

Planning Board  
Village of Tarrytown  
Regular Meeting  
April 30, 2018 7:00 pm

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

ABSENT: Chairman Friedlander

Ms. Raiselis moved, seconded by Mr. Tedesco, to go into Executive Session at 6:30 pm. All in favor. Motion carried.

The Board members returned to the meeting room at 7:04 p.m.

Mr. Tedesco moved, seconded by Ms. Raiselis, to come out of Executive Session at 7:04 p.m. All in favor. Motion carried.

Mr. Tedesco chaired the meeting in Dr. Friedlander's absence and called the meeting to order at 7:05 p.m.

#### APPROVAL OF MINUTES – March 26, 2018

Mr. Aukland moved, seconded by Ms. Raiselis, that the minutes of the March 26, 2018, be approved as submitted. All in favor. Motion carried.

#### Mr. Tedesco announced the following adjournments:

- Benedict Avenue Owners Corp. – 22 Glenwolde Park  
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.
- Joseph Fiore- 230 Crest Drive – Additions and Alterations to a single family home.
- Leonard Brandes, RA – 22 Main St. – Conversion of laundromat to a restaurant.
- Samson Management Inc. – 177 White Plains Road -Construction of final phase of parking expansion at apartment complex.

**CONTINUATION OF PUBLIC HEARING – Broadway on Hudson Estates, LLC (Contract Vendee) – 11 Carriage Trail – 4 Lot Subdivision**

Mr. Aukland has recused himself from the application and left the dais.

Andy Todd, the applicant, appeared before the Board for consideration of the 4 lot subdivision plat. He advised that he has received the required variances from the Zoning Board and has submitted a preliminary subdivision map in accordance with the requirements to the satisfaction of the Village Engineer. He is back to answer any questions with regard to the project.

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

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

Ms. Raiselis read through portions of the resolution and said that a copy of the resolution will be provided to the applicant and will become part of these minutes:

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted April 30, 2018)**

**Application of Broadway on Hudson, LLC (Contract Vendee)  
Property: 11 Carriage Trail (Sheet 1.271, Block 138, Lot 1.23 and Zone R-60)**

**Resolution to Approve Preliminary and Final Subdivision Plat**

**Background**

1. The Applicant requests the Planning Board to approve a preliminary and final subdivision plat to subdivide a 9.96 acre property at 11 Carriage Trail into four lots (two new lots and separation of the existing Coppola residence and carriage house into two lots).

2. The Planning Board on December 27, 2017 determined that the Project was an unlisted action under SEQRA and circulated a Notice of Intent to be Lead Agency on December 28, 2017. The Planning Board assumed Lead Agency status at its meeting on February 26, 2018 and issued a Negative Declaration for the proposed unlisted action on March 26, 2018.

3. The Planning Board has conducted a duly noticed public hearing on December 27, 2017 and continued the hearing on February 26, 2018, March 26, 2018 and April 30, 2018 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Applicant has carefully examined the Application and received comments from the Village Consulting Planner in memoranda dated December 12, 2017, February 13, 2018, March 14, 2018 and April 17, 2018, from the Village Engineer in a letter to the Planning Board reviewing the subdivision plat including the proposed flag lot configuration dated December 27, 2017, and from NYSDEC in a letter dated November 24, 2017 reviewing permitting for the project.

5. The Planning Board requested that the Village of Tarrytown Fire Department review the driveway access and turnaround radius for lots 1 and 4. The Fire Department went on site and reviewed the driveway access and turnaround and found no concerns. The Fire Department also found hydrant pressure to be sufficient at 60 psi. The Fire Department reported their findings back to the Village Engineer in an email dated February 16, 2018.

6. The Applicant in a cover letter dated November 15, 2017 accompanying the application indicated that an access easement was proposed to be created between lots 1 and 4 to use the driveway from Carriage Trail as well as a utility easement between lots 2 and 3 (as shown on C-1 - the subdivision layout). The Village Engineer in his review letter dated December 27, 2017 recommended a deed restriction for lots 3 and 4 to remain under common ownership in perpetuity and filed with Westchester County Clerk together with the final subdivision plat. The Applicant's Engineer indicated during the Planning Board's December 27, 2017 meeting that they would be agreeable to the Village Engineer's recommendation.

7. The Planning Board was also provided with a letter from the Commissioner of Public Works, Town of Greenburgh dated April 18, 2018 notifying the Applicant of the Town's approval of permits for the curb cut on proposed lot 2 for Carriage Trail and proposed lot 3 onto Northern Path for proposed driveway entrances. A letter of intent dated April 23, 2018 was also received from the Applicant agreeing to build a water main extension for the two new unimproved lots in the proposed subdivision.

8. The Zoning Board of Appeals reviewed the Applicant's request for a rear yard setback variance of 12.6' on the new lot 4. The ZBA opened a public hearing on this application on April 9, 2018. The ZBA closed the public hearing on April 9, 2018 and approved the requested variance on that date.

9. The Planning Board closed the public hearing on April 30, 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 preliminary and final subdivision plat approval is granted subject to the conditions set forth below:

#### **I. Findings**

The Planning Board considered the standards set forth in Section 305-131 of the Village Zoning Code and the Village of Tarrytown Code Chapter 263 entitled "Subdivision of Land" and finds that subject to the conditions set forth below, the proposed subdivision plat is in harmony with the surrounding Greystone subdivision and that the subdivision plat is consistent with the design and development principles and standards set forth therein.

The proposed action is a four lot subdivision (Coppola Subdivision) located at 11 Carriage Trail in the R-60 Residential District. The 9.96 acre subject property is situated on the east side of Broadway surrounded by the Greystone subdivision. An initial application was for three lots with two principal uses on one lot. Since zoning does not allow two uses on the same lot, the Applicant needed to resubmit an application for a four lot subdivision. The entire property consists of 9.96 acres. Lot 1 consists of 3.86 acres and contains the Coppola residence. Lot 2 is 2.02 acres with Lot 3 being 2.38 acres. Lot 4 has been split off from Lot 1 consisting of 1.7 acres. It includes the carriage house for the Coppola house. Lots 1 and 2 have access to Carriage Trail with Lot 3 having access on Northern Path. Lot 4 shares a common driveway with Lot 1. All of the lots are zoning compliant except for Lot 4 which required a variance for a 12.6' rear yard setback. This variance was approved by the ZBA on April 9, 2018. The Environmental Clearance Form submitted with the application shows no adverse environmental issues. The subject property has no existing freshwater wetlands or other regulated waterbodies. The property is not located in the 100 year floodplain and conforms to the area's existing development pattern. There are no identified historic or archeological resources contained on the subject property. The DEC letter (11/24/17) submitted in response to the original three lot application indicates the proposed action will disturb 1.77 acres. The existing SWPPP for the adjacent eight lot Greystone subdivision (dated January 2012 and filed with DEC Permit #NYR10V614) will be modified by Hudson Engineering to encompass the proposed four lot subdivision. Stormwater runoff from all proposed impervious surfaces will be captured and conveyed to attenuation/exfiltration practices located on each property treating WQ and quantity which then is discharged to the Village drainage system. The Planning Board was concerned regarding the flag lot configuration of Lot 4. Lot 4 is at the end of a long, existing driveway from Carriage Trail which also serves Lot 1. The Planning Board requested that this condition be mitigated by requiring that Lots 1 and 4 remain in common ownership in perpetuity. The applicant agreed to this request through a deed restriction on both lots to be filed with Westchester County at same time as the subdivision plat. At the Board's request, the Fire Department reviewed the driveway access and turnaround and found hydrant pressure to

be sufficient at 60 psi. Curb cuts for Lots 2 and 3 received approval from the Town of Greenburgh.

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:

C-1 - *"Subdivision Layout Plan - Proposed 4 Lot Subdivision, Coppola Subdivision, Greystone-on-Hudson, Village of Tarrytown, Westchester County-New York"* prepared by Hudson Engineering & Consulting, P.C. dated March 10, 2017, last revised April 20, 2018

C-2 – *"Stormwater Management Plan - Proposed 4 Lot Subdivision, Coppola Subdivision, Greystone-on-Hudson, Village of Tarrytown, Westchester County-New York"* prepared by Hudson Engineering & Consulting, P.C. dated March 10, 2017, last revised April 20, 2018.

(the "Approved Plan").

III. General Conditions

- 1) 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. Specific Conditions

- 1) Prerequisites to Signing Subdivision Plat: The following conditions must be met before the Planning Board Chair may sign the approved Subdivision Plat ("Final Subdivision Plat"):
  - a. The Final Subdivision Plat submitted shall be in conformity with the Preliminary Subdivision Plat.
  - b. The Applicant shall obtain the required endorsement by the Westchester County Department of Health.
  - c. Based upon §305-138 ("Fees"), the Applicant shall pay a recreation fee in lieu of land contribution of \$10,150 for each lot or a total of \$40,600 for the four residential lots. This fee shall be paid to the Village Clerk's Office into the Village Recreation Fund.

- d. Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
  - e. Applicant's Engineer shall modify the existing SWPPP for the adjacent eight lot Greystone subdivision prepared by Hudson Engineering dated January 2012 and (filed with DEC Permit #NYR10V614) to encompass the proposed four lot subdivision. This modified SWPPP will be submitted to the Village Engineer for review and approval.
  - f. The Applicant will undertake and complete the necessary improvements to interconnect the Village's water system as depicted on Sheet C-2 prepared by Hudson Engineering last revised April 20, 2018.
  - g. The Applicant shall submit a proposed access easement to allow Lots 1 and 4 to share the driveway from Carriage Trail as well as a utility easement between lots 2 and 3 which meet the satisfaction of the Planning Board Attorney in form and substance. Upon approval by the Planning Board Attorney as to the form and substance of said easements, the easements shall be filed with the Westchester County Clerk and proof of recording provided to the Planning Board Secretary prior to the Planning Board Chair signing the Final Subdivision Plat.
  - h. The Applicant shall develop and submit a deed restriction for lots 3 and 4 to remain under common ownership in perpetuity which meets the satisfaction of the Planning Board Attorney in form and substance. Upon the approval by the Planning Board Attorney as to the form and substance of said deed restriction, the deed restriction shall be filed with Westchester County Clerk and proof of recording provided to the Planning Board Secretary prior to the Planning Board Chair signing the Final Subdivision Plat.
  - i. The Applicant shall install permanent reference monuments per Chapter 263 as approved by the Village Engineer.
- 2) No new roads, streets or access ways are being approved as part of this Subdivision grant. All roads, streets or access ways depicted on the Final Subdivision Plat were previously approved as part of a prior 8-lot

Subdivision and are all private roads, streets and/or access ways to be maintained by the homeowners' association and not to be dedicated to the Village as public streets.

- 3) The preparation and submission to the Planning Board of the Final Subdivision Plat, including any required endorsement by the Westchester County Department of Health, shall be filed by the Applicant in the office of the County Clerk within sixty-two days of obtaining the Planning Board Chair's signature as set forth in Village Law § 7-728 (11).
- 4) In accordance with Village Law § 7-728 (7) (c), if all the conditions of this approval are not fulfilled within 180 days, this approval shall expire. The Planning Board, however, may extend for periods of ninety days each, the time for Applicant to submit the plat for signature by the Planning Board Chair if, in the Planning Board's opinion, such extension is warranted.
- 5) Immediately upon recording of the final plat in the office of the Westchester County Clerk, the Applicant shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.

Mr. Tedesco moved, seconded by Ms. Raiselis, to approve the preliminary and final subdivision plat. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING – Peter Bartolacci – 67 Miller Avenue

Paul Berté, PE, of Fusion Engineering, the project engineer, representing the applicants, also present, has returned with a revised plan for the construction of a two-tiered retaining wall which received Zoning Board Approval for a height variance for two 9.5 foot maximum high walls. He explained that the plan is the same except for the composition of the retaining wall; the location, setbacks from the property line, the separation between the walls and the heights and elevations are consistent with what was shown before and approved by the Zoning Board.

Mr. Berté explained that the modular type wall was originally proposed with a grid system and, based on the soil and site conditions, the grid length became longer which would make it difficult to stage construction. Therefore, they have revised the design with reinforced concrete retaining walls. The footing for the base wall is 10 feet in width; the upper tier has an overall length of 9.5 feet. The first retaining wall is set back 7.5 feet from east of the property line and the second wall is set back 6 feet from that face. The highest part of the wall remains in the northerly corner. The sections and the configuration of the walls have not changed. The composition of the retaining wall is the only change.

Mr. Birgy asked if the wall will be bare? Mr. Berté said yes, but the landscaping plan, which was requested, will hide the concrete faced wall and the extensive landscaping will be maintained to screen the walls in the same way as with the modular block design.

Mr. Birgy asked what will happen if the landscaping dies? Mrs. Bartolacci said their landscape consultant recommended a bond. Mr. Berté said they are open to the interpretation of the Board for the length of time that the bond should be in effect.

Mr. Tedesco asked if the village landscape architect was advised of the new plan. He feels she should be given the plan since there was a change in the wall material in order to consider any alterations that may be desirable. Mr. Pennella said Ms. Nolan has not reviewed the plan.

Mr. Pennella said the principal design has changed. He asked Mr. Berté to explain what the length of the geo grid wall was before the design was revised. Mr. Berté said it was between 17 and 18 feet which would have excavated close to the foundation wall which would make it challenging for the construction. The new wall will go from 16 feet down to 10 feet 9 inches, enabling them to reduce the amount of material that has to be temporarily removed to be put back to construct the footing.

Mr. Pennella asked Mr. Berté about the batter of the wall, since it has changed but the net fill indicated on the plan is the same amount. He has a difference of at least 2 feet on the top, which would require more fill. He asked Mr. Berté how he was able to achieve that. Mr. Berté said he will re-evaluate the cut and fill number to make sure it is accurate.

Mr. Pennella said the plan is a unique, complex design. He would like to see the design showing the 7 columns with the soil information and a slope analysis with the sliding for a further review. He would also like to see a protection plan for Phase I of the plan. They are taking out 1,360 cubic yards of material, and based on the stockpile he asked if they are proposing to take it off of the site and bring it back. Mr. Berté said the neighbor to the south will allow stockpiling of dirt on his property; it is a challenging job. Mr. Raiselis asked if they are removing dirt from the property, it sounds like another project. Mr. Pennella said they will need to have a plan and an agreement from the owner.

Mr. Tedesco asked if anyone in public would like to speak.

Geraldine Baldwin, of 66 Riverview Avenue, made reference to a letter delivered today to the Planning Board members which she read into the minutes, attached as "Exhibit A".



Mrs. Baldwin feels that since the plan has changed, the applicant should be required to go back to the Zoning Board for a variance.

Mr. Tedesco thanked her for the letter and asked Mr. Pennella to comment.

Mr. Pennella said this will require a further review of the conditions of the Zoning Board approval. He would like to and review the plan and the constructability of the wall before any determination is made.

Mrs. Baldwin read another statement into the record and distributed photos to the Board, attached as "Exhibit B". It is her opinion that, based on the photos taken from the curbside on the south side and north side of her property, the wall will be clearly visible and it should be reviewed by the Architectural Review Board.

Mrs. Baldwin also made reference to an error in the plan and noted that 67 Miller Avenue is not in the R10 zone, it is in the R 7.5 zone. In addition, the property line between the western portion of 67 Miller Avenue and the eastern portion of 66 Riverview is not indicated correctly. As indicated in her survey, the property line runs under the dry stone wall. She feels that the proposed lower wall must be moved up the slope in order for it to be 7.5 feet from the property. See attached "Exhibit C".

Mr. Tedesco thanked Mrs. Baldwin and asked that copies be given to the Village Engineer, the Village Landscape Architect will get the information about the material of the new wall and Mr. Pennella will review the ZBA question and the correct zone.

Mr. Birgy excused himself from the meeting at 7:30 p.m.

Mr. Pennella said that it has already been determined that ARB approval would not be required for this project.

Peter Bartolacci, the applicant, came up and said, as Dan Pennella pointed out, it has already been determined by the Building Inspector that Architectural Review Board approval will not be required. He reminded everyone that fourteen (14) 8 to 10 feet high trees will be planted on the first tier, and another twenty-One (21), 6 to 7 feet high Green Giant Arborvitae will be planted to screen the second wall so it is not visible at all. In addition, at the Zoning Board meetings, there was explicit discussion about what the Zoning Board was approving, they were not approving a plan for the wall, they were approving a height variance, not a plan, which is an important distinction.

Kristen Wilson, Attorney, representing Mrs. Baldwin, of 66 Riverview Avenue, came up and said that the Zoning Board did look at the plans and referenced condition 8 of the Zoning Board Approval, which she read aloud. She said that the Zoning Board considered every factor in the balancing test, they looked at the plan, the proposed landscaping, and considered if it would change the character of the neighborhood.

They took great care to refer back to the plan so it is their position that it should go back to the Zoning Board for review of the new plan.

Mr. Tedesco said he would like the Village Engineer and Counsel to look at the matter, including the ZBA minutes, and advise whether or not this application needs to go back to the Zoning Board.

Mr. Bartolacci advised the Planning Board that the Zoning Board transcripts were submitted to them.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing.

Ms. Raiselis requested that the secretary ask them to also provide a sample of the block material that they are proposing on the plan.

**NEW PUBLIC HEARING – E. F. Schools, Inc. – 100 Marymount Avenue**

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 30, 2018, at 7:00p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Philip Johnson, Exec. Director  
Education First - N.Y. Campus  
E.F. Schools, Inc.  
100 Marymount Avenue  
Tarrytown, NY 10591

For site plan approval for exterior corridor improvements between Marian and Rita Halls to improve pedestrian and emergency vehicle access.

The property is located at 100 Marymount Avenue in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.80, Block 43, Lot 1.1 and is located in the R-20 zoning 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.

Additional approval will be required by the Architectural Review Board.  
By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: April 20, 2018

The mailing receipts were received and the signs were posted.

Philip Johnson, Executive Director of EF Schools, introduced Peter Bachmann, the project architect, and Chris Orofino, PE, the project engineer. Mr. Johnson showed a rendering of the site-plan and said they are seeking approval for Phase 1 of the interior of the lower part of the campus between Rita and Marian Halls, transforming the area into a pedestrian center to the campus. The project is designed for fire safety and ADA access. It will create a gathering place in the campus and increase accessibility to Marian and Rita Hall.

Peter Bachmann with JCJ Architecture introduced himself and is working with landscape architect and Kimley Horn to create an internal quad consisting of a 26 foot wide emergency vehicle access and handicapped accessible route. There will be terracing with planters with seating and it will be slightly visible from Irving Avenue. The materials will be based on the existing buildings. The same granite will be used which was found in the old Marymount buildings with unilock paving, decreasing impervious surface. He showed some renderings of the project and the view from the south and the stair coming up from the Irving Street side, along with the terracing and ramping for accessibility and the required fire access of 26 feet.

Chris Orofino, PE, of Kimley Horn, the project engineer, came up and again stated that the project will provide for pedestrian friendly area with ADA and fire access and will reduce the impervious by 10%. They are working on a design with regard to water quality since rain gardens will not work. He provided a steep slope narrative at the last meeting and said that 1,590 s.f. will be disturbed in order to create a fire access lane and to rehabilitate, renovate, and repair the existing steps and to upgrade and modify existing utilities such as natural gas on the northern side. They will be providing chill water and HVAC between the two buildings for better functionality and more telecom for better communication, and are also modifying the existing drainage. They are still working on a structural treatment device for the water quality.

Ms. Raiselis asked about the water piping for the water drainage and if they considered to capture it instead. Mr. Orofino said there is no capacity to hold the water. The underground is very tight. Ms. Raiselis referred to the steep incline by the stairs and asked to put the detention of water on the slope. Mr. Orofino said the best alternative is a water treatment device on the existing drainage line. Ms. Raiselis thinks there could be a better plan to re-use the water since we have a water issue in the village.

Mr. Pennella mentioned the Gaines Hall project and said there was some in the ground and it does not have to be in the same location. Mr. Orofino said there are only drywells at that location, not tanks. Ms. Raiselis said to put them above ground then and advertise it.

Mr. Johnson came back up and said that they will be decommissioning the oil tanks in the future and have provided for this work now rather than ripping everything up later on. They did not think about the above ground tanks but will consider them.

Mr. Tedesco said that the Village Engineer has prepared a memo dated today, April 30, 2018, stating that Zoning Board approval will be needed for hilltop.

Mr. Orofino did not think that the work itself was in the hilltop. Mr. Pennella said they are in agreement with the average grade calculation, but they have to take it along at the highest elevation. Mr. Pennella shared his review memo with Mr. Orofino. Counsel advised that they will have 60 days from the April 30, 2018 letter to make an application to the Zoning Board for a hilltop variance.

Mr. Aukland would like a plan on the re-use of water and confirmed that the traffic is only for safety and service reasons and that the area will not be a thoroughfare for traffic and indicate signage.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow for the project at \$5,000.00. All in favor. Motion carried.

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

NEW PUBLIC HEARING – Schopfer Architects, LLP – 20 Wood Court  
Tarrytown Hall Care Center

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 30, 2018, at 7:00p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Schopfer Architects  
1111 James Street  
Syracuse, NY 13203

For site plan approval for a one story 8,454 S.F. addition to an existing three story building with parking expansion and consideration of a compatible use permit.

The property is located at 20 Wood Court in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 7, Lot 10 and is located in the M 1.5 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.

Additional approval will be required from the Architectural Review Board and the Board of Trustees.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: April 20, 2018

The mailing receipts were received and the signs were posted.

Bob Seigart, of Schopfer Architects, presented the site plan and showed the existing building with the proposed one story building addition. Currently there is a 63 car parking area. They took the advice of the Board at the preliminary hearing and did a parking survey which determined that between 9 am and 2 pm, the maximum spots taken on site ranged from 72 to 78. Based on this information and his staffing discussions with the owner, they have provided for 85 spaces which they feel is reasonable and is the amount required by the zoning code.

Mr. Tedesco referred to the Fire Department access in the back. Mr. Seigart said Mr. Pennella had provided a cut sheet and it has been included in the plan. He showed the fire lane on the plan and also showed an access easement and noted that it does not allow for parking.

Mr. Aukland said the purpose of this application is not for a change of use or expansion. Mr. Seigart said there is no change of use; they are just moving the dining and physical therapy to the addition to provide more space along with a new entryway. There is no increase in circulation within the property and there should be no increased traffic, since this facility only provides for in-patient care. They will be pulling the parking lot away from the residential properties and will provide landscaping and the fence will be replaced around the parking area. Stormwater has also been provided and will be reviewed by an outside consultant; they are currently working with their engineers to get water into the grass.

Mr. Pennella said he did not see a landscaped island in the first row of parking on the plan. Mr. Seigart said they will modify the plan to include an island rather than go to zoning for a variance. Mr. Seigart showed the elevations on the plan.

Mr. Tedesco asked about the trees that are being removed which appear to be in good condition, according to the arborist report. The landscape plan has been forwarded to the village landscape architect for her review. Mr. Seigart said he is open to suggestions to replace the trees but said the sight is very tight.

Mr. Tedesco asked if anyone in the public had any comments.

Rachel Tieger, of the Tarrytown Environmental Advisory Council, appeared before the Board. She asked the applicant to consider installing solar panels and to consider an area for bicycle parking on site.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this an Unlisted Action.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare the Planning Board's intent to be lead agency with proper notification to all involved and interested agencies and to Westchester County under GML. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$7,500. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing at the May 30, 2018 meeting. All in favor. Motion carried.

NEW PUBLIC HEARING – Peter F. Gaito & Associates – 104 Central Avenue

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 30, 2018, at 7:00p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Peter F. Gaito and Associates  
333 Westchester Avenue – Suite S-303  
White Plains, NY 10604

For site plan approval for a change of use on the first floor from an artifact restoration use to a personal service business "gym".

The property is located at 104 Central Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 16, Lot 24 and is in the GB Zoning 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.

Additional approvals are required from the Zoning Board and the Board of Trustees for a proposed front entry access ramp and planters within the village right of way and from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: April 20, 2018

The mailing receipts were received and the signs were posted.

Peter Gaito Jr., R.A., appeared before the Board, and briefly went through the project. He showed the site plan of the property which is located at the corner of Central Avenue and Linden Place. He explained that they are not changing the site or expanding the building, they are only changing the use on the first floor to a personal business fitness gym, which requires site plan approval. They have been before the Zoning Board and were granted a variance for the 8 required parking space on April 9, 2018. Mr. Gaito presented a streetscape and said they have provided for ADA access. He explained that the building sits right on the property line and they have also been before the Board of Trustees who has agreed to enter into an agreement to rent an area of space from the village to provide for planters and the ADA ramp, leaving a clear path for access.

Mr. Tedesco made reference to the required sprinkler system that will need to be installed.

Mr. Pennella advised the Board that the applicant is working with the Board of Trustees to work out an agreement with a condition to put in a permanent ramp. Originally, they proposed a temporary ramp that the Board was not in favor of.

Mr. Galvin asked that revised plans be submitted with this new information. It should also be known that the applicants own the building and are residents of the second floor apartment. Mr. Tedesco also asked the applicant to submit the revised plans.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2500.00. All in favor. Motion carried.

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

NEW PUBLIC HEARING – EL Farb, LLC- 56 Wildey Street – Conversion of a single family dwelling to a four family dwelling.

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 30, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

EL Farb, LLC  
c/o Sterling Property Solutions  
77 Tarrytown Road – Suite 1E  
White Plains, NY10607

For site plan approval for the conversion of a single family dwelling to a four (4) family dwelling.

The property is located at 56 Wildey Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 12, Lot 16 and is located in the M 1.5 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.

Additional approval will be required from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: April 20, 2018

The mailing receipts were received and the signs were posted.

Keith Betensky, Attorney, representing the applicant, EL Farb, LLC, (owners Linda Einfrank and Lee Spiegel) were both present, along with the Architect, Theresa Beyer. This is an application for a 6,383 sf parcel located at the corner of Wildey Street and Storm Street. It was improved as a muliti-family residence. The applicant purchased the home 5 years ago and it was being used as a 5 family at that time, but as far as the village is concerned, the records indicate that it is a single family residence. They are here to legalize the building and bring it up to code by reducing the number of permitted units from 5 to 4 and increasing the number of parking spaces on site from 2 to 7.



Mr. Betensky advised that they will be going to the Zoning Board for an interpretation that this building is a legal pre-existing non-conforming use or, in the alternative, for the necessary variances. The square footage is not being increased or the use. They are seeking site plan approval and are requesting that this application be deemed a Type II Action, and if not, the Board declare its intent to be lead agency.

Mr. Pennella said the initial denial letter he issued does not include the parking and the plan looks slightly different. Ms. Beyer said the parking spaces are drawn to standard size. She is aware that tandem parking is not desirable. Mr. Galvin said a narrative of how the parking works will be helpful; the plan in the back was very difficult to read.

Ms. Beyer said it has been used as apartments for quite a while, with additions being made, but not recorded with the building department.

She went over the site plan. They are proposing on-site parking with assigned spaces. The parking spots will be assigned to each unit. Mr. Galvin said you should identify this on the site plan as well.

Mr. Pennella asked about the layout. Ms. Beyer said the basement apartment will be removed. The ground floor will have one 2 bedroom apartment. The second floor will have a studio apartment and a 1 bedroom apartment. The upper floor will have a one bedroom apartment. They will be using pervious pavers.

Mr. Pennella referenced the property card dating back to 1959, listing the property as a single family residence. In 1959, it was a single family and there are no building department records for any work done. Mr. Pennella confirmed that a four family is permitted in the M1.5 zone.

Ms. Raiselis would like pervious pavers and she would like to see a landscape plan. With regard to the parking, the spots should be assigned as a condition and indicated on the plan. Maybe they can include in their lease that they are not allowed to rent their spaces. Mr. Betensky said he would discuss this with the owners.

Mr. Tedesco asked if anyone has any questions.

Mr. Tedesco asked to have a landscape plan developed for review by the Village Landscape Architect.

Mr. Aukland asked if any trees need to be taken down. Ms. Beyer said no trees will be taken down. Mr. Galvin said it may be helpful to do a full landscape plan.

Ms. Raiselis said is it possible to move the lot up a few feet and make a planting area on the south side to cool off the lot and keep it out of the sun. Ms. Beyer said there is a street tree which may be in the way, but she will review it.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this an unlisted action under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the board declares its intent to be lead agency with proper notification to involved and interested agencies and application be referred to the Westchester County Planning department for review under GML. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow of \$2,500; all in favor. Motion carried.

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

NEW PUBLIC HEARING – Michael Degen – 86 Crest Drive

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, April 30, 2018, at 7:00p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Michael Degen  
86 Crest Drive  
Tarrytown, NY 10591

For site plan approval for additions and alterations to a single family home.

The property is located at 86 Crest Drive in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 76, Lot 2 and is located in the R 7.5. 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.

Additional approval will be required from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: April 20, 2018

The mailing receipts were received and the signs were posted.

Sam Vieira, R.A., the project architect, presented the site plan to the Board for additions and alterations to an existing single family home. The home currently has two stories with 1,950 sf of livable area. They are proposing a 3 story with 2- two-story additions with a total livable area of 4,132 sf. The existing garage is 474 sf and the proposed will be 648 sf. The increase in size has triggered site plan review since it expands the footprint by 25% and the square footage by 50%. In addition, a zoning variance for the FAR, will be sought. Mr. Vieira will reduce the curb cut to 18 feet as required by code so that a variance will not be required.

Mr. Vieira briefly went over the elevation plan to show the additions and distributed a picture of the existing home to the Board members for the record. He explained that with regard to the FAR calculation, the zoning code maxes out the size of the square footage of the home to 2,925 sf regardless of the lot size of the property. In this case, the existing is 2,182 sf, the proposal is for 4,457 sf, so the FAR variance they are seeking from the Zoning Board is 1,532 s.f. This is a large lot of 18,000 square feet, the square footage limitation was put in to prevent larger homes on small lots. In this case, the lot is 18,000 sf, and, although the house is double in size, there is plenty of room on the lot and the home is nowhere near the required setbacks, other than in the front. It should also be noted that this house is in the R 7.5 zone, but directly across the street, the homes fall into the R10 Zone. Mr. Vieira said that if you were to do the math, an 18,000 sf lot would allow for a larger home than we are proposing. They are not asking for a home that is too big for the lot, it is simply in an R 7.5 zone.

Ms. Raiselis asked for a streetscape. Mr. Vieira said there may be modifications to the plan and they would like to go to the Zoning Board first before submitting anything else, should the plan need to be revised or modified.

Mr. Tedesco said the widening of the driveway may negatively affect the 36" pine tree. He would like to keep this tree if possible. An arborist would have to look at the tree, since it is a specimen tree. Mr. Vieira said they may be able to narrow the curb cut to get as far away from the tree as possible. The village Landscape Architect will determine if we will be far enough away from the tree.

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

Ms. Raiselis said that the lots looks flat. Mr. Vieira showed the topographic map and confirmed that it was on a relatively flat property. He indicated the steep slopes.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow at \$2500.00. All in favor. Motion carried.

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

PRELIMINARY PRESENTATION– Artis Senior Living, LLC -153-155 White Plains Road

Don Walsh of Development Strategies, White Plains, NY, a planning and consulting Firm for Leon Silverman of Crescent Associates, owner of 153 White Plains Road introduced himself. Mr. Walsh is here before the Board to discuss the next steps going forward with regard to their application before the Board. He said if the Board chooses, they can outline the site plan or look at the text amendment portion of the application. They have submitted a long EAF as directed.

Mr. Tedesco acknowledged receipt of the long form EAF and said it does not list the Architectural Review Board of the Village of Tarrytown as an involved agency and it will need to be revised. The New York State, Department of Health should also be included on the form. Mr. Walsh said that they will provide a revised long EAF. Mr. Fry will bring in the revised form tomorrow. Counsel advised that the long form EAF will need to be submitted by tomorrow.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type I action under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board declare its intent to be lead agency, that the long form EAF be amended with proper notification to involved and interested agencies and application be referred to the Westchester County Planning department for review under GML; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set an escrow of \$10,000 for this project. All in favor. Motion carried.

Ms. Raiselis moved, seconded by Mr. Aukland, to set a Public Hearing for the May 30, 2018 meeting. All in favor. Motion carried.

CONCEPT DISCUSSION - Coco Management and Kaufman Tarrytown Company, LLC

**Project Location:** 39-51 North Broadway, Tarrytown, NY

**Project Description:** Proposed 225 residential units with multi-level parking structure to include 175 designated municipal parking spaces.

Richard O'Rourke, Attorney, of Keane & Beane, representing Coco Management and the Kaufman Tarrytown Company, LLC, appeared before the Board and introduced his colleague Jennifer Gray, also of Keane & Beane, PC., and the architects for the project, John Sullivan and John Fry, of Sullivan Architecture, PC.

Mr. O'Rourke thanked the Board for their time to present their project. They have prepared a conceptual study for a proposed mixed use project at 39-51 Broadway taking into consideration its historic significance and parking, which are important

components to the vitality of the area. They will share concepts and thoughts this evening and would like to receive feedback from the Board. They are proposing something that is not alien to the zoning but reflects what they know in terms of marketing and the community needs. He introduced John Sullivan, the project architect, to walk through the concept plan, which was distributed to the Board and included in these minutes as "Exhibit D".

Mr. Sullivan began the presentation with the site plan which gives a sense of the site in proximity with the entire village. He showed the 2¾ acre parcel of land owned by Coco Management and Kaufman Tarrytown Company LLC, and noted that there are 2 zones that split the property, with the understanding that the village Comprehensive Plan is in the final stages of approval. The aerial photo shows that 96% of the site is covered with buildings or pavement. Their Master Plan will raise and replace everything except for the Lyceum building. The curb cut will be eliminated along Broadway; access will be off of Central and Dixon in the same locations as they exist today. They have provided for pedestrian corridors to bring people in from Broadway. Retail will remain on the first floor and pedestrian links to the lower level will give opportunity for additional retail space. Julia Street will return and become a pedestrian vehicle right of way with a front.

Mr. Fry came up and said that today's retail is challenged in many ways. There will be a retail frontage link which will allow for unique footprints. The river side could introduce new types of retail such as a restaurant. The site plan presented shows the grain and fabric of the downtown area and will create opportunities for ride share and an introduction of a place for that to happen near the parking structure. Green space is also an important component.

With regard to the parking, 225 units are proposed; 400 parking spots will be provided and 175 will be designated for community use.

Mr. Sullivan showed the architectural rendering along Broadway. The first floor will be designated for retail. They have layered it and stepped it back to look like the feel of the community. There is a wide sidewalk in front. Mr. Fry showed the massing images and explained how they helped them develop the plans to incorporate the feel of the village.

Mr. Tedesco asked about the units. Mr. O'Rourke said the mixing of units was given but it has not yet been confirmed since this is a concept discussion. Mr. O'Rourke said there is a shift going on and what is being presented is not necessarily in the zoning. They would just like to know if this type of project has appeal to the village.

Mr. Galvin suggested creating a market that supports the village. Mr. Sullivan said they are not targeting a specific market.

Mr. O'Rourke mentioned the 175 parking municipal spaces proposed will be available to the general public which is an important element of a private public partnership which they are hoping to achieve.

Mr. Fry showed the 10 minute walking radius to understand fabric and grain. Mr. Galvin said you might want to consider different scales such as townhouses that address the streetscape. Mr. Tedesco feels that it is important to see how the project fits in with the rest of the village.

Mr. Aukland said he likes the concept of creating a destination. It becomes a neighborhood that everyone can share. He is interested in the target market and asked if they have considered common space with small units for the Millennials. He is also concerned about potential impacts on the school district. Two or three bedrooms will generate school impacts. With regard to parking, Millennials drive and it seems that empty nesters like 3 spaces, which they have found out. Above all, affordability is his major concern. Mr. Sullivan said this concept is not a luxury product, it will be market rate to meet the village needs.

Mr. Aukland said there is a major conflict with zoning particularly with height. The view sheds matter and the village wants to preserve them. He welcomes view shed effects from particular points. Mr. O'Rourke said there will be an extensive analysis of view shed as we go through the planning process.

Mr. Aukland noted that walkability is crucial to destination and the pedestrian component is important. He also likes that the Lyceum Building will remain, with possible interior alterations. Mr. Sullivan said they are still exploring possibilities of how to better incorporate the Lyceum Building into the project.

Ms. Raiselis commented that the Lyceum Building is loved by many in the village and she is happy it will not be touched on the exterior. She is looking at the plan in terms of massing and circulation of how people will move through the space. She suggested that some first floor space could be community work space, rather than just retail.

At Dixon Lane, there are townhouses and then 9 stories from grade which she thinks may be a problem in terms of massing and view shed; looking from the aqueduct, it may be a problem. She would also like to see a study of the view sheds from the aqueduct since there are designated view sheds that will need to be preserved. She asked if Julia Street will need to be crossed to get to the entrance of the building. She would rather it be more pedestrian friendly without separating them with traffic. There is a big elevation change and they could even access it above the street.

Mr. Aukland asked if they will be using the roofs. Mr. Sullivan said solar panels will be installed and roof gardens. The top of the building will provide for an amenities package: a pool, fitness club, and community room.

Ms. Raiselis said that going beyond the code for energy efficiency would be welcomed.

Mr. Tedesco asked the applicant what they believe the next steps are in their process.

Mr. Sullivan would like to take the concept study and advance it further based on the comments received this evening and begin to put together a formal application. Mr. O'Rourke said he would like to draft a petition for the zone changes to allow them to move forward with the process.

Mr. Aukland advised that he is leading the village with the Comprehensive Plan and the tone will be sympathetic to the kind of concept they are proposing. The comprehensive plan is not going to be site or zoning code specific. From a policy point of view, if the Board of Trustees has an interest in a project, it can be supported by particular actions.

Mr. O'Rourke asked about the public private partnership with regard to the municipal parking. Mr. Aukland said these partnerships are being contemplated. The Comprehensive Plan will be continually updated and kept current with the purpose of always being the reference point for what the Board of Trustees wants for the village and, if adjustments need to be made, the plan will allow for this.

Mr. Tedesco thanked everyone and said the presentation was done well. It was very productive.

**NOTICE OF MEETING CHANGE IN MAY:**

Mr. Tedesco announced that the next Planning Board meeting will be held on **Wednesday, May 30, 2018 at 7 pm**, due to the Memorial Day Holiday.

**ADJOURNMENT**

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

Liz Meszaros- Secretary

G. Baldwin PB Submission for  
Peter Bartolacci -67 Miller Avenue Application

# Exhibit A



Geraldine F. Baldwin  
66 Riverview Avenue  
Tarrytown, New York 10591

April 30, 2018 By Hand/e-mail

Stanley Friedlander, Chairman  
Planning Board of the Village  
Of Tarrytown  
One Depot Plaza  
Tarrytown, New York, 10591

Katherine Zalantis, Esq.  
Village Attorney  
Silverberg Zalantis LLP  
120 White Plains Rd., Suite 305  
Tarrytown, New York, 10591



Chair, Planning Board Members and Village Attorney:

Re: Application of 67 Miller Ave for Restoring and Replacing a Railroad Tie Retaining Wall

This letter provides Notice and Information regarding the Site Plan for 2 new walls dated March 14, 2018, submitted on April 16, 2018. The Transmittal states the plan is "a change from the previous design of the modular block which required . . . geogrid that would extend too far back into the back yard".

As you are aware, on Sept. 11, 2017, the Zoning Board of Appeals of the Village of Tarrytown ("ZBA"), based on a single page plan dated July 28, 2017, designated by the ZBA as the "Approved Plan", passed a Resolution (the "Resolution", copy attached for convenience) granting two variances to the Applicant to construct two 9.5 foot- high walls. As you should further be aware, the variances are subject to a number of specific conditions.


The Resolution (filed Sept. 14, 2017) very clearly provides:

The variances are granted solely in connection with the Approved Plan . . . If any changes are made to the Approved Plan (other than those deemed by the Building Inspector to be minor field changes or other than changes made by the Planning Board in connection with its site Plan review), this variance becomes void and the Applicant must make a new application to the ZBA for approval of any and all variances. [Resolution, page 3, para. 1, emphasis added]

Despite the fact that the "Approved Plan" did not provide sufficient details regarding construction of the wall, it did very clearly illustrate that the proposed walls would be Block or modular walls.

In complete contrast, the walls proposed by the Site Plan dated March 14, 2018, are for poured concrete. These walls are completely different from block or modular walls and present a wholly different set of impacts to the steep slope and the adjoining properties. Not only are the materials needed for poured concrete very different from blocks, the methods of construction are significantly different. Hence, it is very clear that the variances have become null and void and the Applicant has either to propose a Code compliant wall or apply to the ZBA for any and all variances.

Respectfully submitted,

  
Geraldine F. Baldwin

FILED 9/14/17  
VILLAGE CLERKS OFFICE

**ZONING BOARD OF APPEALS RESOLUTION**

Application of Peter Bartolacci (the "Applicant")  
67 Miller Avenue, Tarrytown, NY 10591 (the "Property")  
Sheet 1.70, Block 40, Lot 4 ( R-10 Zoning District)

*Chap OB*

WHEREAS, the Applicant has appealed to the Village of Tarrytown Zoning Board of Appeals ("ZBA") from a determination by the Building Inspector that the proposed retaining wall does not comply with the requirements of Chapter 305 of the Village of Tarrytown Zoning Code ("Zoning Code"), and

WHEREAS, the Applicant originally sought a variance of 14 feet to allow a proposed single wall/retaining wall of 20 feet where Zoning Code § 305-47B; 305-47B (7) only allow for a 6-foot high retaining wall, and

WHEREAS, a duly noticed public hearing was held on this application at the regular meeting of the ZBA on June 12, 2017, and

WHEREAS, at the June 12, 2017 meeting, the Applicant presented the history of the application (that originally began in 2013), including that there had been various proposals in connection with the proposed wall ranging from a single tier to multiple tiers, and

WHEREAS, the Applicant has previously appeared before the Village of Tarrytown Planning Board and presented at the April 2017 Planning Board meeting a three-tier design that did not require any variances as none of the three tiers exceeded 6 foot in height, but the Applicant advised the ZBA that the Planning Board expressed concerns in connection with the three-tiered (zoning compliant) proposal as with the three-tiered design there was limited opportunity for screening/landscaping, and

WHEREAS, after consideration of the Planning Board's concerns about the lack of landscaping/screening in the three-tiered design, the Applicant presented a one-wall design that afforded a significantly greater planting area than the three-tiered design and required the installation of substantially less fill, and

WHEREAS, after hearing input from neighbors and the public, the ZBA requested that the Applicant consider a different design with a lower wall than the proposed 20-foot wall and continued the public hearing until July 10, 2017 and then until August 14, 2017, and

WHEREAS, at the July 10, 2017 public hearing, the Applicant presented a concept plan for a two-tiered wall in which each wall did not exceed 9.5 feet and before the August 14, 2017 meeting presented a more-developed plan for said two-tiered wall design entitled "Site Plan Peter & Suzanne Bartolacci" dated January 24, 2017 and last revised July 28, 2017 (hereinafter "Approved Plan"), and

WHEREAS, members of the public having had an opportunity to speak on the application, the public hearing was closed on August 14, 2017 and the Board directed that counsel prepare a draft resolution for it to consider at its September 11, 2017 meeting, and



WHEREAS, this Board deliberated at its September 11, 2017 meeting and after having the opportunity to visit the Property and after duly considering all the proofs and evidence before it, determines as follows:

IT IS HEREBY RESOLVED, that this is a Type II action under the State Environmental Quality Review Act, and therefore no further environmental review is required, and

IT IS HEREBY FURTHER RESOLVED, the findings of this Board are as follows:

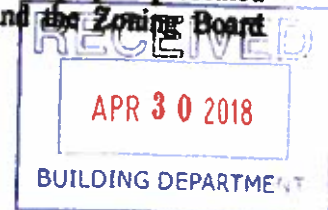
1. There will be no undesirable change produced in the character of the neighborhood or detriment to nearby properties as a result of the variance requested. The Applicant introduced numerous examples of walls in the neighborhood and surrounding community exceeding 9.5 feet in height. Further, there was evidence produced that there had previously existed a fairly significant wall in the Applicant's yard (and there are existing portions of said wall on the Applicant's property currently). The proposed two-tiered wall system allows for more robust and larger sized plantings in front of each of the proposed tiered walls that will afford greater screening to the neighboring properties.
2. The benefit sought cannot be achieved by some method feasible for the Applicant to pursue other than seeking the area variance. Although the Applicant could erect a zoning-compliant three-tiered wall system (with each wall not exceeding 6 feet), the zoning-compliant three-tiered plan would provide very limited plantings that would not provide sufficient screening. While a variance is needed for the two-tiered design as the walls at their highest points exceed 6 feet (but not 9.5 feet), there is opportunity for significant plantings that will afford screening. The benefit to the Applicant in pursuing this application is not simply to stabilize the slope but to make Applicant's backyard safer with more usable space. Just like numerous applicants that appear before this Board seeking variances, the Applicant is attempting to improve his property and expand the usable area of his property. This Board does not agree that the only benefit that the Applicant can seek to attain is to stabilize the rear slope. Due to the existing elevations and the property's topography, the Applicant cannot provide a zoning-compliant wall system that will also allow for sufficient landscaping to provide screening. This Board recognizes that while the Applicant has the right to erect the zoning-complaint three-tiered design without any approvals from this Board, such zoning-complaint erection with its minimal plantings would not effectively screen the walls and therefore, would be more visually impactful on the neighbors. As a result, the Approved Plan that proposes substantial plantings and trees with larger roots, it more beneficial to the neighbors.
3. The variance is not substantial and in fact, during the course of the Zoning Board's review and in response to comments from this Board and the public, the Applicant substantially reduced the scope of the requested variance from 14 feet (to allow for a 20-foot wall) to 3.5 feet (to allow for two 9.5 foot walls). In addition, the proposed walls are not 9.5 feet for to the full length of the wall but rather the height ranges from six feet to 9.5 feet.



4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. There is nothing in the record to suggest there will be any adverse impacts provided that this Board's conditions (set forth below) are adhered to. The landscaping proposed will screen the wall and provide for a more natural setting and emphasis on native plantings. The Applicant proposes to erect a wall and there was evidence presented that there had been a wall in some form on the property for many years.
5. The hardship is not self-created as the conditions of the site and the need for variances are the result of preexisting, nonconforming conditions on the site and/or topography of the site. And to the extent the hardship was self-created, this factor does not preclude the granting of the variance.
6. This Board is granting the minimum variance necessary for the Applicant to achieve his benefit and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community as only through a variance grant can there be sufficient screening. The zoning-complaint plan would require another tiered level and there would be insufficient room between the tiers to afford sufficient screening. The Applicant has substantially reduced the scope of the variance request (from a proposed 20-foot wall requiring a 14-foot variance to a 9.5 foot wall requiring a 3.5 foot variance) and this Board finds that the 3.5 foot variance is the minimum necessary to obtain the benefit of a screened wall.

AND IT IS FURTHER RESOLVED based upon the foregoing findings, the application is granted subject to the following conditions:

1. Except as otherwise set forth herein, the variances are granted solely in connection with the Approved Plan (and incorporated herein by reference). If any changes are made to the Approved Plan (other than those deemed by the Building Inspector to be minor field changes or other than changes made by the Planning Board in connection with its site plan review) this variance grant becomes void and the Applicant must make a new application to the ZBA for approval of any and all variances. Notwithstanding the foregoing, this variance shall be deemed null and void even if changes are made in connection with a plan approved by the Planning Board if such plan: (1) is not consistent with the two-tiered wall design presented the ZBA as the ZBA is not granting a variance for anything other than two-tiered walls; or (2) is not consistent with the proposed two/base of the first wall of the proposed two-tiered wall being located a minimum distance of 7.5 feet from the rear property line.
2. The variance is granted subject to the Property continuing to be used as a single home.
3. The variance is granted subject to the Planning Board approving a landscape plan (after input from the Village's landscape architect), which landscape plan shall not propose any less opportunity for screening than the concept landscape plan presented to the Zoning Board (as depicted on the Approved Plan) and the Zoning Board



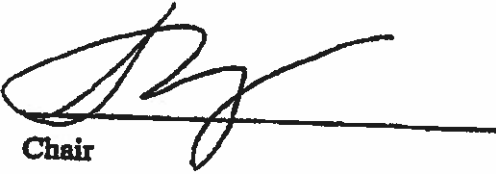


requests that the Planning Board require robust plantings that will provide the greatest opportunity to screen the proposed two-tiered wall.

4. This variance is granted subject to the Planning Board reviewing and approving a Construction Management Plan that will provide for staging of construction of the proposed walls and ensure the protection of adjoining and neighboring properties, including protection of existing mature trees.
5. Upon review by the Planning Board and the Village Engineer, the Applicant shall make any improvements, repairs and/or modifications to the chain link fence and/or stone wall on or near the rear property line in order to improve the health, safety and welfare of the Applicant, his family and the public, but only to the extent the Applicant is authorized to do so by law and has the legal ownership right to do so.
6. This variance is granted subject to and based upon the Applicant's representation that the proposed two-tiered wall will not be 9.5 feet high for the full length of each of the tiers, but rather, the heights will range from 6 feet to 9.5 feet over the length of each wall.
7. The granting of this application shall not be deemed to relieve the Applicant of the need to obtain approval or permit of any other board or agency or officer prescribed by law or ordinance with regard to the Approved Plan or construction or any other phase of the project. The granting of this application shall not be deemed to relieve the Applicant of the need to comply with any and all other local, state and federal requirements, including but not limited to compliance with the New York State Uniform Fire Prevention and Building Code.
8. This variance is granted subject to the accuracy of the representations made by the Applicant and its representatives to the ZBA in its written submissions and during the public hearing and if any material representation, whether or not it is included in this Resolution, is found to be inaccurate, at the discretion of the ZBA the variance grant may be deemed void, in which case the Applicant must make a new application to the ZBA for approval of any and all variances.
9. The Applicant shall procure a building permit from the Building Department within one (1) year of the date of this Resolution or one (1) year from obtaining the last required land use board approval (i.e. planning board or architectural review board), whichever is later, and all work shall be completed within one (1) year from the date of the building permit, otherwise this variance grant becomes void; and any request to extend the time within which to obtain said building permit or complete said work shall be filed no less than sixty (60) days prior to the expiration of the one (1) year period.
10. The failure to observe and perform these conditions shall render this resolution invalid.



Dated as of September 11, 2017

  
Chair

In Favor: 3  
Opposed: 1  
Abstain: 0  
Absent: 1



G. Baldwin PB Submission for  
Peter Bartolacci -67 Miller Avenue Application

## Exhibit B

STATEMENT OF GERALDINE F. BALDWIN TO THE VILLAGE OF TARRYTOWN PLANNING BOARD RE:  
NEED FOR ARCHITECTURAL REVIEW FOR PROPOSED WALLS FOR 67 MILLER AVENUE

- ❖ One additional procedural issue: See the two appended pictures, recently taken from the curbside on Riverview Avenue on the South and North sides of my property. Appendix A and B.
- ❖ As seen in the two pictures, a **person standing by the shared stone wall between my property and 67 Miller Avenue is clearly visible**. On the South of my property, in Appendix Picture A, the **entire slope including the rail road tie retaining wall, the hedge at the top of the slope and the house** beyond that, is **clearly** visible from the curb side of Riverview Avenue. On the North side of my property, in Appendix Picture B, despite some overhanging vegetation, the **slope including the railroad tie retaining wall, the slope below and the stone wall on the property line is clearly visible** from the curb side of Riverview Avenue.
- ❖ The proposed massive walls will be easily seen by persons walking or driving by on Riverview Avenue.
- ❖ Accordingly, Applicant's Plan should be reviewed by the Architectural Review Board.
- ❖ As stated in the Village Code Section 9-4 (A)" every application for a building permit shall be referred . . . to the Architectural Review Board provided that: (4) the proposed plans include construction . . . of any . . . wall exceeding three feet in height or 20 feet in length that is visible from any public street." See Copy of Code attached as Appendix C.
- ❖ Moreover, Section 9-4 (B) states that an Application should not be before the Architectural Review Board UNLESS and UNTIL it conforms to all other applicable laws and ordinances, including approval by the Planning Board.

Submitted: April 30, 2018  
Geraldine F Baldwin



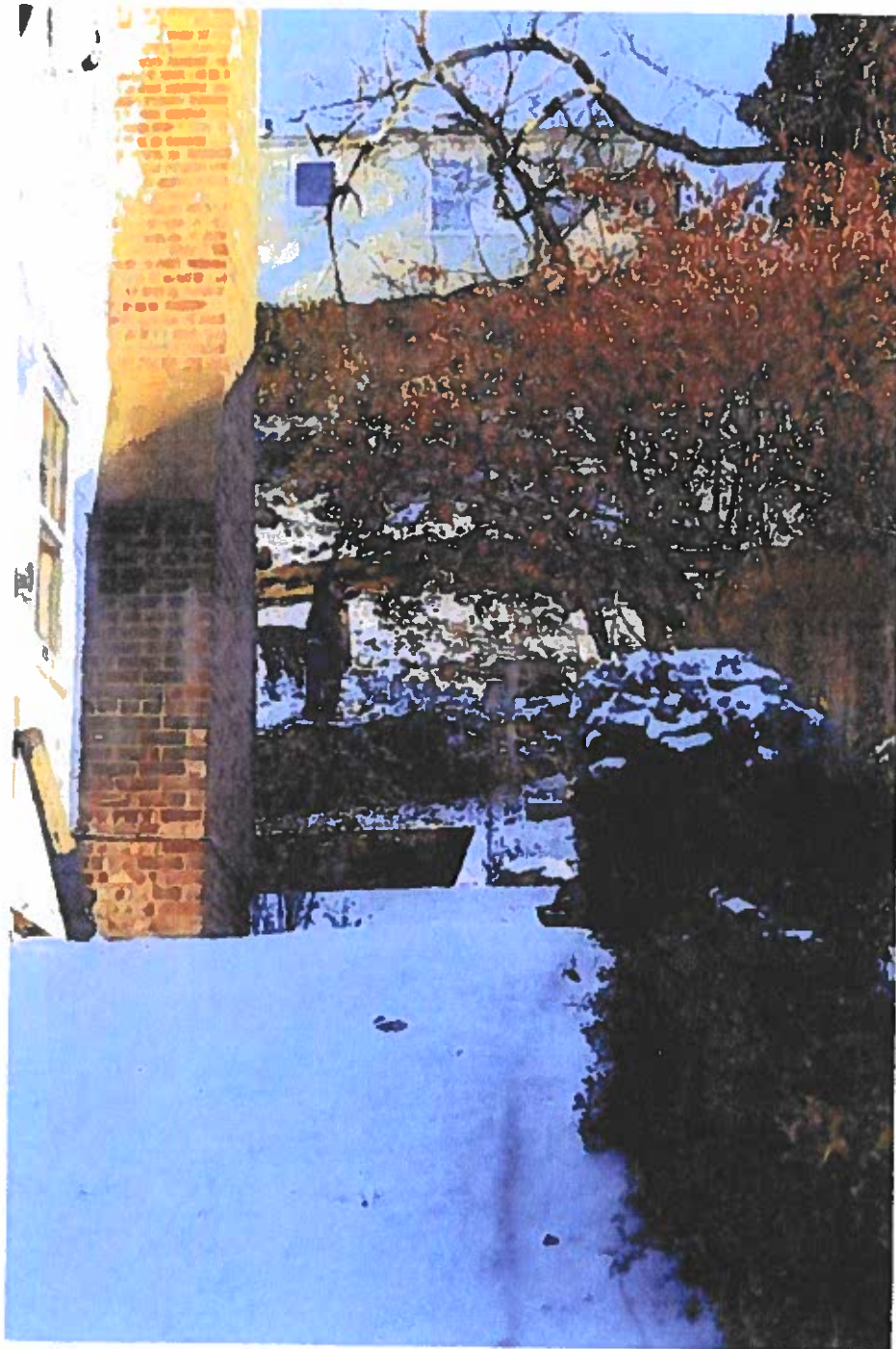


LIST OF APPENDICES RE ARCHITECTURAL REVIEW

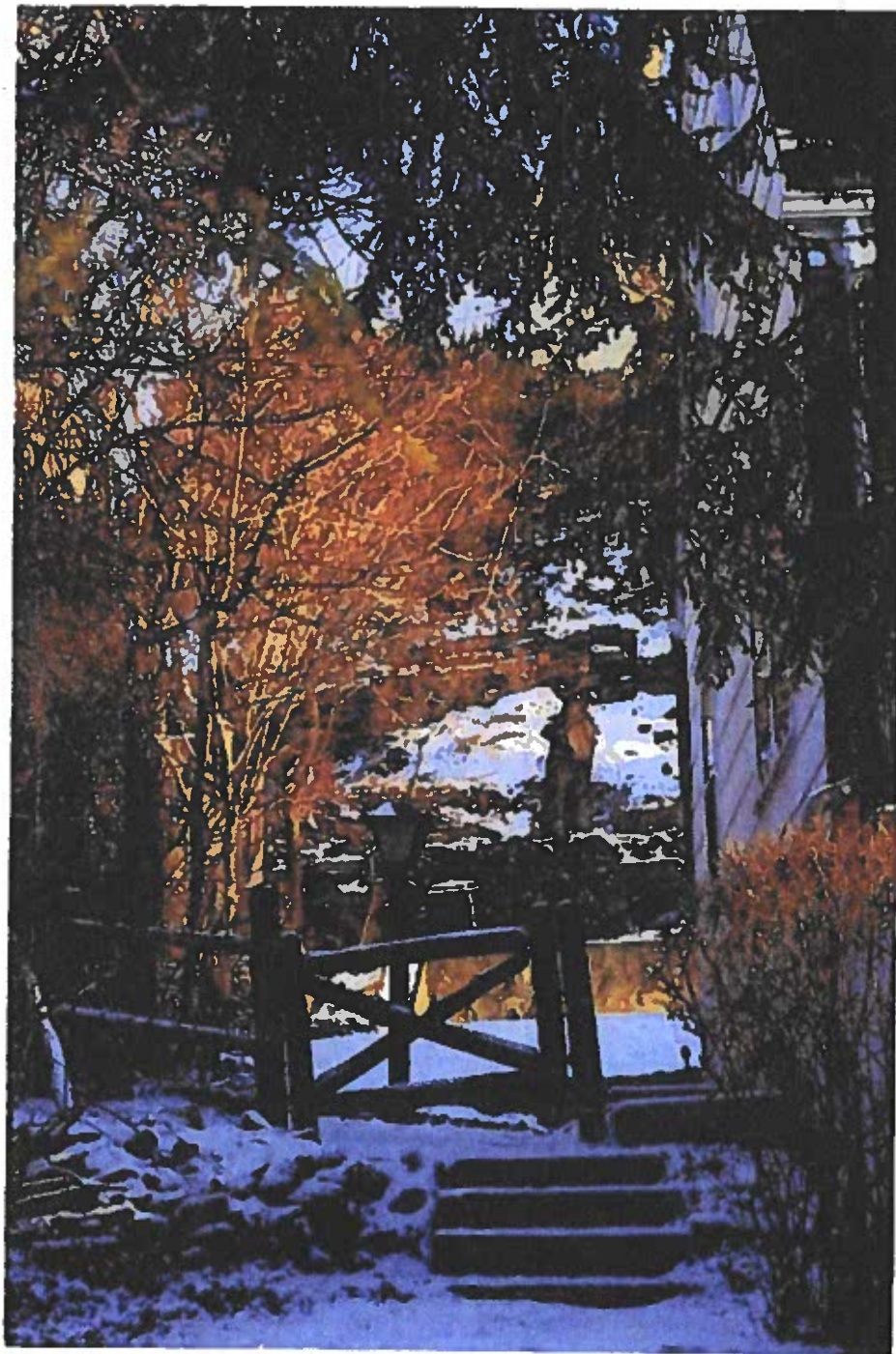
1. Appendix A: Picture taken from the curb side on Riverview Avenue at the South side of 66 Riverview Avenue looking toward the rear of 67 Miller Avenue.
2. Appendix B: : Picture taken from the curb side on Riverview Avenue at the North side of 66 Riverview Avenue looking toward the rear of 67 Miller Avenue.
3. Appendix C: Village of Tarrytown Code Section 9-4A and B.



Appendix A  
ARB 4/30/2018

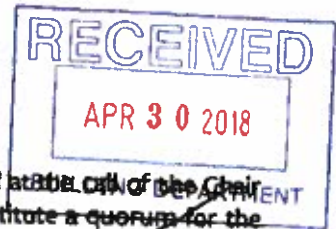


- Appendix B  
ARB 4/30/2018





~~Appendix C~~  
~~ARB 4/30/2018~~



### **§ 9-3 Meetings; records; rules; expenditures.**

- A. Meetings of the Architectural Review Board shall be open to the public and shall be held at the call of the Chair and at such times as the Board may determine. Three members of the Board shall constitute a quorum for the transaction of business. Actions of the Board must be taken by an affirmative vote of at least three members.
- B. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.
- C. The Board shall have the power, from time to time, to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 9-4 below. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the offices of the Board and the Village Clerk and shall be a public record.  
[Amended 9-3-2013 by L.L. No. 10-2013]
- D. An application shall be submitted to the Secretary to the Architectural Review Board at least 18 calendar days prior to the date of the meeting of the Board. An application not submitted within the time frame herein established shall not be heard by the Board until the minimum time frame requirement has been met. Submissions for subsequent meetings to the Board after the submission of the initial application shall be submitted to the Secretary to the Architectural Review Board at least 10 days prior to the meeting.  
[Amended 9-3-2013 by L.L. No. 10-2013]
- E. The Board may request the assistance of consultants as part of their review of an application or other matter before the Board. In those cases, the Board shall submit a request for an appropriation of funds to the Board of Trustees in order for the Board to employ consultants and to pay for their services and such other expenses as may be necessary and proper. The Board may not exceed the appropriations that may be provided for such purposes by the Board of Trustees.  
[Added 9-3-2013 by L.L. No. 10-2013]

### **§ 9-4 Referral of applicants for building permits.**

- A. Except where an application for a certificate of appropriateness must be submitted to the Architectural Review Board pursuant to the Landmark and Historic District Act (Chapter 191, Historic Districts and Landmarks), every application for a building permit shall be referred by the Building Inspector to the Architectural Review Board, provided that:
- (1) There will be construction, reconstruction or alteration of any building or structure that affects the exterior appearance of the building or other structure and is visible from any public street;
  - (2) The proposed plans include construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet, including steps;
  - (3) The proposed plans include construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street; or
  - (4) The proposed plans include construction, reconstruction or alteration of any fence or wall exceeding three feet in height or 20 feet in length that is visible from any public street.
- B. [1] The application shall not be referred to the Architectural Review Board unless and until it conforms in all other respects to all other applicable laws and ordinances, including but not limited to necessary approvals from the Zoning Board of Appeals and/or the Planning Board.
- [1]

G. Baldwin PB Submission for  
Peter Bartolacci -67 Miller Avenue Application

## Exhibit C

**Statement II of Geraldine F Baldwin Re: Errors in Site Plan of March 14, 2018 Re: 67 Miller Avenue**

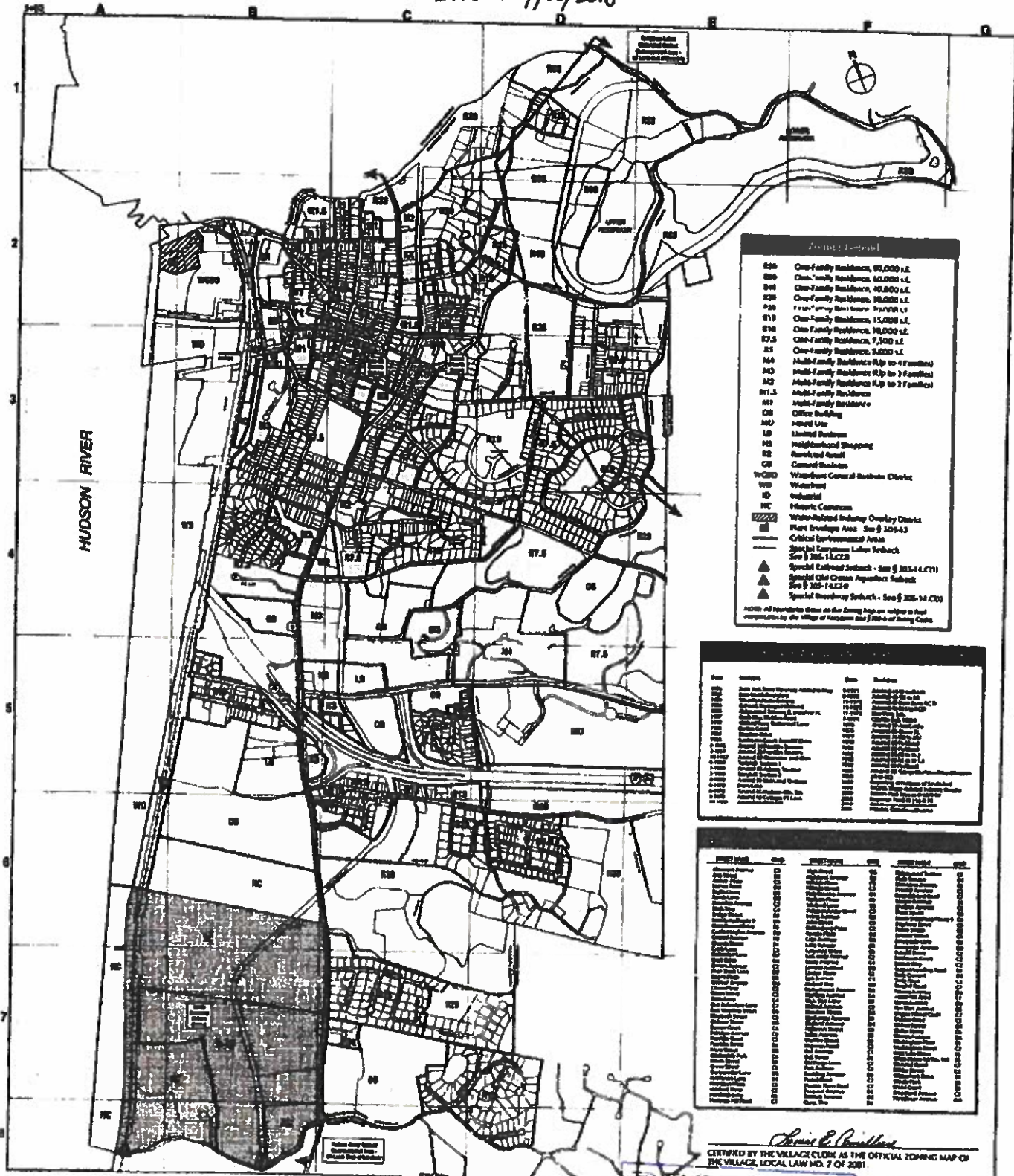
The following corrections need to be made to the Site Plans dated March 14, 2018, submitted on behalf of Applicant of 67 Miller Avenue on April 16, 2018:

- ❖ **67 Miller Avenue is NOT in the R10 Zoning District. This property and the whole of the Benedict Park subdivision are in the R 7.5 Zoning District. [See the Zoning District map, attached hereto as Exhibit 1].**
  - **In fact, Applicant admitted that the property is the R7.5 Zoning District when he submitted a site plan to the Architectural Review Board in 2011. [See Plan submitted by Applicant on March 28, 2011 in the records of the Building Dept.].**
- ❖ **The Property line between the western portion of 67 Miller and the eastern portion of 66 Riverview Avenue is wrongly indicated to be West of the dry stone wall. As demonstrated by the recent Survey of my property at 66 Riverview Avenue and explained by the E-mail from the Surveyors (who also laid out the plan for the Benedict Park subdivision), the property line runs under the dry stone wall. Hence, the proposed lower wall must be moved up the slope in order for it to be at minimum 7.5 feet from the property line. [See copy of Survey of 66 Riverview Avenue and email from the Surveyors, already of record in the file as of October 23, 2017].**

**Submitted April 30, 2018  
Geraldine F. Baldwin**



Exhibit 1  
Errors 4/30/2018



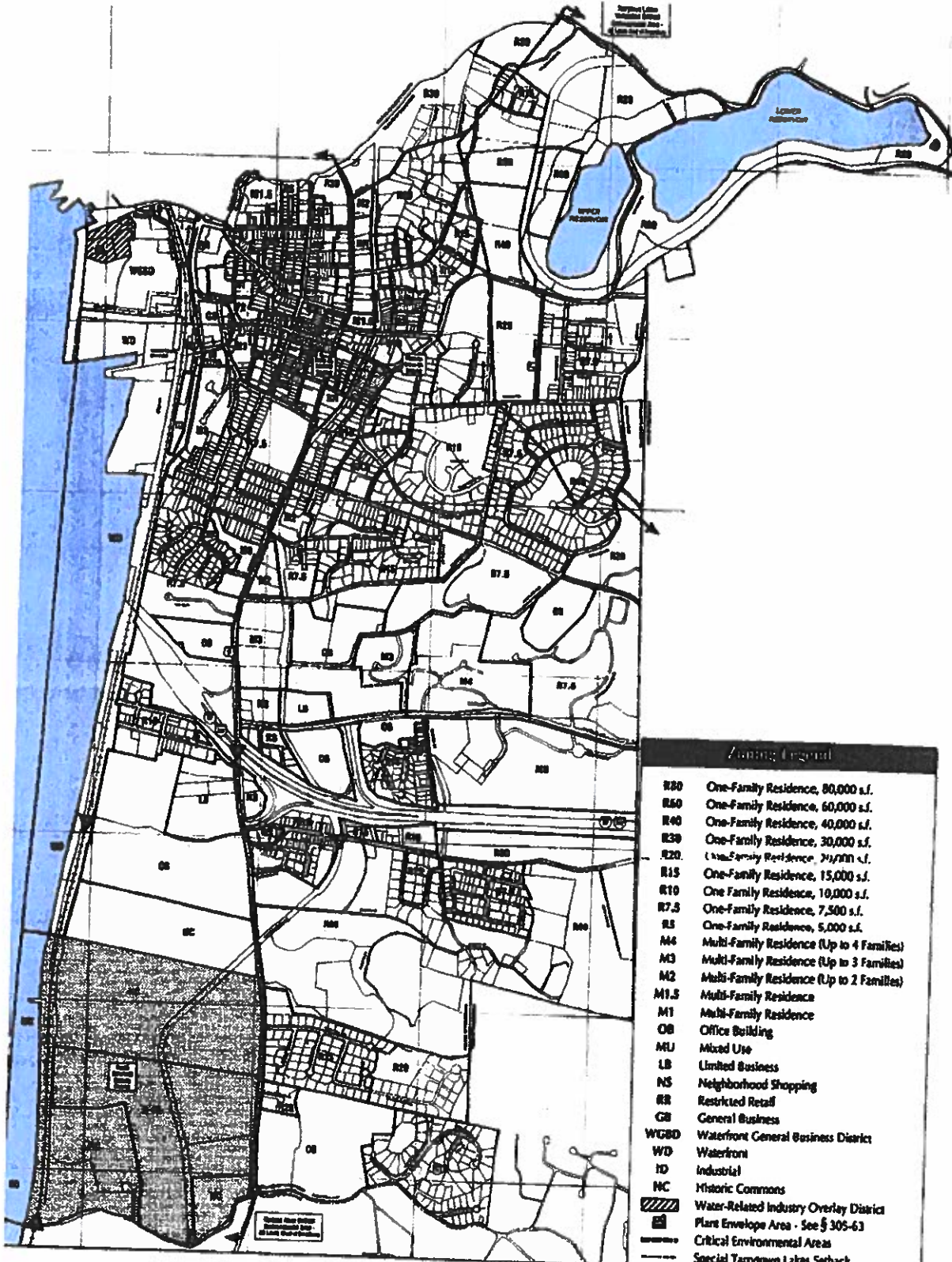
Village of Tarrytown  
WESTCHESTER COUNTY, NEW YORK

RECEIVED  
APR 30 2018  
BUILDING DEPARTMENT

CERTIFIED BY THE VILLAGE CLERK AS THE OFFICIAL ZONING MAP OF THE VILLAGE, LOCAL LAW NO. 7 OF 2001.

Zoning Map - § 305-5





RECEIVED

APR 30 2014

BUILDING DEPARTMENT

FIGURE 2.2: ZONING MAP



0 200 ft

BRU Planning

COMPREHENSIVE PLAN UPDATE

TARRYTOWN



Conceptual Study for Mixed Use Project  
39-51 North Broadway  
Coco Management Inc. and Kaufman Tarrytown Company, LLC

## Exhibit D

Conceptual Study  
for  
Mixed-Use Project

**39-51 North Broadway**  
Tarrytown, New York

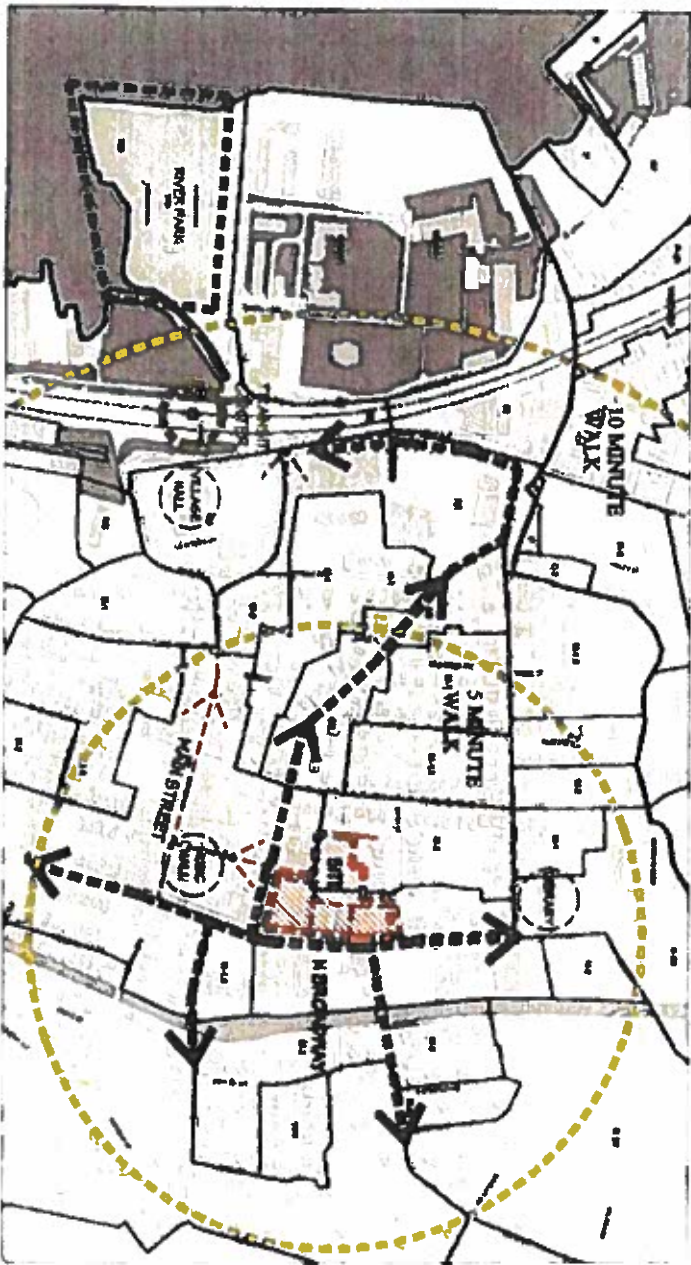


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4.30.18



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4/30/18 J

Coco Management Inc. & Kaufman Tarrytown Company, LLC



1 AREA ZONING



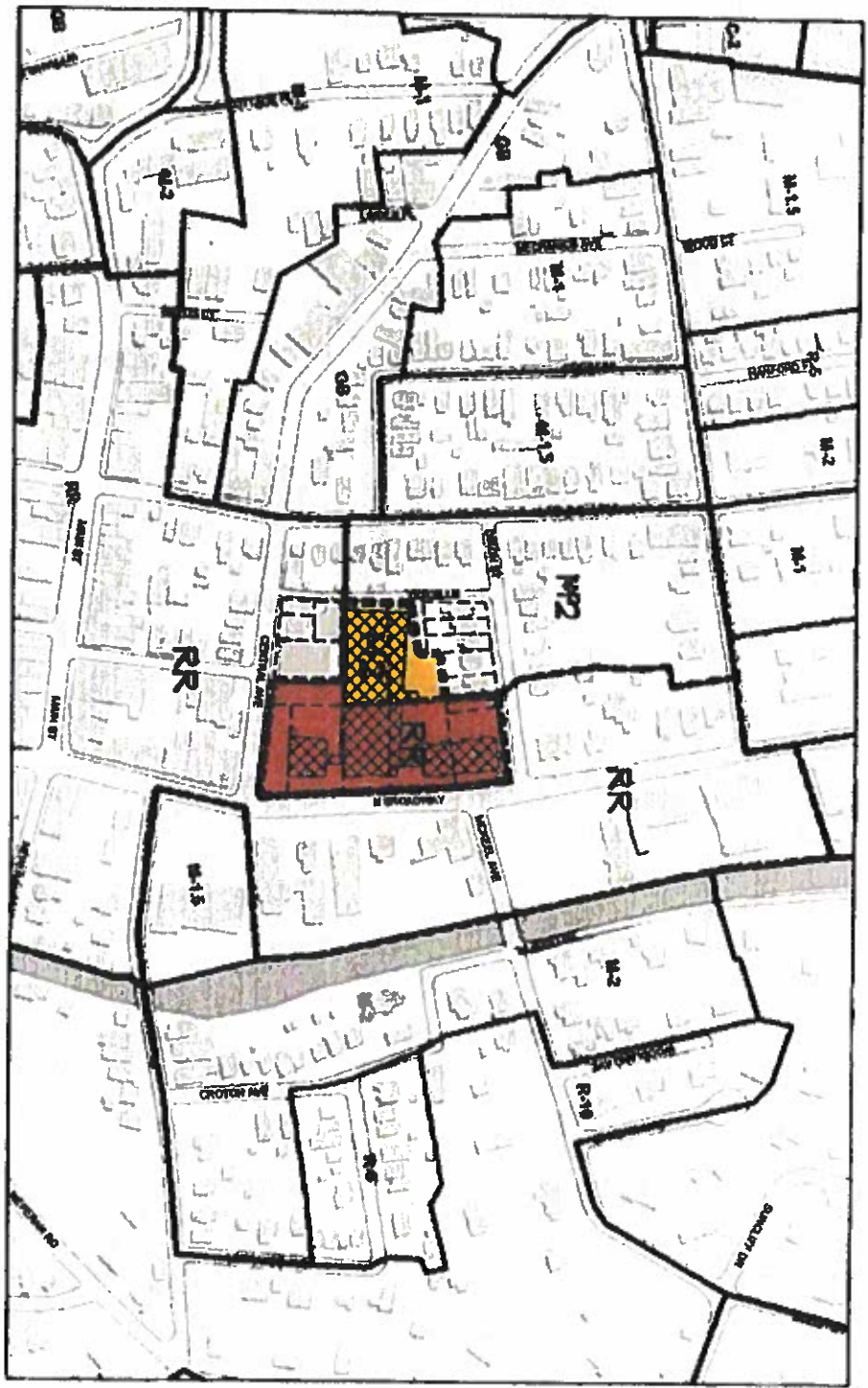
ZONE RR (RESTRICTED RETAIL)



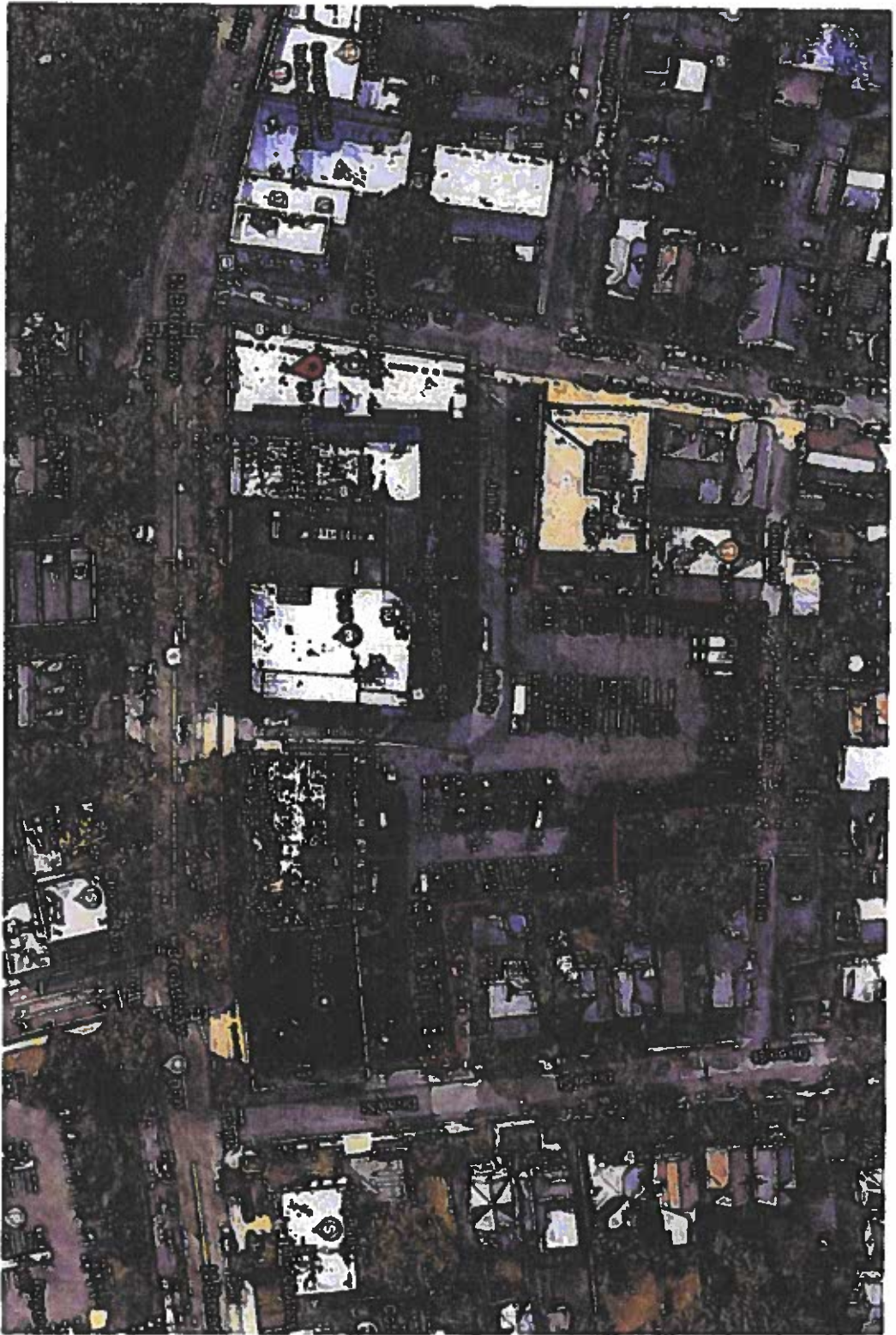
ZONE M-2 (MULTI-FAMILY RESIDENTIAL)

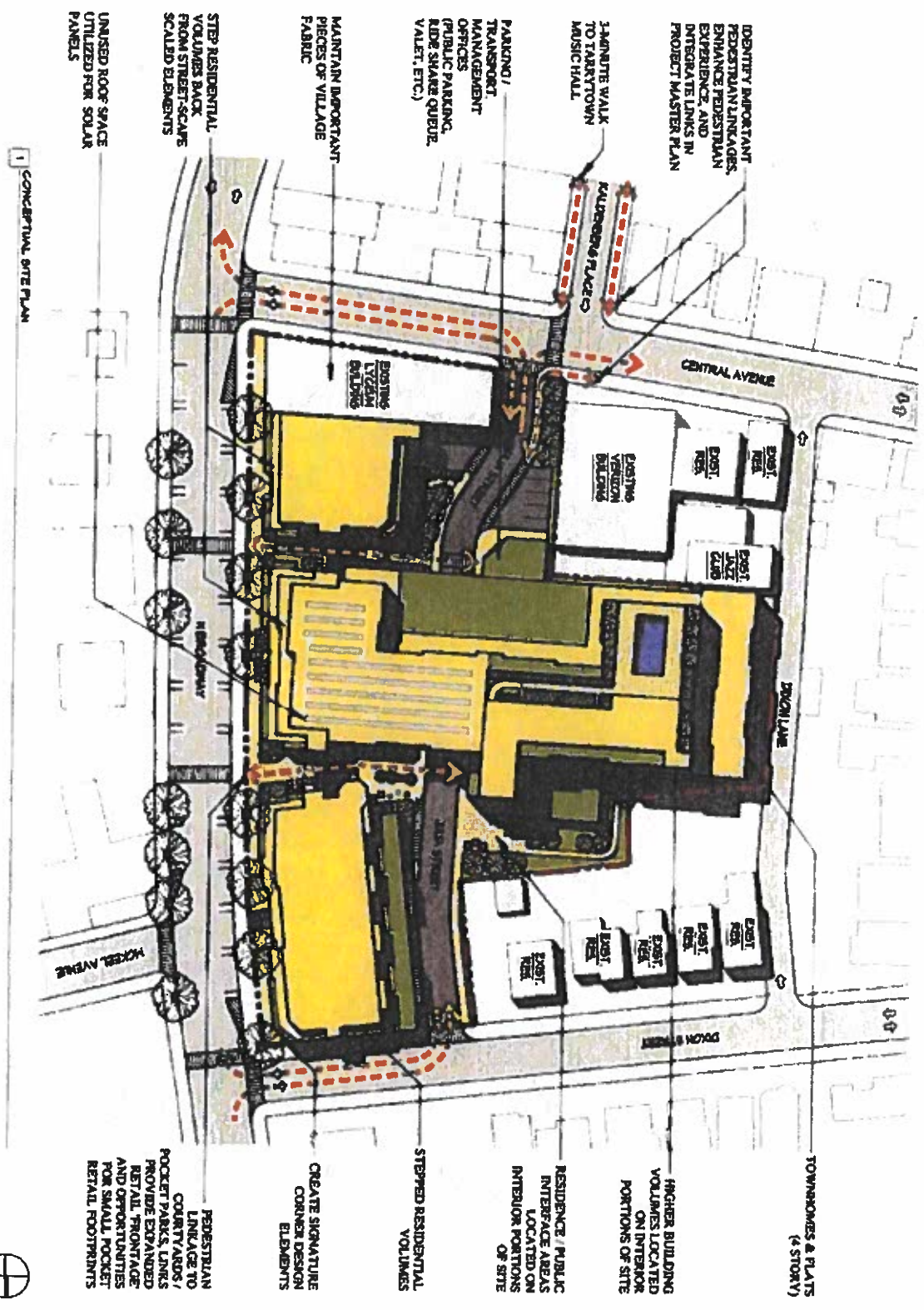


4+ STORES (NON-COMPLIANT)









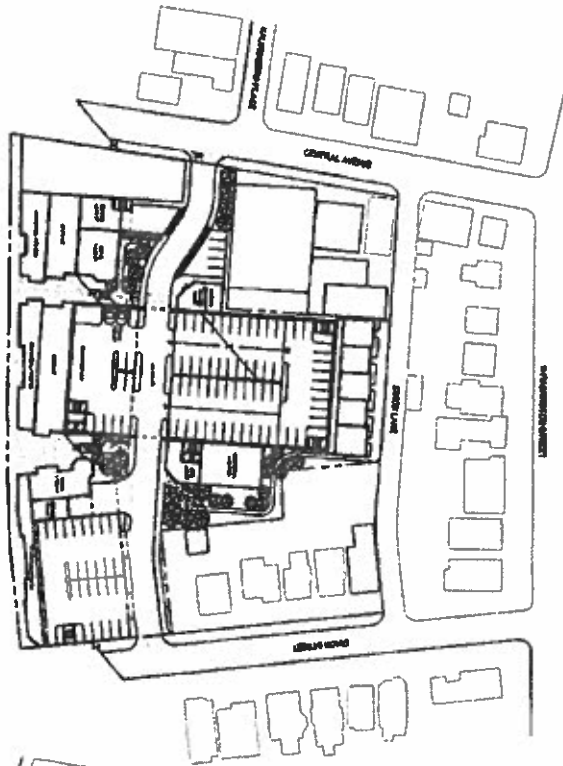
1 CONCEPTUAL SITE PLAN





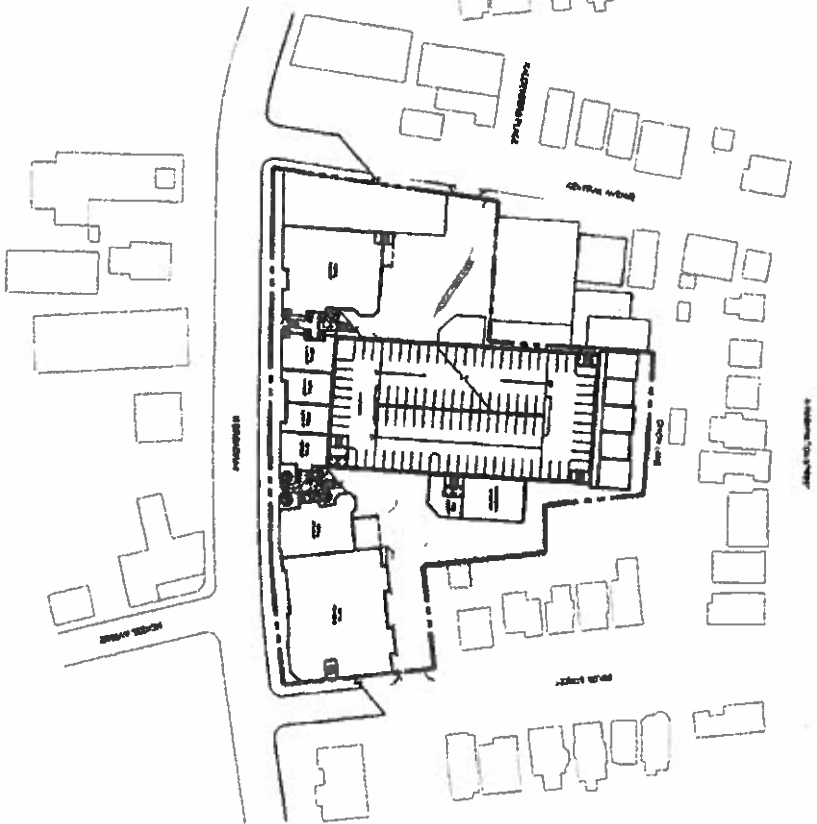


1 LOWER LEVEL FLOOR PLAN



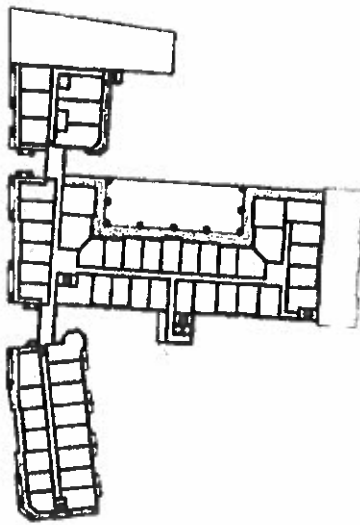
CONCEPTUAL PARKING & RESIDENTIAL DISTRIBUTION	
400	PUBLIC & RESIDENTIAL PARKING SPACES
35,420	SQUARE FEET OF RETAIL
50	STUDIOS (22%)
140	1-BEDROOMS (62%)
35	2-BEDROOMS (16%)
225	RESIDENTIAL UNITS

2 1ST LEVEL FLOOR PLAN

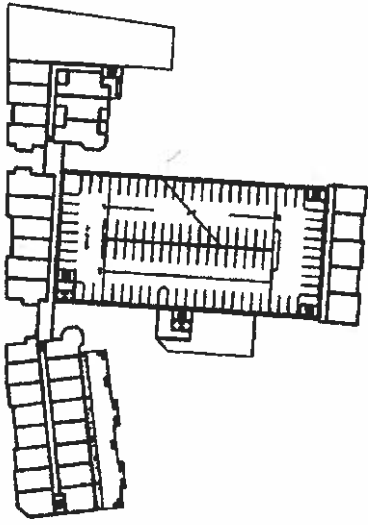




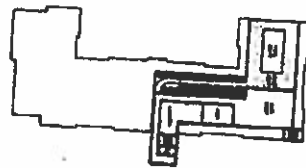
2 4TH LEVEL FLOOR PLAN



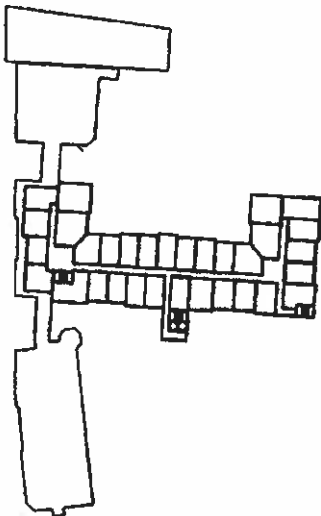
1 2ND & 3RD LEVEL FLOOR PLAN



4 ROOF LEVEL FLOOR PLAN



3 5TH - 7TH LEVEL FLOOR PLAN



HIGH DENSITY RESIDENTIAL VOLUMES PARTIALLY  
CONCEALED BY STREET-SCAPE SCALED VOLUMES



1 N BROADWAY AND DIXON STREET - MASSING STUDY

HIGHER DENSITY RESIDENTIAL LOCATED IN SITE  
CENTRALIZED LOCATIONS ABOVE PARKING  
STRUCTURE & STEPPED BACK FROM STREET-SCAPE



2 CENTRAL AVENUE AND DIXON LANE - MASSING STUDY

HIGHER DENSITY RESIDENTIAL LOCATED IN SITE  
CENTRALIZED LOCATIONS ABOVE PARKING  
STRUCTURE & STEPPED BACK FROM STREET-SCAPE

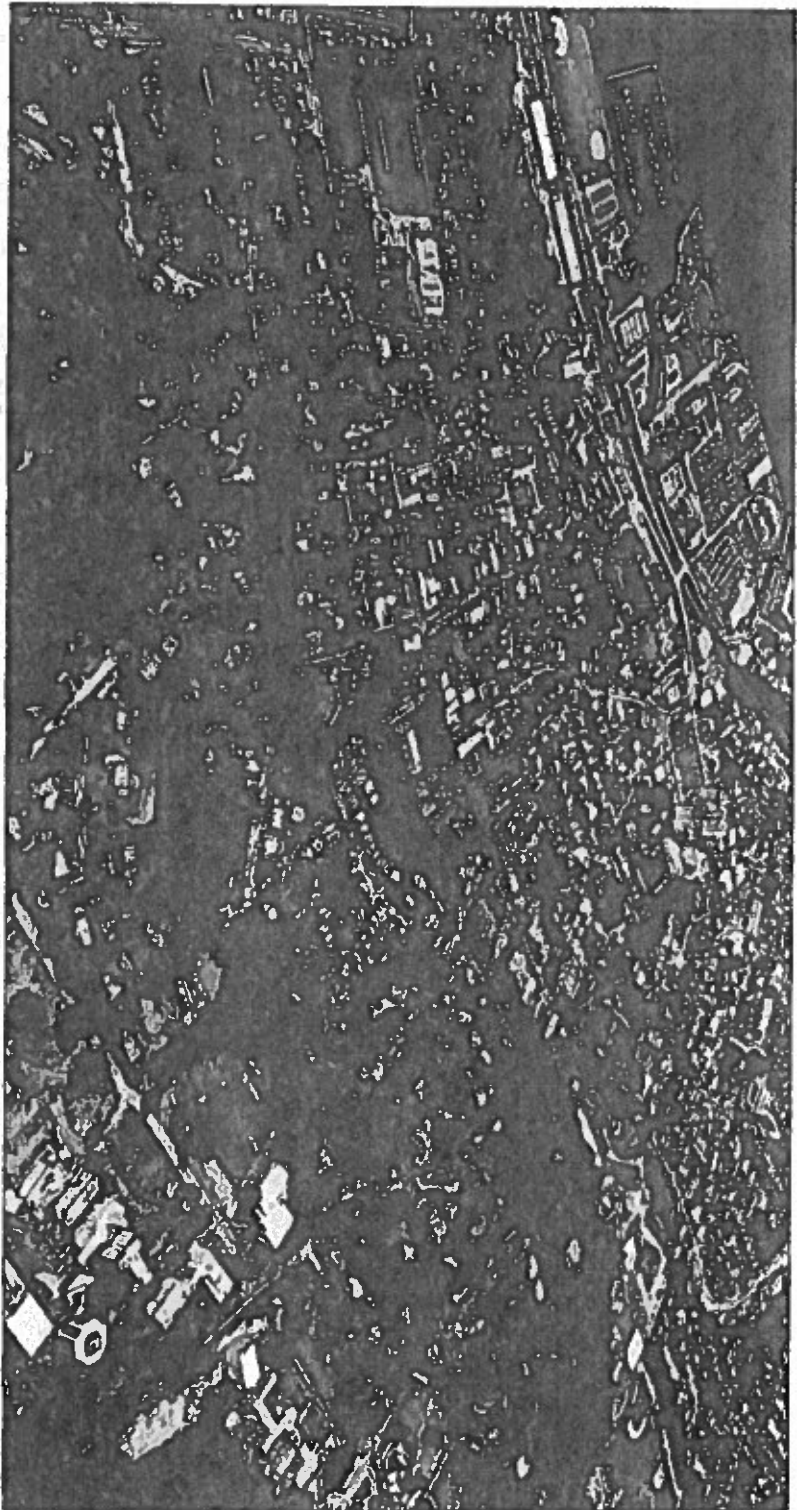


3 N BROADWAY AND CENTRAL AVENUE - MASSING STUDY

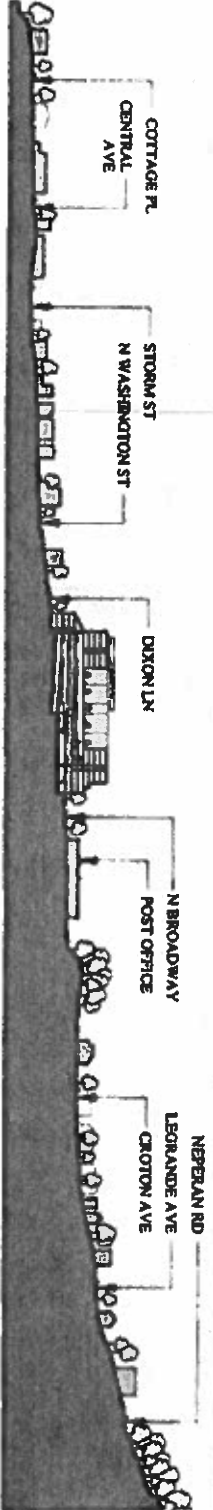
HIGH DENSITY RESIDENTIAL VOLUMES PARTIALLY  
CONCEALED BY STREET-SCAPE SCALED VOLUMES



4 DIXON STREET AND DIXON LANE - MASSING STUDY



1 VILLAGE CONTEXT - AERIAL



2 VILLAGE CONTEXT - SECTION