

Planning Board  
Village of Tarrytown  
Regular Meeting  
March 26, 2018 7:00 pm

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis and Birgy;  
Counsel Zalantis; Building Inspector/Village Engineer Pennella; Village  
Planner Galvin; Secretary Meszaros

Chairman Friedlander called the meeting to order at order at 7:05 p.m.

APPROVAL OF MINUTES – February 26, 2018

Mr. Tedesco moved, seconded by Mr. Aukland, with Chairman Friedlander and Mr. Birgy abstaining, that the minutes of the February 26, 2018 be approved as submitted. All in favor. Motion carried.

Chairman Friedlander announced the following adjournments:

- Peter Bartolacci – 67 Miller Avenue  
Removal of railroad tie wall, construction of retaining walls and landscaping of rear yard.
- Benedict Avenue Owners Corp. –22 Glenwolde Park  
Additions and Alterations to a single family home.
- Joseph Fiore- 230 Crest Drive – Additions and Alterations to a single family home.
- Sisters of the Sacred Heart of Mary - 32 Warren Avenue  
Driveway widening, construction of retaining wall and landscaping of rear yard.
- MM Homes Land Development of PA, LLC – 6 Hillside Street  
Construction of a single family home.
- Leonard Brandes, RA – 22 Main St. – Conversion of laundromat to a restaurant.

CONTINUATION OF PUBLIC HEARING –  
202 Lexington Group, LLC – 29 South Depot Plaza

Chairman Friedlander has previously recused himself from this application. Mark Constantine, Attorney, appeared before the Board, representing his clients, Peter Ferraro, Sr. and Phillip Ferraro, also present. He explained that the conditions included in the draft resolution presented at the last meeting have been discussed with village counsel. The condition concerning the pavement overlay has been removed since it has been included on the plans. With regard to the Subdivision Map being recorded in the County Clerk's office before a building permit is issued, his client is comfortable that the owner is diligent and will record the subdivision plat in a timely manner. He has no further comment and would request that the Board close the Public Hearing.

Mr. Tedesco asked if anyone in the public had any questions or comments. No one appeared.

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

Mr. Aukland read through portions of the resolution, a complete copy will be provided to the applicant and the entire resolution will be recorded in the minutes of this meeting.

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD**

**(Adopted March 26, 2018)**

**Application of 202 Lexington Group LLC**

**Property: 29 South Plaza Depot (Sheet 1.70, Block 29, Lot 38 and Zone ID)**

**Resolution of Site Plan Approval**

**Background**

The Applicant is a contract vendee requesting site plan approval to convert the existing indoor sports facility building to a self-storage facility with a small retail component; interior floor area to be increased from 25,758 sf to 47,875 sf and building height to be increased from 21' to 32.1'.

1.The Planning Board on June 26, 2017 determined that the Project was an unlisted action under SEQRA and requested that the Applicant complete a long form Environmental Assessment Form and on July 24, 2017 issued a Notice of Intent to be Lead Agency. The Planning Board assumed Lead Agency status at its meeting on August 28, 2018 and issued a Negative Declaration for the proposed unlisted action on November 27, 2017.

2.The Village Counsel and staff in reviewing this application discovered that the Property had never been legally subdivided from the adjacent Lot 39 even though the properties were separate tax lots, were treated as separate lots and operated separate principal uses for decades. As a result, the property owner, American Independent Paper Mill Supply Co., Inc., made a subdivision application to the Village Planning Board ("Subdivision Application"). The Planning Board determined the subdivision application to be an unlisted action under SEQRA on October 23, 2017. The Board assumed lead agency status on December 27, 2017 and issued a Negative Declaration on December 27, 2017.

3.The Planning Board held a duly noticed public hearing on the subdivision application on November 27, 2017, December 27, 2017 and closed the hearing on January 22, 2018. After which, the Planning Board deliberated in public and approved the subdivision application.

4. The Applicant has made a preliminary presentation on its site plan application to the Planning Board on June 26, 2017 and July 24, 2017 and, thereafter, the Planning Board conducted a duly noticed public hearing on August 28, 2017, September 25, 2017, October 23, 2017, November 27, 2017, January 26, 2018 and closed the public hearing on February 26, 2018, at which time all those wishing to be heard were given the opportunity to be heard.

5. The Planning Board has carefully examined the Application and received comments from the Westchester County Planning Department in a referral letter dated August 16, 2017, the Village Consulting Planner in a site plan review dated June 23, 2017 and in memoranda dated June 14, 2017, July 12, 2017, August 15, 2017, September 10, 2017, December 12, 2017 and February 14, 2018, the Village Consulting Landscape Architect in a Staff Report dated February 21, 2018 and the Village Engineer's review dated August 28, 2017 and December 11, 2017 as well as Applicant's letter dated July 6, 2017 in reply to the Planning Board's requests and the Village Planner's 6/23/17 memo and considered comments made by the public.

5. The Zoning Board of Appeals reviewed the Applicant's request for a parking variance for 19 spaces and a variance for 2 loading spaces at a public hearing held on November 13, 2017, after which the application was re-noticed and continued on December 11, 2017. The Zoning Board closed the public hearing on December 11, 2017 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on February 26, 2018. 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 extensively reviewed the Applicant's site plan. The Application is a redevelopment project in the Industrial District zone ("ID"). The application has been amended to include only Lot 38 located at 29 South Depot Plaza just south of the Tarrytown Station and municipal parking lot and east of the Metro North tracks. The applicant is the contract vendee for the subject property. Lot 37 has been eliminated from the application. A subdivision was required for the sale of Lot 38 to the applicant. Therefore, the property owner submitted a subdivision application relocating the lot line between the existing Lots 38 and 39.

The proposed new Lot 38 includes the old Lot 38 plus the driveway area of lot 39 (hereinafter “Subdivision Lot 1”). A turnaround easement has been provided for the benefit of Subdivision Lot 1 is shown on applicant’s site plan. The creation of Subdivision Lot 1 required no variances and Subdivision Lot 1 is 51,452 sf. The subdivision plat was approved by the Planning Board on January 22, 2018.

The proposed action is the conversion of an existing 25,758 sf indoor sports facility to a self-storage facility. This building would be converted and increased to a 47,875 sf space including a 500 sf retail space and adjacent bike racks. The building height would be increased from 21' to 32.1'. The 36 parking spaces provided on Lot 38 will be along the east and north side of the self-storage facility. There are two loading docks provided. The site plan has been revised to include the turning radius for the loading areas on Lot 38. Except for the parking requirement, the application is zoning compliant. The Applicant is required per Code to provide 57 spaces and has appeared before the ZBA for a parking variance of 19 spaces plus 2 off street loading spaces (where 6 are required and 4 are being provided), which parking variance was granted.

The site plan shows stormwater management systems including the provision of catch basins and inlet structures to provide proper drainage resulting in no net runoff. The site plan also shows pavement conditions including the driveway and frontage along the proposed storage facility. New lighting has been provided along the driveway and on the proposed storage facility. The Applicant has revised the appearance of the self-storage facility to provide more attractive architectural features including translucent glass panels, glass enclosed lobby, color metal roof, fascia and new siding.

## 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 for 202 Lexington Group LLC as follows:

This Project is described and illustrated on the following set of plans prepared by Lawless & Mangione LLP (architects) and JMC Consulting PLLC (engineers) as noted below and are submitted by the Applicant which forms a part of the Application:

### ***Site Plan and Architectural Drawings prepared by Bruno Pietrsanti, R.A., Lawless & Mangione, dated 6/27/16 and last revised 2/21/18 unless otherwise noted)***

- A-001.00 “Site Plan, Zoning Table, Elevations, Landscaping Plan and Parking Calculations” last revised 3/15/18
- A-101.00 “Existing/Demolition Plans and Proposed Plans”
- A-201.00 “Building Sections and Exterior Light Fixtures”
- DWG, 1 of 1 “Light Photometrics Plan” dated 1/24/18 prepared by NYDigital

***Civil Drawings prepared by JMC Consulting PLLC dated 2/20/18***

- SP-1 “Existing Conditions and Removal Plans”
- SP-2 “Site Layout Plan”
- SP-3 “Site Grading, Drainage and Erosion & Sediment Control Plan”
- SP-4 “Landscape Plan”
- SP-5 “Construction Details”
- SP-6 “Construction Plans”

***Survey and Subdivision Plats***

*“Survey of Property prepared for American Independent Paper Mill Supply Company Inc. in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. by Ward Carpenter Engineers Inc. dated October 10, 2017, last revised January 22, 2018.*

*“Preliminary Subdivision Map prepared for American Independent Paper Mill Supply Company Inc. in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. by Ward Carpenter Engineers Inc. dated October 10, 2017, last revised November 8, 2017.*

*“Subdivision Map prepared for American Independent Paper Mill Supply Company Inc. in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. by Ward Carpenter Engineers Inc. dated October 10, 2017, last revised January 22, 2018.*  
(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. Prior to the issuance of a building permit, the Subdivision Map *prepared for American Independent Paper Mill Supply Company Inc. and approved by the Planning Board on January 22, 2018* shall be filed by the owner of the property in the office of the County Clerk as set forth in Village Law § 7-728(11).

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

CONTINUATION OF PUBLIC HEARING

Broadway on Hudson Estates, LLC - 11 Carriage Trail- 4 Lot Subdivision

The applicant was not present; however, Mr. Tedesco said the Board was prepared to consider the Negative Declaration on this application at last month's meeting but there was no quorum so the public hearing was continued. Mr. Aukland recused himself from the application and left the dais.

Mr. Tedesco read through portions of the negative declaration and said it will be provided to the applicant and the entire Negative Declaration will be recorded in the minutes of this meeting. (See Exhibit "A").

Mr. Tedesco moved, that the proposed action will not result in any significant environmental impact, seconded by Ms. Raiselis, that the Negative Declaration for this project be declared. All in favor. Motion carried.

Mr. Aukland returned to the dais.

CONTINUATION OF PUBLIC HEARING

Peter Gisolfi, AIA Associates – 193 Wilson Park Drive

Ronen Wilk, Registered Landscape Architect at Peter Gisolfi Associates, appeared on behalf of his client. He is back before the Board for site plan approval to construct an in-ground pool and patio in the back yard of the property located at 193 Wilson Park Drive. He said he received positive feedback from the Board at the meeting last month and the only item remaining was a review of the landscape plan by the village landscape architect. He submitted revised plans. Mr. Pennella advised the applicant that final comments from Suzanne Nolan, LA were received on March 23, 2018, which included revised drainage and erosion control plans, which he has reviewed with no further comments. Mr. Galvin said the revised plans have also been included in the prepared draft resolution.

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

Mr. Birgy read through portions of the resolution, a complete copy will be provided to the applicant and the entire resolution will be recorded in the minutes of this meeting.

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted March 26, 2018)**

**Application of Peter Gisolfi, AIA Associates**

**Property: 193 Wilson Park Drive (Sheet 1. 10, Block 1, Lot 12 and Zone R-30)****Resolution of Site Plan Approval****Background**

1. The Applicant requests site plan approval to construct a new in ground swimming pool, pool deck and low retaining walls in place of a removed pool and pool deck. The project will include code complaint fencing and storm water management system. The application will also require a steep slope waiver pursuant to Section 305-67 F (1) (b).

2. The Planning Board on February 26, 2018 determined this to be a Type II Action under NYS DEC 617.5 (c) (10) *"construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density"*.

3. The Planning Board has conducted a duly noticed public hearing on February 26, 2018 and March 26, 2018 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 Village Consulting Planner in memoranda dated February 14, 2018 and March 14, 2018, from the Village Landscape Consultant in a staff memorandum dated March 19, 2018 and from the Building Inspector/Village Engineer in a letter of denial to the property owner dated February 6, 2018 which they have considered.

5. The Planning Board has reviewed and considered the Applicant's *Narrative on Steep Slopes* dated February 6, 2018 prepared by Ronen Wilk, R.L.A., Peter Gisolfi Associates. The *Narrative on Steep Slopes* addressed the criteria for granting the waiver for steep slope disturbance. The applicant documented that the property has 12 percent or 11,400 sf of slopes of 25 percent or greater. The new pool will disturb approximately 700 sf of steep slope in the form of a lawn on the west side of the house, north and south of the proposed pool stone deck. The steep slope disturbance is minimal being in the same location as the old pool and deck. The proposed project will provide more stability to the slope area by eliminating the dilapidated railroad tie retaining wall. Many of the area's properties have swimming pools including the property to the south.



6. The Planning Board has reviewed the *Engineer's Letter Report for Drainage Design for Cohen Residence* prepared by TW Engineering, P. C. dated February 1, 2018 indicating the nature of stormwater management in connection with the plan.

7. The Planning Board closed the public hearing on March 26, 2018. 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 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. The Applicant's *Narrative* prepared by his engineer dated February 6, 2018 is made part of the findings of the Planning Board.

***Neighborhood Character:*** The Applicant states that the proposed wall will not produce an undesirable change in the character of the neighborhood since other properties in the area have swimming pools such as the property to the south. The proposed project will be constructed in the same location where an old pool and deck were previously located.

***Alternate Feasible Method to achieve benefit sought by applicant:*** The Applicant states that the benefit cannot be achieved by some other method. The swimming pool and deck are proposed in the location of the old pool and deck where minimal disturbance is required. Approximately 700 sf of the existing steep sloped lawn will be impacted with the slope and lawn to be restored at the completion of the project.

***Impact on Other Properties:*** The Applicant states that the steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood. The proposed project will eliminate the dilapidated railroad tie retaining walls which stability cannot be assured. The proposed project will install a storm water management system on the site where none now exists.

***Consistency of Project with Intent of the Steep Slopes Chapter:*** The Applicant states that the granting of 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 and addresses the explanation for each objective in the Chapter.

In addition, the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the

conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan. The subject property is located on a 94,903 sf property at 193 Wilson Park Drive in an R-30 Residential District. The current application is for the construction of a new in ground swimming pool, granite stone pool deck and low retaining walls to replace an existing terraced railroad tie walls. The new pool is being constructed in a location where an old pool and deck were removed in September 2017. The new pool will disturb approximately 700 sf of steep slope consisting of lawn area on west side of the residence and north and south of the proposed pool deck. There will be no removal of trees and existing trees will be protected. The Applicant has revised his plans to include the recommendations made by the Village Landscape Consultant's staff report (3/19/18). The application is zoning compliant with no ZBA variances required. The applicant's Environmental Clearance form did not identify any environmental issues other than the steep slopes waiver. The Applicant's Engineer has provided a storm water management system for the site where none now exists.

## 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:

Architectural and Landscape plans prepared by Peter Gisolfi Associates. The Plans are entitled and last revised as 2/8/18 as follows unless otherwise noted:

- L-T *"Title Sheet"*
- L-EXP *"Existing Condition & Site Photos, Cohen Residence Pool"*
- L-1.0 *"Pool Removals Plan, Cohen Residence Pool"* revised 3/22/18
- L-2.0 *"Materials Plan, Cohen Residence Pool"*
- L-3.0 *"Grading Enlargement Plan"*
- L-4.0 *"Planting Plan"*
- L-5.0 *"Site Details"*

Civil Drawings prepared by TW Engineering, P.C. revised dated 1/3/18 unless otherwise noted:

- C-01.0 *"Overall Site Plan"* revised 3/22/18
- C-02.0 *"Drainage & Erosion Control Plan"* revised 3/22/18
- C-03.0 *"Slope Plan"*
- C-04.0 *"Details"*

Topographic Survey prepared by Aristotle Bournazos, P.C. Land Surveyors – Planners

*“Topographic Survey of Tax Lot No. 12, Block 1, Section 1.10 as shown on the Official Tax Assessment Maps of the Village of Tarrytown, Town of Greenburgh, Westchester County, New York”*: Survey dated 4/30/16 and Map Completed 6/1/16.

(the “Approved Plans”).

### III. General Conditions

(a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

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

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

(b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

(c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (e) All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

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

NEW PUBLIC HEARING – Samson Management, Inc.- 177 White Plains Road

Dr. 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, March 26, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Samson Management LLC  
977-77 Queens Blvd. Suite 710  
Rego Park, NY 11374

For site plan approval for the construction of the final phase of the previously approved parking expansion.

The property is located at 177 White Plains Road in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.201, Block 121, Lot 3 and is located in the M-4 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  
DATED: March 16, 2018

Lizabeth Meszaros  
Secretary to the Planning Board

The mailing receipts were received and the signs were posted.

Steven Wrable, Attorney, of McCullough, Goldberger & Staudt LLP, introduced Michael Santoro, representing Samson Management and Steven Grogg, P.E., of McClaren Engineering, the project engineer. Mr. Wrable said they are before the Board to seek site plan approval for a previously approved site plan application which was before this Board in 2009, in order to provide parking on-site. Two phases have been completed (parking areas 1 and 3), leaving parking area 2, which will provide for 21 additional parking spaces on the property. No changes will be made to the original plan. A stormwater report was provided last week as requested by the Village Engineer and comments have been received from the village landscape architect which will be addressed. He asked the Board if they had any questions.

Steven Grogg, P.E., of McClaren Engineering, briefly went over the site plan and pointed to the proposed 21 parking spaces located in the center of the complex. As noted, a drainage report has been submitted which is has been updated to address current code and DEC regulations. In order to compensate for impervious surface, they are providing porous pavers and underground detention chambers will be installed to compensate for the additional runoff.

Dr. Friedlander asked Mr. Grogg to point out the other phases of parking that have been completed. Mr. Grogg pointed to area 1 by the entrance where 17 spaces were constructed and the 22 spaces that were provided up at the top by the garages.

Dr. Friedlander asked if anyone would like to speak.

Wes Pomeroy, resident of Pennybridge, said the residents of Sleepy Hollow Gardens are parking in the Pennybridge neighborhood and it is becoming a problem. He referenced the recent meeting with the Board of Trustees regarding this problem. They are parking along Meadow Street, in the field area, on Millbrook and by the school bus stop which is creating a dangerous site distance problem and the additional cars parked along the road is also changing the character of the neighborhood. These streets are very narrow and the additional parked cars is making it difficult for police, emergency vehicles and plows to get by. They are working with the police department to restrict overnight parking on some streets but they are also concerned about the residents of Sleepy Hollow Gardens since this will create more of a hardship for them should this parking be enforced. On behalf of the residents of Pennybridge, he would encourage Samson Management to take action to improve this very bad parking problem and is asking the Planning Board to do anything in their power to expedite any improvements. He would like Samson Management to enforce the current parking in the complex and try to secure parking agreements from neighborhood parking lots.

Ms. Raiselis asked how long these problems have been going on. Mr. Pomeroy said for about 6 or 7 months. Prior to that, complex residents would park at the commercial lots

but the owners of the lots (Urgent Care and Nikko Hibachi) are now enforcing the parking so they have no alternative but to park in Pennybridge.

Ms. Raiselis asked what the number of units and parking spaces are at the complex. Mr. Pennella said there are 213 rental units. On the exterior, there are 265 spaces and 85 garages which is a total of 350 spots. Mr. Pennella said an inspection of these garages recently found that 8 garages were being used for storage and not for cars and court appearance tickets were issued; 6 of the garages were not accessible. We have asked Samson Management to verify that these garages are used as they are intended to be. The Board could request access by Samson to verify if they are being used for parking before the next meeting.

Ms. Raiselis asked if these spaces were a condition in the prior approval. Mr. Pennella said it was the intent for the garage spaces to be used for cars and Mr. Galvin said they are shown as parking garages on the site plan so they are intended for parking.

Paul Janos, 47 Meadow Street, said between 6 and 10 cars have been parking on the east side of Meadow Street for about a year and a half. They are parking by the school bus stop, and the field is dug up from the cars and he would like the Board to do whatever they can to help. He asked if the residents think there will be enough parking with the additional 21 spots added. He also asked if the building department can force residents to park in the garage. Mr. Galvin said you can't force them to use the garage, but you can enforce the storage use, but that is up to the building department.

Ms. Raiselis asked if these garages are being used by residents. Mr. Pennella said we have received a list from Samson Management and it is up to them to investigate this and to make sure the residents are using the spots and not sub-leasing them. Ms. Raiselis asked if the police got involved when there was a discussion with the Board of Trustees. Mr. Janos said they are still thinking about restricting overnight parking on Meadow street.

Walter Flores, a 6 year resident of Sleepy Hollow Garden, said the main problem is that some residents have as many as 4 or 5 cars parked in the complex that they don't use. There are cars parked on site for the entire winter with tarps over them. It is impossible to get a space when they come home from work late at night at 10 pm. They sometimes park at Hibachi or the clinic and take risk of being towed. Twenty one (21) spaces are not enough to solve this problem. He thinks every unit should be given at least 1 parking space per unit which will solve half of the problem and management should push people to get rid of the cars they are not using.

Mr. Pennella said if a car is registered, the building department and the police cannot take action. Only Samson Management can enforce this. The Planning Board could consider as a condition of approval that they issue parking permits for each apartment unit and each unit gets at least one space.

Mr. Birgy said he is aware of other complexes that only allow each unit to have 2 vehicles and the management company should be able to come up with a plan and be able to enforce it.

Mr. Raiselis asked if Sampson Management is willing to do something.

Michael Santoro, representing Sampson Management, came up and said he is listening this evening and they will consider these options. It has only come to his attention recently that there is a problem. He will look into other options and see if there are any other areas for parking.

Mr. Tedesco commented that he lived in Sleepy Hollow Gardens in the 70's and there were the same parking problems back then with the residents parking on Meadow Street. He and his wife tried to come up with solutions. One was to enter into agreements with the office buildings with the tenants agreeing to pay for the insurance; however, the lot owners would not agree to it. It was clear, even back then, that this was a serious problem, and he thinks efforts should be doubled to come up with a solution by limiting the number of cars per unit and giving each unit one space.

Ms. Raiselis asked Samson Management to figure out other options and be creative to get the cars off of Meadow Street so residents don't have to cross route 119, which is unsafe, and to also look into making agreements with surrounding parking lots.

Mr. Santoro said we have been exploring options such as sharing parking. Mr. Wrable said we will explore these options; the site is very developed. Ms. Raiselis asked them to explore sharing spots. Mr. Wrable said they are at the mercy of neighboring property owners. Ms. Raiselis said maybe you can say you are under pressure from the Planning Board.

Mr. Tedesco said that if you could provide this information and some ideas by the next work session that would be helpful.

Mr. Galvin said he understands about not adding any spaces but maybe they can squeeze some in here and there in addition to off-site parking.

Ms. Raiselis said you don't want the neighborhood paved over so try to come up with a plan with what is already paved. Mr. Galvin said if you assign spaces, there could be problems with empty spaces when people go on vacation. Ms. Raiselis said it is up to the management company to come up with a plan, not the Planning Board.

Joe Salerno, resident of Sleepy Hollow Gardens, said there are vehicles that are not registered on the property with no plates, there are vehicles with CDL'S also parked, and he has also seen taxi cabs parked on site and parking spots are being rented out. Management should be enforcing this situation. If they did, there would be no need for

additional spaces. Also, the garages do not pass inspection and management refuses to fix them. There are a multitude of issues that need to be resolved.

Mr. Birgy asked Mr. Pennella if he can comment on the maintenance of the garages. Mr. Pennella said this could be a property maintenance violation. If the garages are an issue, they could remove the doors. If they are structurally unsafe, we will look at that too. With regard to the red van, it has been removed and based on additional information provided, if another sweep is needed, they will do it.

Paul Janos came back up and suggested tandem parking spots. He asked Mr. Pennella who owns the field where the cars are parking. Mr. Pennella said the village owns the area from the thruway bridge to Millbrook Avenue. Mr. Janos mentioned that he also saw two New York City cabs parked across the street from his house recently.

Dana Bucci, 13 Millbrook Avenue, a 34 year resident, said this is the worst parking situation she has seen and it has gotten progressively worse since the end of last summer. On Christmas day, 12 cars were parked on the n/s of Millbrook up to Summit Street. The snow plow could not get through and they had fifty guests coming. She understands that the Sleepy Hollow Garden residents are also inconvenienced and she feels bad for them as well. They have to walk up the hill. Previously, they were parking at the firehouse and the urgent care, but they started getting booted and then the parking situation got worse. She suggested that maybe Samson could work out a deal with the lots since they sit empty overnight. She is also concerned about fire truck and emergency vehicles getting through.

Anissa, a resident of Sleepy Hollow Gardens since December of 2016, said she pays for one spot, but if they get home past 5:30 pm there are no spots. It makes you a prisoner in your own home. They have to do everything and get home before 5:30 in order to be able to park. They have asked Andre, the property superintendent and his boss, Steven to come up with a solution such as tags or stickers based upon the number of bedrooms. She is also assuming that the new lot will be rented. People are renting spots online on [www.apartments.com](http://www.apartments.com) and she is not sure if the people renting these spots actually live there. There is an issue of fire truck access because people park everywhere, especially on holidays.

Ms. Raiselis asked Mr. Pennella how to enforce these issues. Mr. Pennella said it is up to the management company and we will work with them to enforce our applicable codes.

Dr. Friedlander asked how many existing spaces and units there are with the new spaces. Mr. Pennella said they have 350 existing spaces, plus 21 to be added. Dr. Friedlander said we have a code that gives a ratio of parking to units. It is violating our code if each unit does not get a spot. Anissa came back up and said when you rent an apartment, the lease states, "free for all" parking. You have to rent a parking spot for \$100 a month and \$150 for a garage. The garages are dilapidated. She pointed to the



paid spaces on the site plan and showed the “free for all” parking. The entire street going through the complex are free spots. There are people that have 3 or 4 cars parked on site when only 2 people live there. In the afternoon, there are over 200 cars in the lot.

Dr. Friedlander asked Mr. Santoro why they are not providing one space per unit. Mr. Santoro said he will look into it. He asked Mr. Santoro how much he rents each space for and if he has approached the parking lot owners to ask why they do not want to help out with the situation. Mr. Santoro said he will look into these issues. Dr. Friedlander said this is a very serious problem, much worse than he thought. He invited Mr. Santoro to the next work session.

Mr. Galvin suggested that Samson Management provide a survey of number of units and how many cars are assigned to each unit.

Mr. Aukland is interested in the sharing concept and enforcement.

Mr. Birgy said unless something is done to organize parking at this complex, there will be no solution. We need a plan from the management company to include enforcement.

Mr. Tedesco would like detailed data as to what is there, who rents them, what they are being used for, and creative ideas to make it better.

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

#### PRELIMINARY PRESENTATION - EF SCHOOL, Inc.- 100 Marymount Avenue

Philip Johnson, Director of EF School, Inc., appeared before the Board. He explained that this project was previously approved in a different design, but never got out of the building permit stage. The site plan approval has long since expired so they are here with a new design. He showed the plan of the proposed Esplanade Improvement, located between Marian and Rita Hall which is the first phase of the improvements. Phase 2 will continue around and create a plaza by Gaines Hall and they will replace the oil tanks in Phase 3 and install a stairway to link the lower and upper campus.

This project will eliminate a very boring dilapidated internal roadway and create a pedestrian friendly plaza. The blacktop will be porous pavers and terraces on each side. They will be ADA compliant in the front and back of Marian Hall. He showed a visual of how it will look when completed. One part of project will rebuild the staircase that goes down the side of Rita Hall allowing access to Irving Avenue.

Mr. Pennella commented that the earlier plan did not provide for adequate fire truck access. With this plan, they will be code compliant.

Mr. Tedesco was very pleased with the plan. He asked about the hilltop. Mr. Pennella said it is still under review.

Christopher Orofino, PE, of Kimbly Horn, the project engineer, came up and said this project is created to provide a pedestrian friendly area with a fire lane and ADA access. They have been successful with the rest of the halls and this is their next step. He showed the 26 foot fire lane, the seating areas that are outside of the fire lane. Permeable pavers will be introduced resulting in a 10% reduction in impervious coverage, and there will be minor utility upgrades to service the buildings. Landscaping planter boxes will be installed. Plantings are proposed on the slope to soften the views from Irving Avenue.

Mr. Johnson came back and said part of the plan involves putting a tunnel under the area to take across gas lines for future infrastructure. Rita Hall feeds a large part of the campus so they will mirror it for gas to replace all of the oil boilers in Marian and Butler Halls, which will also include telephone and cable.

Mr. Orofino said that are asking for relief from high ground and a steep slopes analysis was done. Mr. Orofino distributed his steep slope narrative to the Board for review. He showed the slope analysis and said there are 2 major areas of disturbance along the southern part and the northern side of Rita Hall. There is 3,400 s.f. of steep slope and 1,500 s.f. will be disturbed.

Dr. Friedlander asked if any staff or Board Members had any questions or comments.

Mr. Tedesco said he would like the landscape plan forwarded to landscape consultant.

Mr. Galvin suggested reviewing water quality with the Village Engineer. Mr. Pennella said this is a redevelopment project and they will need to comply with Chapter 9 of the NYS DEC regulations. He will work with the applicant on this.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the April meeting. All in favor. Motion carried.

#### CONCEPT DISCUSSION – Artis Senior Living, LLC -153 White Plains Road

Proposed construction of a 35,952 s.f. Alzheimer/Dementia Care Facility and review of petition for Zoning Amendment to allow for a floating zone for Alzheimer-Dementia Care Housing.

Don Walsh, of Development Strategies, White Plains, NY, a planning and consulting firm for Leon Silverman and Crescent Associates, owner of 153-155 White Plains Road introduced himself, Rich Williams, the engineer for this project, and John Kirkpatrick, the attorney on record for the proposed project.

Mr. Walsh said they have been referred by the Board of Trustees to discuss proposed zoning text amendments that will allow for a memory care facility to be constructed at 153 White Plains Road. Mr. Walsh gave a brief summary of the history of the site. In 2003, there was a land donation made to the village; the property was subdivided and the village built the firehouse. A 60,000 s.f. office building in the back of 153 received site plan approval. The approvals stayed constant but the office building was not built because the rental market took a nosedive. Columbia Presbyterian became interested in the site and it was determined that medical office uses were appropriate in this zone. A parking lot was built by the owner and Columbia moved into 155 White Plains Road. Today, they are left with the remaining 4.46 acres to develop. They wanted something medical, possibly a senior use, which is less trafficked. They approached the Board of Trustees to get clarity to see if this use is appropriate and were referred to this Board. They are here to provide information and answer any questions the Board may have.

Rich Williams, the project engineer, described the location and its boundaries. Mr. Williams referred to the rendering and said that in 2006, a Findings Statement was adopted for the development of a 60,000 s.f. office building. The site will be accessed through 155 White Plains Road, which was originally contemplated for the office building. Behind the building, there will be a fenced in landscaped area for the residents. Water and sewer will connect to Martling Avenue. A Stormwater plan was designed to meet DEC standards and create natural habitat and wet practice. They will provide green infrastructure in and around the site and a bio retention filter.

John Kirkpatrick, Attorney for this project, said this proposal will require a zoning text amendment of some sort. They are looking to make a proposal that makes sense to the village as a whole. They have looked at conditional use permit in OB zone, but were hoping for a more efficient process. They also looked at zoning for properties along route 119 instead of the entire village. They have now drafted a floating zone proposal, which has not yet been submitted. They like it because it has Tarrytown significance. However, whether it is a floating zone, or conditional use permit, or an overlay zone, it is essentially the same. It is a matter of the village applying specific standards to determine whether the application makes sense for a particular property.

Mr. Kirkpatrick explained the types of zones:

An overlay zone means you can have the underlying and overlaying zoning to add additional protections for things such as historic uses.

A floating zone exists only in the text of the code and never settles onto a property until the Board decides that that the particular zone is appropriate for a particular property. It

is a good master plan tool which offers municipalities opportunities to plan for future projects, such as more senior housing, more assisted living, etc.

An overlay zone is applied to properties to add conditions; a floating zone will change some of the zoning of the existing property while still leaving the underlining zoning in place.

Mr. Kirkpatrick explained that the floating zone has a history in Tarrytown since the village created the first floating zone in the early 50's to allow multi-family housing. It was challenged and the village prevailed; the same court took the opportunity to distinguish it from spot zoning. Spot zoning means signaling out a parcel of property for a use classification totally different from the surrounding properties for the benefit of the owner and to the detriment of other owners with no benefit to the village.

Mr. Kirkpatrick said they are willing to go in whatever direction the Board finds appropriate. They prefer a floating zone and will revise the text, but need some direction from this Board. He would like to schedule a meeting with staff to determine which way to go, if appropriate.

Dr. Friedlander has concerns about making the distinction between the types of similar housing for sick people. Mr. Kirkpatrick said the code has a broad definition of nursing home, assisted living facility-which adds for residents which may include apartment with kitchens. Mr. Kirkpatrick would like it more specific to read dementia care housing.

Dr. Friedlander does not see the difference. He said you can call it different names, but the function is the same, taking care of overnight sick people. He is not convinced in the difference, he thinks the function is the same. Mr. Kirkpatrick said they are defining a specific kind of function, limited to dementia and memory care. Dr. Friedlander said well maybe they could use it for another illness. Mr. Kirkpatrick said it would be specific to Alzheimer/dementia care. Mr. Kirkpatrick said they can say anything to convince the Board, but this Board can say no.

Mr. Birgy said they gave an excellent presentation. He would like counsel to comment. They do not want to be forced into something that will limit their options.

Dr. Friedlander is concerned about the language and is not comfortable with it. He sees no difference in the proposals functionally. He is concerned about how many, the density, and the benefits to the village.

Mr. Kirkpatrick would like to sit with staff and come up with language to address Dr. Friedlander's concerns.

Mr. Aukland would like an executive session with our counsel at the next work session to understand the implications of various approaches. The Board agreed.

Mr. Tedesco said the more we define uniqueness in this kind of care, the better we are.

Mr. Birgy asked if they have explored the tax implications. Dr. Friedlander asked them to address the tax issue; how much it will produce for the village, if there are any changes in the tax status at 155 now and, if the parking lot improvement is on the tax rolls. Counsel Zalantis said all these issues will be addressed at SEQRA. The applicant may want to consider doing a supplemental EIS. Mr. Walsh said both the parking lot and 155 were added to the tax base and Columbia put several million dollars into the site.

Mr. Walsh said 153 has been an empty lot for many years and it was never built on. We now have someone interested in the lot. We can make it more generic. Mr. Walsh asked if it was possible to meet with staff before the next work session.

Counsel Zalantis agreed to meet and said it would be helpful to get more clarification and a narrative regarding the differences between overlay and floating zones and the difference between different types of care to address the Chairman Friedlander's concerns.

#### ADJOURNMENT

Ms. Aukland moved, seconded by Mr. Birgy, to adjourn at 9:10 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary