers for providing a clear offer to sell entire lot to Mr. Fry, the Friends of Brace Cottage, or a third party. Mr. Fry said he intends to accept this offer and is confident that the property will be purchased. He thanked the Planning Board and staff members for standing the course and doing a good job and said it is a win-win for all parties.

Mr. Fry added that he is certain and it is clear that it will be necessary for economic viability that the contract vendee asks for approval to subdivide this lot to create a fully conforming lot for a new house to be built. In terms of the easement, if the property is purchased, they will offer the village a completely unrestricted easement down the entire driveway, including to the soccer field. He expressed his gratitude to Toll Brothers for this facility. In addition, he received three more communications from the Brace family in support of this project. He looks forward to meeting with Mr. Seibert to acquire this property.

Mr. Fry spoke about the infrastructure and said it is the Village Engineer's job to ensure that it is complete. He expressed his desire to see the trail completed. He thanked Deborah Van Steen, also present, who went through the historic database and discovered that Brace Cottage had already been determined eligible in 1974, and in May of 2015, was confirmed that it was eligible.

Chairman Friedlander said the history is interesting but he would like to move forward with the meeting. He thanked Mr. Fry and is pleased with the proposed purchase, however, he would like to open up the meeting to the public and give everyone a chance to speak.

Mr. Aukland commented for the record that Mr. Fry positioned himself as being part of the Lakes Committee. He would like to make it clear that it is neither the Lakes Committee nor any other part of the village that would be involved in the acquisition of this site. Mark Fry confirmed that this is correct; the Tarrytown Lakes Committee has nothing to do with the acquisition of Brace Cottage.

Chairman Friedlander asked if anyone else would like to speak.

Cathy Ruhland, 17 Walden Road, Tarrytown, Chair of the Tarrytown Lakes Committee, said she is very supportive of the efforts to save Brace Cottage; it is an historic building. Aside from that, she would like to address open issues troubling to the Lakes Committee. With regard to the section of trail to connect the north and south county trailway to the OCA, there is a small section on lot 10 that is still not completed. People walk through and sometimes go on private property. The erosion from lot 13 and 14 wiped out gravel and made ruts through the trail. People want to go there and take their bikes but are unable. She would like to have this area repaired below lots 13 and 14 and also the section on lot 10 completed.

Ms. Raiselis asked if water is running off now. Ms. Ruhland said the runoff is no longer an issue, but there are still ruts, which will require some trail work to repair. She was told the developer would repair what was ruined.

Chairman Friedlander asked if anyone from Toll Brothers looked at this matter.

Ms. Gray was advised by Casey Devlin of Toll Brothers that this area was raked out last year or the year before. She stated that this is the area where the trail was constructed that was not shown on the approved plan. As a result, there may be some variation in stormwater drainage. Ms. Gray advised that she will ask Toll Brothers to look at this area again.

Mr. Tedesco recommended that Ms. Ruhland and Village Engineer meet to discuss the infrastructure issues and as a condition of site plan approval, this Board will ask for the completion of any remaining infrastructure items deemed required and necessary by Village Engineer Pennella. This work would have to be done prior to the granting of a building permit.

Counsel Zalantis said as a condition of approval for lot 10, this board required the repair of the easement behind lots 13 and 14. The Board can make similar conditions for this lot.

Mr. Birgy is concerned that all of the infrastructure work gets done as soon as possible to protect the village just in case these properties are sold.

Counsel Zalantis said Toll Brothers has been making progress and we have communicated on outstanding infrastructure items. She feels that a meeting should take place so that everyone is on the same page.

Cathy Ruhland returned and spoke about the lack of access to the soccer field. She said there is only a walking trail and no access by vehicle. She asked to make the easement that exists available to the residents so they can watch a soccer game. Dr. Friedlander asked about the lower field access. Mr. Blau said there is a lower trail but it was not created by the village.

Mike Blau commented that the village has been looking for years for a way to provide ADA access to the field. They have attempted to obtain an easement from the convent and Toll Brothers. If the sale of this property goes through, the village will work with future owners of property to provide for access across lot 2.

Chairman Friedlander asked about the possibility of ADA access through the lower trail. Mr. Blau said that this area was much too steep. They walked the site with the County Office of the Disabled and unless the trail is paved, it would not be deemed accessible. Ms. Ruhland suggested placing gravel. Mr. Blau said gravel is not acceptable to meet ADA requirements; there are different standards.

Benjamin Sands, 131 Neperan Road, Tarrytown, is here to encourage efforts to preserve the Brace Cottage since the Planning Board is the last defense. Ms. Raiselis said ultimately, the Board of Trustees is the last defense and he should also plead to them. Chairman Friedlander said that Mr. Tedesco works closely with the Historic Society to make recommendations to forward to the Board of Trustees and there is a committee if Mr. Sands wishes to get involved.

Chairman Friedlander asked if anyone else would like to speak.

Greg Gall, Architect, 33 Heritage Hill Road, Tarrytown, is here to support the preservation and designation of Brace Cottage. The hesitancy on the part of the historical society to support the designation of Brace Cottage in terms of legal and financial liability has prevented them from looking at the value of preserving our past so we can have it for the future. He feels the Planning Board should take the initiative to help preserve the Brace Cottage. If you do not support the community by preserving the Brace Cottage then any support by the community or historical society is meaningless.

Mr. Tedesco said that this Board has been tremendously positive in supporting the preservation of Brace Cottage, however, without the property owner's consent, nothing can come to fruition. He stated that the Board works with the property owner's and the Historic Society and it is a process that takes time. The Historic Society attends our work sessions and regularly updates us on their progress.

Mr. Gall said there can be a concerted effort by the Board and the developers to understand what this village means to us. It means history, culture and a sense of purpose, and he is sure that this Board and the developer can come to some type of agreement so that we can all have a win-win situation.

Village Administrator Blau said he in receipt of a letter from Nancy O'Shaugnessy, who lives at 110 Wilson Park Drive (next to Lot 2), expressing her concerns relating to the demolition of Brace Cottage and how it will impact her property. He asked that this letter be made part of the record and gave it to the secretary.

Deborah Van Steen, an Architectural Historian, who lives in Ossining, was part of the Brace Cottage preservation process. She thanked everyone involved for their efforts. She acknowledged that the Brace Cottage is historic and its designation has been upheld. She stated that Tarrytown has history and our buildings need to be preserved and maintained. Protecting our buildings has a cultural, aesthetic and economic value to our community. She encouraged the Planning Board and the village to keep Brace Cottage. It is a home that represents 100 years of history, and once an old building is destroyed, that part of our history is lost. She also stated that from a SEQRA perspective, the impact of these historic sites can be considered.

Mr. Aukland acknowledged that two letters were received via email by the secretary this afternoon, from Steven Brace and Heidi Brace, in support of Brace Cottage. He requested that they be added to the record.

Mr. Tedesco added that he is happy that Brace Cottage will be saved and he would like to thank Mark Fry for his efforts and wished him luck in this process.

Mr. Fry returned to speak and raised his concerns about the issuance of building permits for lots 9, 5, 6 and 7 before the infrastructure was complete, which he said is not in conformance with village code. Mr. Fry added that in the conditions of the resolutions it also said that the trail easements shall be passable; we now have 10 houses built and still do not have this infrastructure completed. He said that we are nearing the end and it is time for the entire infrastructure to be completed before any more building permits are issued.

Chairman Friedlander said that Village Engineer Pennella has been and will continue to meet with Toll Brothers to get this work accomplished.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II Action with no further action required under SEQRA, for the construction of a single family residence on an approved lot. All in favor. Motion carried.

Justin Seibert, Attorney for applicant, wanted to clarify the offer to sell this land. He stated that the acceptance of this offer is in the letter but the acceptance has to be far more substantial than a verbal acceptance. He said that they have been down this road before and nothing has happened. This is why the letter has asked for a time period since this offer was made in good faith; and this cannot be used to keep this public hearing open as a mechanism. Mr. Fry agreed.

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

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 8:05 p.m.

Liz Meszaros - Secretary

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The proposed action includes the demolition of an existing restaurant and construction of an automotive sales/service building with improvements for Tarrytown Honda. The redevelopment project will be situated on a 1.6 acre site located at 480 South Broadway. The Applicant maintains an existing automotive sales facility to the south at 480 South Broadway. The application requires significant variances which have been reduced during site plan review in response to comments from the Planning Board, other land use boards and the public. The ZBA will be responsible for final determination on the Applicant's requested variances.

Original Application - The initial application included a 24,653 sf service facility with 25 service bays. The original application included 88 parking spaces where 191 were required. The original application provided coverage of 35.4% where 20% is allowed. The initial application showed an impervious coverage of 58,107 sf or 83%. The application's front yard setback provided was 30' where 100' setback is required along South Broadway. The application shows an entrance only driveway at the site's southern curb cut.

Current Revised Application - During site plan review, the Planning Board and its consultants made certain comments which resulted in revisions to the application that reduced the scope of the project. The revised application has decreased its footprint by 18% to 20,280 sf and now has 20 service bays. The number of parking spaces has been increased to 107 spaces. Coverage has been reduced to 29%. The application's impervious coverage has been decreased to 55,024 sf or 78%. The front two-way driveway has been increased to 24'. The revised application has increased its front yard setback to 50'. This setback is appropriate based on the existing front yard setbacks of the three properties on South Broadway to the north of the site. The applicant has provided decorative stone walls on either side of both driveways in keeping with the stone walls at Doubletree Hotel across South Broadway, and maintains the historic feel of South Broadway and is consistent with the character of the area. The Village Landscape Consultant recommended increasing the number and size of shade trees along South Broadway together with new evergreen trees along the NYS Thruway property. The Application's plans have been revised to reflect these recommendations.

Traffic and Circulation - The Applicant's Traffic Engineer, Maser Consulting, conducted a Traffic Study as well as providing accident data and surveyed drop-off arrivals and service times for their existing facility. The Village Traffic Engineer (VHB) reviewed the Maser Study and confirmed that the proposed facility will not have any significant traffic impacts on the area roadways nor an impact on accident rates. VHB concluded that the proposed dealership will generate less traffic over the entire day and at peak hours than the existing dinner. VHB provided recommendations regarding car carriers, restrictions on storage of new/used cars and queuing on site. The Applicant has accepted these recommendations including restrictions on car carriers for both 460 and 480 South Broadway. The applicant has also accepted existing conditions for 480 South Broadway to be applied to the proposed 480 South Broadway facility. The Application's southern driveway which is an entrance only driveway allowed both left turn as well as right turns in. The left turn in movement has been restricted to a right turn in only based on VHB's recommendation. ZBA SEQRA Comments - VHB also addressed the ZBA's comments on traffic, parking and safety and provided comments to the Planning Board in a memorandum dated 10/27/18.

(See Attached for Continuation of Long Form EAF Part 3.)

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Traffic Study (Maser Consulting, 6/30/16, 7/12/16, 7/20/16); Traffic Engineering Review(s) J. Candino P.E. 5/15/16; ZBA SEQRA Review, 10/20/16; ARB SEQRA comments (email 10/21/16); J. Ryan, VP, Tarrytown Honda Memo re: Proposed Condition, Auto Carriers, 10/28/16; PB Memo re: Recommendation (9/20/16); Hughes, Letter (9/20/16); Village Planner, Memo to PB re: SEQRA Status, 10/26/16; Redcom, Letter re: Green Infrastructure, 11/10/16.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Village of Tarrytown Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

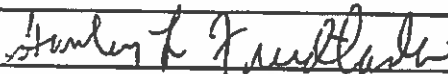
Name of Action: Realty@480 SB LLC

Name of Lead Agency: Village of Tarrytown Planning Board

Name of Responsible Officer in Lead Agency: Dr. Stanley Friedlander

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:



Date: 11/28/16

Signature of Preparer (if different from Responsible Officer) Robert Galvin AICP

Date: 11/21/16

For Further Information:

Contact Person: Elizabeth Meszaros

Address: One Depot Plaza, Tarrytown, New York 10591

Telephone Number: 914-631-1487

E-mail: lmeszaros@tarrytownny.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 – Continued

ARB SEQRA Comments - The Board has reviewed the ARB's SEQRA comments. ARB's comments concern exterior materials, finishes, design and signage and are all within the jurisdiction of the ARB. The Applicant has modified the front facade as requested by the Board. Any potential approval by the Board will be conditioned on approval of the application by ARB.

Grading/Rock Removal - Based on information from Applicant's Engineer and review by the Village Engineer of the site's topography, and soil composition and testing, it is not anticipated that grading and rock removal will be required for the Project.

Lighting – The application's lighting plan shows the proposed lighting levels at ground level. All light fixtures are LED and shine downward to avoid any glare or sky glow. All lighting except for security lights will be automatically turned off one hour after closing.

Green Infrastructure and Stormwater - The Applicant has listed and agreed to elements from Honda's Green Dealer Program at the "Silver" level. The Applicant has provided a Narrative describing the additional "Green Infrastructure" elements to be added to revised plans. The facility's roof will be reserved for future solar paneling and/or a solar array. This will be part of any site plan conditions and be installed within 5 years after project is built. To assist in reflecting heat, the roof will be specified as a white roof (TPO). In lieu of a green roof, a 1,100 sf rain garden will be installed along the pervious southern portion of the site adjacent to the parking area. Approximately 11% of stormwater runoff is diverted to the rain garden system and discharged to ground water. The stormwater system is a closed system with the capacity to detain the site's stormwater volume up to the 100 year storm. It will also retain, infiltrate on site and treat runoff for the two year storm. It is designed to conform to both NYSDEC and Village Code requirements. The stormwater system is designed to treat 25% of the post construction runoff for Water Quality generated from this site.

SEQRA Determination of Significance

Based on the EAF, the Traffic Study by Maser Consulting and Traffic Review by VHB and additional information from the Applicant, the Planning Board has determined that the proposed action is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.