

Planning Board  
Village of Tarrytown  
Regular Meeting  
July 23, 2018 at 7:00 pm

PRESENT: Chairman Friedlander (arrived at 7:50 p.m.), Members Tedesco, Birgy, Raiselis, Alternate Lawrence; Counsel Zalantis; Building Inspector/Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros

ABSENT: Member Aukland

Mr. Tedesco chaired the meeting this evening and called the meeting called to order at 7:09 p.m.

Mr. Tedesco moved, seconded by Ms. Raiselis, to go into executive session to discuss procedural matters at 7:10 p.m. All in favor. Motion carried.

Board Members returned to the Board room at 7:23 pm.

Mr. Tedesco moved, seconded by Ms. Raiselis, to come out of executive session at 7:23 pm. All in favor. Motion carried.

#### APPROVAL OF MINUTES– June 25, 2018

Mr. Raiselis moved, seconded by Mr. Birgy, that the minutes of the June 25, 2018 meeting 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.
- Michael Degen- 86 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 garden addition
- E.F. Schools, Inc.- 100 Marymount Avenue  
Exterior site improvements to the Esplanade between  
Rita and Marian Hall to improve pedestrian access and  
provide for emergency vehicle access
- MM Homes Land Development of PA, LLC – 6 Hillside Street  
Construction of a single family home.

CONTINUATION OF PUBLIC HEARING – Peter Bartolacci – 67 Miller Avenue

The applicant was not present. Mr. Tedesco advised that they will hold it over to the end of the hearings should the applicant appear.

CONTINUATION OF PUBLIC HEARING – Joseph Fiore – 230 Crest Drive

Mr. Fiore appeared with his wife Julie and explained that his architect Sam F. Vieira was unable to attend this meeting tonight. The only outstanding item remaining was landscaping which has been approved by the village landscape architect.

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

Mr. Barry Agdern, of 224 Crest Drive, came up to address two points. (1) Why he believes why there should be a further reduction on the main structure and garage and why he feels he is entitled to this.

He presented 4 pictures during the winter at different times of the day which are attached as "Exhibit A", along with zoning code information about the light exposure plane. As he stated in his letter, it is his contention that the sun will no longer be visible from those locations at the indicated time if these plans are approved. He feels that he and his wife are entitled to the light. He read the old definition of the light exposure plane added to the code on 3-1-99 to the code, and said it does not mention anything about a setback, and read a portion of the section, "the purpose of the light exposure plane is to provide sufficient light and air between neighboring primary residential structures". He feels if the first landowner moves into setback line it is unfair because you are moving forward to where the angle is being setback from. In 2008, the code was revised to reflect that there was a difference. He read the notes section of 305 attachment 5 of the zoning code, "If an existing structure is located within a mandatory side yard setback, then the point of measurement of a light exposure plane shall be at a point equal to the required side yard setback". In other words, he said instead of being drawn where the house ends, it is drawn into the neighboring setback line so the adjustment has already been made. That extension happened before they bought their home. The 2008 amendment happened after they bought the home. He feels that there was already a correction made to benefit the other landowner and they should not be penalized twice. He is therefore requesting that the main structure be 29 feet even and the garage be lowered by one foot to 17 feet, so that the light exposure plane is no longer violated.

Mr. Birgy asked Mr. Pennella to talk about the light plane, not the sun. Mr. Agdern commented that he showed pictures of the sun since he was asked about this at Zoning.



Mr. Pennella said the light plane is an imaginary plane taken at a 45 degree angle and it does not reflect where the sun is during a particular time of day. Mr. Birgy said this is about a relatively small triangle when the sun passes over. We are not talking about the entire structure blocking the sun.

Mr. Agdern said there is no question that if the house goes up 29 feet, they will be in shadows. He is trying to maximize as much as sun as possible during parts of the day. He understands that there will be 2 stories and a roof, but 29 feet as opposed to 31 feet and 17 feet instead of 18 feet he feels are modest requests especially when they are mandated by statute.

Mr. Tedesco asked if anyone else had any comments.

Mrs. Jane Agdern, 224 Crest Drive, referred to Mr. Aukland's concern raised at the last meeting regarding future light plane applications before the Board. On June 28, 2018 around 9:00 a.m., a car pulled up in front of their home and opened a plan. They stayed for about 10 minutes. She advised the Board that perhaps this will be the next applicant.

She read a letter into the record which is attached as "Exhibit B".

After reading the letter, Mr. Tedesco advised that the list of Mrs. Agdern's concerns is reasonable and Mr. Pennella will be able to provide this information to Mrs. Agdern since they are all building department matters. Mr. Tedesco advised that the landscaping plan was reviewed by Ms. Nolan, the village landscape architect, and she gave several recommendations. The applicant has revised the plan and Ms. Nolan has no further comments.

Ms. Raiselis said it is important to be a good neighbor when living in a small village. She believes the applicants did their due diligence and have compromised. The Zoning Board did approve the variances and she respects their decision and feels that they do a thorough job and try to compromise. With regard to the issues raised by Mrs. Agdern during the construction, these items will be addressed by the building department. She hopes both parties can work as a team to make this a positive outcome.

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

Mr. Tedesco said only a portion of this resolution will be read, but an entire 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**

**Application of Joseph Fiore**

**Property: 230 Crest Drive (Sheet 1.90, Block 64, Lot 13 and Zone R-10)**

**(Adopted July 23, 2018)**

**Background**

1.The Applicant requested site plan approval to construct a second floor addition above the existing single-story residence, a new covered front porch, convert the existing single car garage into habitable space and build a detached storage shed at rear of the property located at 230 Crest Drive.

2.The Planning Board on January 22, 2018 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot..."* and, therefore, no further SEQRA review is necessary.

3.The Planning Board has conducted a duly noticed public hearing on January 22, 2018, June 25, 2018 and July 23, 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 Consulting Village Planner in memoranda dated January 10, 2018, May 16, 2018, June 13, 2018 and July 10, 2018, from the Village Landscape Consultant in Landscape Reports dated June 20, 2018 and July 10, 2018, and denial letters from the Building Inspector/Village Engineer dated November 9, 2017 and revised January 22, 2018 which the Board has considered.

5.The Zoning Board of Appeals reviewed the Applicant's request for variances for front and side yard setbacks, parking in the front yard and a variance to allow a light exposure plane of 19' 6" where the Code does not permit the light exposure plane to exceed 12' at a public hearing held on February 12, 2018 and continued on March 12, 2018, April 9, 2018, and May 14, 2018 at which public comments were heard and considered. In response to public comments, the Applicant made several revisions in the design reducing the height of the addition above the garage from 28' to 18' and the height of the main roof by 1' to approximately 25' where 30' is the maximum allowed. The Zoning Board of Appeals closed the public hearing on May 14, 2018 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on July 23, 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 reviewed the Applicant's site plan. The Project is situated on an 11,037 sf lot which has been reduced by 25 percent to account for the steep slopes. This results in 10,907 sf. The property's steep slopes represent 2 percent of the property or 260 sf. The steep slopes are within small portions of the front and one side yard. There is no disturbance proposed within the steep slopes.

The Project proposes a second floor addition above the existing single-story residence, a new covered front porch, converting the existing single car garage into habitable space, widening the driveway and building a detached storage shed at rear of the property. The proposed second floor addition results in an increase of 1,635 sf. exceeding the 50% threshold and, thereby, requiring site plan review. The garage conversion and driveway widening required the need for area variances from the Zoning Board of Appeals to allow parking for two spaces in the front yard. The house is currently non-conforming for side yards and, therefore, the second floor addition will need area variances. The front porch will need a 3.5' variance. The front porch will be in line with the upper floor of the house. The FAR of the project is 2,933 sf where 3,500 sf is allowed. The impervious surface will increase from 23 percent to 25 percent where 37.25 percent is the maximum allowed

The Zoning Board of Appeals has reviewed the light exposure plane and considered several options to minimize any potential impacts on neighboring properties. The result was a revision in the design, thereby, reducing the height of the addition above the garage from 28' to 18' and the height of the main roof by 1' to approximately 25' (as measured by Code from the mid-point of the roof). A maximum height of 30' is permitted in the R-10 zoning district. In response to the initial review by the Village Landscape Consultant, the Applicant retained an arborist to provide a tree report (dated 6/27/18) to assess the condition of the existing trees, assess their viability based on proposed construction activity, identify any tree removals and recommend remediation techniques to alleviate any construction activity. The Applicant's landscape architect provided a response to the Village Landscape consultant and revised the landscape plan accordingly. The Village Landscape Consultant has reviewed the updated landscape plan (7/10/18) and provided comments

to the Applicant to clarify tree protection techniques on the plan. The Applicant has revised the plan to incorporate these recommendations.

## II. Approved Plan:

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

Plans prepared by Samuel F. Viera, R.A. The Plans are entitled and dated as follows:

- **SP-1 “Existing Conditions Site Plan”, “Site Plan”, “Steep Slopes Plan” and “Zoning Information”** Additions and Alterations to Fiore Residence, 230 Crest Drive, Village of Tarrytown, NY. dated December 14, 2017
- **A-3 “Proposed Elevations”** Additions and Alterations to Fiore Residence, 230 Crest Drive, Village of Tarrytown, NY dated March 30, 2018 and revised April 13, 2018.
- **LP-1 “Light Plane Study”** Additions and Alterations to Fiore Residence, 230 Crest Drive, Village of Tarrytown, NY dated April 17, 2018 and revised April 18, 2018.
- **PS-1 “Photo Study”** Additions and Alterations to Fiore Residence, 230 Crest Drive, Village of Tarrytown, NY dated December 20, 2018
- **“Streetscape”** Additions and Alterations to Fiore Residence, 230 Crest Drive, Village of Tarrytown, NY
- **L-1 “Planting Plan”** Additions and Alterations to Fiore Residence, 230 Crest Drive, Village of Tarrytown, NY prepared by Donna L. Gutkin, Landscape Architect dated June 11, 2018, revised July 3, 2018 and last revised July 17, 2018.
- **Survey** “Survey of Property prepared for Joseph J. and Julie C. Fiore in the Village of Tarrytown, Town of Greenburgh, Westchester County, NY” prepared by Ward Carpenter Engineering, Inc. May 18, 2017. “The premises being Lot 141 as shown on a map entitled ‘Subdivision Map of Tarrytown Crest’ dated Sept. 12, 1947 and filed Sept. 26, 1947 as County Clerk Map No. 6026”.
- **C-1 “Stormwater Management Plan”** Proposed Additions and Alterations, 230 Crest Drive, Village of Tarrytown, Westchester County – New York dated June 8, 2018 prepared by Hudson Engineering & Consulting, P.C.
- **C-2 “Details”** Proposed Additions and Alteration, 230 Crest Drive, Village of Tarrytown, Westchester County – New York dated June 8, 2018 prepared by Hudson Engineering and Consulting, P.C.
- **Stormwater Management Plan and Drainage Analysis** prepared by Hudson Engineering and Consulting, P.C. dated June 8, 2018 and last revised June 29, 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 in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and

approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

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

Mr. Tedesco moved, seconded by Mr. Raiselis, that this site plan application be approved. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING – EL FARB, LLC- 56 Wildey Street

Keith Betensky, Attorney, representing El Farb LLC, introduced Theresa Beyer, the project architect, and Linda Einfrank, on behalf of El Farb, LLC, the applicant. Mr. Betensky advised that they have reduced the number of units from 5 to 3 family, they have received the necessary variances from the Zoning Board and have addressed all of the items of this Board. He is respectfully requesting that the hearing be closed and this project be approved.

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

Mr. Tedesco asked if any staff members, consultants or board members have any further comment. Mr. Galvin commended the applicant for going down to a 3 family.

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

Mr. Birgy said only a portion of this resolution will be read, but an entire 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 July 23, 2018)**

**Application of El Farb, LLC  
Property: 56 Wildey Street (Sheet 1. 40, Block 12, Lot 16 and Zone M-1.5)**



**Resolution of Site Plan Approval**  
**Background**

1. The Applicant initially requested site plan approval for the conversion of a single-family residence to a four-family residence located at 56 Wildey Street in the M-1.5 multi-family zoning district. This request was later revised to convert the single-family residence to a three-family residence.

2. The Planning Board on April 30, 2018 determined the original application for conversion to a four-family residence to be an unlisted action under SEQRA. When the Applicant revised his proposal to a conversion to a three-family residence, the Planning Board reviewed the revised Short Form EAF (revised 5/2/18) and reclassified the proposed action as a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in section 617.5(c)(11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system."* Further SEQRA review was not required.

3. The Planning Board has conducted a duly noticed public hearing on April 30, 2018, June 25, 2018 and July 23, 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 including the revised plans and received comments and recommendations from the Village Consulting Planner in memoranda dated April 17, 2018, June 13, 2018 and July 10, 2018, and from the Building Inspector/Village Engineer in a letter of denial to the applicant dated January 31, 2018 and a review memorandum dated May 16, 2018, and from the Village Landscape Consultant in a landscape report dated June 21, 2018 and final review report dated July 11, 2018 which they have considered.

5. The Zoning Board of Appeals reviewed the Applicant's request for area variances for principal building coverage, minimum distance between multi-family structures, front, side and rear yard setbacks for corner lots, parking lot setbacks and parking variance for three spaces at a public hearing held on July 9, 2018. The requested dimensional variances are all pre-existing. The Zoning Board of Appeals closed the public hearing on July 9, 2018 and approved the requested area and parking variances on that date.

6. The Planning Board closed the public hearing on July 23, 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 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 6,384 sf subject property is at corner of Storm and Wildey Streets in the M-1.5 multi-family district. The subject property contains an existing three story, Victorian style house opposite a four story brick, apartment building on the other side of Storm Street (in the M-1 multi-family zone). The Building Department files only indicated the structure as a single-family residence. Storm Street is one way out to Wildey Street with limited availability of on-street parking. The property has a paved driveway to the rear with a garage and two parking spaces with access on Storm Street.

The Applicant originally requested site plan approval for the conversion of a single-family residence to a four-family dwelling. In response to comments by the Planning Board and the Building Inspector/Village Engineer in his memo dated 5/16/18, the Applicant revised his Project reducing the number of units from four to three units. The Planning Board was then able to classify the proposed action as a Type II with no further SEQRA review required. The revised Project addressed the Planning Board and Village Engineer’s comments resulting in a number of positive changes. The Project now includes two 2-bedroom units on first and second floors and one 1-bedroom unit on the third floor. The former non-legal unit in the basement has been eliminated. The size of all units are now zoning compliant. The existing garage at the rear has been removed and the parking area has been re-configured. This reconfiguration resulted in a more appropriate parking lot layout which increased the number of existing parking spaces from two to five for the three proposed units. The parking lot reconfiguration now provides for vehicles parking head in with a 20’ aisle width. The surface of the parking lot is proposed for permeable paving. The site plan depicts reserved parking signage for each space. The Applicant has provided lease riders for each apartment assigning the parking spaces solely for tenants’ use as suggested by the Planning Board. The driveway for the parking lot from Storm Street that was formerly proposed for a 26’ width has been reduced to the Village standard of 14’. A new landscaping plan has been provided which maintains the existing mature trees and specifies shrubs recommended by the Village Landscape Consultant with their size and quantity. The Landscape plan also notes the use of mulch as suggested by the Village consultant. A landscape buffer and a new 6’ stockade fence replaces the existing chain link fence along the south side of the property. The plans include a note detailing that soil engineer will test the soil and provide the results as well as the self-



contained drainage plan to the Village Engineer. Two exterior motion activated LED flood lights with timer will be installed and designed to minimize light spillage onto adjacent properties.

## II. Approved Plan:

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

Plans prepared by Theresa Beyer, Architect dated 1/18/18 and last revised 6/7/18 unless otherwise noted. The Plans are entitled as follows:

- SP-1 *"Site and landscape Plans – Existing and Proposed, 3-Family House, 56 Wildey Street, Tarrytown, NY"* last revised 6/25/18.
- Page 1 of 3 *"Site Plan, Notes, Schedules, Details, 3-Family House, 56 Wildey Street, Tarrytown, NY"*
- Page 2 of 3 *"Basement and First Floor Plans, 3-Family House, 56 Wildey Street, Tarrytown, NY"*
- Page 3 of 3 *"Second and Third Floor Plans, 3-Family House, 56 Wildey Street, Tarrytown, NY"*
- *"Survey of Tax Lot No. 16, Block 12, section 1.40 as shown on the Official Tax Assessment Maps of Village of Tarrytown, Town of Greenburgh, Westchester County, New York"* prepared by Apple Land Surveyors, dated May 20, 2016.  
(the "Approved Plans").

## III. General Conditions

- (a) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
- 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) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (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.

#### IV. Specific Conditions

1. The Applicant has provided lease riders assigning specific spaces in the parking lot for each unit. The site plan depicts reserved parking signs for each parking space. The five parking spaces are allocated as follows: the two 2-bedroom units have two assigned parking spaces each with the one 1-bedroom unit having one parking space. As the lease rider specifies, the assigned parking space(s) shall be used solely for tenant’s use. Said space is non-transferable and non-assignable by the tenant and may be used only for the passenger vehicle listed in the lease rider.
2. Prior to the issuance of a building permit, the Applicant’s soil engineer shall conduct soil test and provide the results as well as the self-contained drainage plan to the Village Engineer for his review and approval.



Mr. Tedesco moved, seconded by Ms. Raiselis, that this site plan application be approved. All in favor, motion carried.

Dr. Friedlander arrived at 7:50 pm. Mr. Tedesco continued to chair the meeting.

CONTINUATION OF PUBLIC HEARING – Schopfer Architects, LLP – 20 Wood Court

Mike Chipman, of Schopfer Architects, appeared and presented the site-plan. He explained that after speaking with Mr. Pennella, they agreed that a grasscrete system would be the best solution for the emergency access area which he identified on the plan.

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

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

Mr. Galvin referred to the Negative Declaration issued at the 6-25-18 meeting under SEQRA and most of the comments included in this Declaration have been incorporated into the draft resolution.

Mr. Tedesco confirmed that the village landscape architect has approved the landscape plan with no further comments.

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

Ms. Raiselis said only a portion of this resolution will be read, but an entire 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 July 23, 2018)**

**Application of Schopfer Architects  
Property: 20 Wood Court (Sheet 1. 40, Block 7, Lot 10 and Zone M-1.5)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requested site plan approval for a one-story, 8,877 sf addition to an existing three-story nursing home and expansion of a parking area in the M-1.5 multi-family zoning district.

2. The Village of Tarrytown Board of Trustees referred the Application to the Planning Board to conduct the SEQRA environmental reviews and make a recommendation to the Board of Trustees for the required Compatible Use Permit (CUP).
3. The Planning Board determined that the Project was an unlisted action under SEQRA on April 30, 2018 and issued a Notice of Intent to be Lead Agency on May 1, 2018, assumed Lead Agency status at its meeting on May 30, 2018 and issued a Negative Declaration for the proposed unlisted action on June 25, 2018.
4. The Applicant made a preliminary presentation to the Planning Board on February 26, 2018 and, thereafter, the Planning Board has conducted a duly noticed public hearing on April 30, 2018, May 30, 2018, June 25, 2018 and July 23, 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 including the comments and recommendations from the Village Consulting Planner in memoranda dated February 14, 2018, April 17, 2018, May 16, 2018, June 13, 2018 and July 10, 2018, from Westchester County Planning in a GML referral letter dated May 4, 2018, from the Village Landscape Consultant in Landscape Reports dated June 20, 2018 and May 23, 2018, from the Building Inspector/Village Engineer in a letter of denial to the applicant dated February 5, 2018 and from the Applicant's response letter to Westchester County Planning dated May 30, 2018 and to the Village Engineer dated June 13, 2018 detailing the Project's sustainable design/green infrastructure elements which they have considered.
6. The New York State, Department of Health, in a letter dated December 26, 2017, approved the application of the Tarrytown Hall Care Center to renovate the space to expand the existing 120 bed residential health care facility with no change to the operating certificate.
7. The Planning Board closed the public hearing on July 23, 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 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.

Subject property is situated on a 2.759 acre (120,198 sf) property located at 20 Wood Court in the M-1.5 District. It is developed with an existing, three-story nursing home with 120 skilled nursing beds (Tarrytown Hall Care Center). The proposed action is a one story, 8,877 sf addition to the Tarrytown Hall Care Center. The proposed action includes the expansion of an existing parking lot from 63 to 85 spaces. The project includes the renovation of portions of the existing, three-story building, a covered drive-up entrance, three patio areas, vinyl picket fencing, landscaping and underground stormwater detention. The parking lot expansion was reduced from the original 101 parking spaces. Addition will be used for dining area, physical therapy and office space. The number of residents or beds will not increase. There will be ten employees added to staffing levels.

The proposed action will also require a Compatible Use Permit (CUP) from the Board of Trustees. The proposal is zoning compliant. Fire Department access will be made available in the rear of the building with the proposed expansion. There are no identified environmental constraints. The subject property has no existing freshwater wetlands. The property is not located in the 100 year floodplain. The subject property contains 25,020 sf of steep slopes (25+ %) or 20.8% of the site. These steep slopes are located along the southern and western edge of the property. No disturbance is proposed within the steep slope areas. The applicant has reduced the lot size to 107,688 sf taking into account the 50% of the steep slope area.

Mitigation measures include the following: the landscape plan has been revised with larger trees specified in the parking lot islands and increased landscaping on the north and south side of the building pursuant to the recommendations of the Village Landscape Consultant. The stormwater management system for the project will provide the following in accordance with NYSDEC's criteria and local law:

- Capture and water quality treatment of runoff from the 90% rainfall from all new impervious surfaces using bio-retention, permeable pavement and infiltration chambers
- Capture and detention of runoff from all rainfall events up to 100 Year intensity from all new impervious surfaces utilizing underground storage/infiltration chambers.
- Runoff reduction of the water quality volume from all new impervious surfaces utilizing bio-retention and infiltration chambers.

Through the use of bio-retention techniques, all water is taken from the parking lot into underground infiltration chambers and results in increasing water quality treatment (WQT) capacity over 4 ½ times the required capacity and a total reduction of runoff of 23% for a 1 year storm and 30% for a 100 year storm. The patio areas will use permeable paving and the

alley for fire lane access will use grass-crete to reduce the site's impervious surfaces. The use of water saving units reduces water flow by 13%. Energy use will be reduced by 50% with HVAC systems.

## II. Approved Plan:

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

Plans prepared by Schopfer Architects LLP dated 12/5/17 and last revised 7/10/18 unless otherwise noted. The Plans are entitled as follows:

- T1.0 "Cover Sheet, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York".
- T1.1 "Code Summary, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"

### ***Civil Drawings prepared by Dunn & Sgromo Engineers***

- C1.0 "Stormwater Management Plan, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- C2.0 "Erosion & Sediment Control Plan, Details and Notes, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"

### ***Site Drawings***

- L1.0 "Site Demolition Plan, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- L1.1 "Site Plan, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- L1.2 "Grading Plan, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- L1.3 "Landscape Plan/Tree Removal Plan, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- L2.1 "Site Details, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- L2.2 "Site Details, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"
- L3.0 "Photometric Plan – Option 1, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York"



- L3.1 *“Photometric Plan – Option 2, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York”*

***Architectural Drawings***

- A2.0 *“Exterior Elevations & Building Section, Addition to Tarrytown Hall Care Center, 20 Wood Court, Tarrytown, New York”*
- *“Survey of TarryTown Hall Care Center, 20 Wood Court, Tarrytown, New York” surveyed by Michael D. Masters, Land Surveyor, Millman National Land Services surveyed April 10, 2017 and last revised August 23, 2017.*

(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) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (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.

V. Specific Conditions

1. The Planning Board's approval is conditioned upon the Applicant receiving a Compatible Use (CUP) from the Village of Tarrytown Board of Trustees.

Mr. Tedesco moved, seconded by Ms. Raiselis, that this site plan application be approved. All in favor, motion carried.

Mr. Galvin will draft a letter of recommendation to the Board of Trustees recommending that this project be granted a compatible use permit to operate, which must be submitted by August 6, 2018.

CONTINUATION OF PUBLIC HEARING  
Samson Management Inc. - 177 White Plains

Steven Wrabel, Attorney, of McCullough, Goldberger & Staudt LLP, appeared before the Board on behalf of Samson Management, LLC and said it has been awhile that they have been before the Board but they have provided information that had been requested. They are here for the re-approval of the 3 phase parking development which received prior approval in 2009. They are proposing the third and final stage for 21 new parking spaces reserved for specific tenants. His engineer, Steve Grogg, is here this evening from McClaren Engineering to answer any questions the Board may have.

Mr. Galvin advised the Board that the village landscape architect has reviewed the landscape plan, visited the site with Mr. Pennella, and has no further comments or recommendations.



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

Anne Taylor, an 8 year resident of Sleepy Hollow Gardens came up and asked the Board if there is a requirement for an apartment complex to provide parking for tenants. The tenants have made many requests and ideas to improve the parking, but Samson's solution is to make the residents pay for the spots. There are empty spots available that people do not want to pay for and Samson will not allocate them to the residents unless they pay more. Therefore, tenants are forced to park in the Pennybridge area, which is inconveniencing them as well. It is very dangerous to cross Route 119 especially during the winter months. She would like to know if there is a requirement to provide at least one spot to each tenant.

Mr. Tedesco advised Ms. Taylor that the Board is here to re-approve the application for the 21 additional spaces. They realize that there are problems and they are reasonable but they have to be worked out between Samson and the tenants. The Board would like to get the 21 additional spaces approved this evening.

Ms. Taylor asked if the spots will be rented to the tenants or made available to the all of the residents. Mr. Tedesco asked her to listen to the resolution.

Ms. Raiselis said we have requirement that every unit has 2.5 spaces, but people have to pay for them. Counsel Zalantis said it is a development requirement just to provide the spaces, not allocate them.

Counsel Zalantis said it is the understanding and the applicant has agreed that they can only lease these 21 spaces to residents who live at Sleepy Hollow Gardens, not to anyone else.

Mr. Wrabel said they are only for Sleepy Hollow Garden residents. Mr. Birgy said it does not make any sense to have empty spaces that are not being utilized. Mr. Wrabel said it is his understanding that there is a waiting list for paid spaces. He has heard that there is a demand for these parking spaces from his client.

Dr. Friedlander said our code says that parking has to be provided but if people can't afford to pay the rent and parking, it is meaningless.

Mr. Galvin said the code does not specifically say they have to. Mr. Wrabel said they are upfront about renting spaces. Some residents seek out lower rent rather than pay for the space. If everyone is guaranteed a space every tenant would be forced to pay for the space which would increase the rent.

Ms. Lawrence asked if there is a walk sign along Route 119. Ms. Taylor said there is.

Mr. Birgy said if there are spaces sitting vacant then that is a real problem. Mr. Galvin advised that he did spot counts at 9 pm at night and he did not see many empty spaces.

Counsel Zalantis asked if there is a waiting list for reserved spots. Mr. Wrabel said the benefit to the reserved spots to everyone is that they can go out of the general parking into reserved which will open up 21 spots for the others to general parking.

Mr. Pennella said there are 213 units, and 358 parking spaces available on site. He asked Mr. Wrabel how many of the 358 spaces are paid for or reserved. Mr. Wrabel said, of the 358 spaces, including the garage parking spaces, there are 145 reserved spaces which includes 1 for super, 1 for the handyman and 1 for equipment storage. The remaining 213 spaces are for general parking. Mr. Pennella said so basically there is one spot per unit. Mr. Wrabel said there are 213 general and 215 units so it is close.

Mr. Pennella said village code today would require that the applicant provided 500 parking spaces which is impossible. Mr. Wrabel said it is a non-conforming site.

Mr. Wrabel said with reserve spaces preference will be given to those who do not have a reserved space. They also did a survey and there were very few units that had 3 or more cars. Mr. Birgy said if system is not administered with some sort of oversight by the management company, whatever goes, goes, and we run into a situation when there is not even 1 space per unit.

Mr. Wrabel said there is no way to regulate general parking. There is no budget and it is not feasible. Making these 21 space reserved should improve the situation. A discussion took place about stickers and other suggestions.

Mr. Wrabel said they are trying to improve the parking by adding more regulated parking. He will pass the Board's comments onto the applicant. Mr. Galvin said they also discussed providing more spaces and land banking them if there is a need to do.

Ms. Raiselis said this is an improvement to the existing and the Building Department has helped to open up additional spaces.

Counsel Zalantis said this is not a site plan approval for the entire site. The goal is to create more parking and open up general parking. This Board is limited to what they can request. The applicant has agreed to the condition that these spaces will only be leased to residents that live there.

Mr. Birgy feels that Samson could do a better job to figure out a better parking plan. It is a negative spillover to the village and is dangerous. He would like Mr. Wrabel to convey this to the management company.



Counsel Zalantis pointed out that this site is existing, non conforming and it would not be allowed today without providing the parking. Mr. Galvin noted that Samson has worked with the Building Department and 16 garages have also become available.

Victor Passantino, of 26 Eunice Court, came up and commented that he lives in the area and said it is very difficult to watch the folks walk up the hill during the evening and during snowstorms. It is also dangerous and he feels that management can come up with a solution. A fire engine cannot even go through the complex. Mr. Tedesco said that he sympathizes and feels that this problem should be addressed.

Counsel Zalantis suggested keeping the public hearing opened until after the resolution has been read to consider any comments so that the applicant or members of the public can weigh in on it, and then to close the public hearing, and vote on the application.

Mr. Tedesco said only a portion of this resolution will be read, but an entire 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 July 23, 2018)**

#### **Application of Samson Management, LLC**

**Property: 177 White Plains Road (Sheet 1.201, Block 121, Lot 3 and Zone M-4)**

#### **Resolution to Re-Approve Previously Approved Site Plan**

#### **Background**

1. The Applicant requests the Planning Board to re-approve a site plan for the construction of the final phase of parking expansion (Area 2) at apartment complex (Sleepy Hollow Gardens) previously approved on January 26, 2009. There have been no changes to the original site plan.

2. The Applicant's submitted plans for a building permit were denied in a letter by the Village Engineer on March 9, 2018. The application's previously approved site plan in 2009 became null and void since a building permit for the additional parking contained within Area 2 of the site plan was not obtained within 2 years of the site plan approval pursuant to 305-143 (B). The Applicant, therefore, was required to submit a new application for site plan review to the Planning Board.

3. The Planning Board has conducted a duly noticed public hearing on March 14, 2018, April 23, 2018, May 30, 2018 and July 23, 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 March 14, 2018, April 17, 2018, May 16, 2018, June 13, 2018 and July 10, 2018 and from the Village Landscape Consultant in a Landscape report March 19, 2018 and July 18, 2018. The Board also received and reviewed the following information from the Applicant including: 1) *“Observation Report on Sleepy Hollow Gardens – Garage Structures”* dated May 15, 2018 prepared by McLaren Engineering Group for Samson Management Corp.; 2) *Applicant Attorney’s Letter dated April 18, 2018* providing updated information on parking statistics for the property; 3) *Applicant Attorney’s Letter dated May 16, 2018* updating information on Tenant Garages, Additional Parking Spaces and providing Parking Exhibit with locations of parking lots and garages.

5. The Planning Board on March 26, 2018 noted that it had acted as the Lead Agency affirming the previously approved site plan (1/26/18) which was classified as an unlisted action. At that time, the Board had determined no significant adverse environmental impacts associated with this action. The Board noted that there were no changes to this formerly approved site plan and reaffirmed that its previous finding of no significant adverse environmental impacts.

6. The Planning Board closed the public hearing on July 23, 2018. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

### Determination

The Planning Board has evaluated the previously approved site plan and 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 has reviewed the application and has been satisfied that there have been no changes to the site plan and that the site plan remains consistent with the Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI.

The Applicant is Samson Management, the managing agent for the Sleepy Hollow Gardens apartment complex. The Planning Board has reviewed the Applicant’s site plan and parking availability on the property. The application represents the final third phase of the previously approved parking plan for the Sleepy Hollow Gardens. The original site plan with three phases of parking was approved by the Planning Board on 1/26/09. Parking Area 3 (22 spaces) was



constructed in 2009 and Parking Area 1 (17 spaces) was built in 2011. The Applicant is requesting to move forward on the construction of Parking Area 2 identified on the overall site plan based on need. The requested phase is identified as Area 2 on the site plan. It consists of 21 parking space serving buildings 2, 3 and 4 in the southern section of the complex near White Plains Road. There have been no changes made in the original site plan.

The Sleepy Hollow Gardens complex has 215 apartments (42 1-bedroom units, 165 2-bedroom units and 8 3-bedroom units). The garden apartment complex provides a current total of 358 parking spaces. This includes 145 reserved spaces (85 garages and 61 regular spaces) and 213 unreserved parking spaces. The additional 21 reserved spaces would increase the total to 379 parking spaces. The Building Department had initiated violations on 12 of the garages which were being used for storage rather than the parking of vehicles. All 12 garages have been emptied to the satisfaction of the Building Department and are no longer used for storage. The Applicant engaged McLaren Engineering to inspect all of the garages. The McLaren report (dated 5/15/18) indicated no serious structural issues and concluded that the garages were in a safe condition. The Applicant is working with McLaren to address elements identified for repair. In addition to the proposed 21 additional spaces (Site Plan - Area 2), the 12 garage spaces will now be available for parking. The Applicant's Attorney in a report dated April 18, 2018 provided parking statistic data collected from the residents and parking utilization information. The Applicant has also identified a potential location in the northwest section of the property for another 15-20 parking spaces. If there is still a need for parking on-site, the Applicant would return to the Planning Board for approval of the additional parking. The Applicant revised the landscaping plan to incorporate the Village Landscape Consultant's comments.

## 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:

Site Plans for Samson Management, LLC prepared by McLaren Engineering Group dated 7/1/08 and last revised 3/8/18 unless otherwise noted and entitled as follows:

- C-01 *"Overall Site Plan, 177 White Plains Road, Sleepy Hollow Gardens"*
- C-02 *"Parking Addition Area – 2, 177 White Plains Road, Sleepy Hollow Gardens"*
- C-03 *"Notes and Details- Sheet 1, 177 White Plains Road, Sleepy Hollow Gardens"*
- C-06 *"Details – Sheet 2, 177 White Plains Road, Sleepy Hollow Gardens"*
- *"Landscape Plan, Sleepy Hollow Gardens, Route 119, White Plains Road, Village of Tarrytown, Westchester County, N.Y." dated 4/15/09 and last revised 3/8/18 prepared by Stephen Lopez, AICP, RLA.*
- *"Survey for Tax Map Section 2/I.201, Sheet 19/Block 121, P/O Lot 61 & 61A2/3, Village of Tarrytown, Town of Greenburgh, County of Westchester, State of New York" date surveyed June 30, 2000 and last revised October 29, 2014.*

(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.

IV. Specific Conditions:

1. Each of the new 21 parking spaces will be assigned by the Management Company as reserved spaces for residents of Sleepy Hollow Gardens and such spaces shall first be offered to residents of Sleepy Hollow Gardens who: (1) are currently on the waiting list for reserved parking spaces; and (2) who do not currently have any reserved parking spaces. Only in the event that there is no resident that satisfies the aforementioned sub-conditions 1 and 2, may the Management Company offer and/or assign the new 21 parking spaces to other residents at Sleepy Hollow Gardens.
2. With the exception of one garage used for storage of maintenance equipment for use on the site, the Applicant has represented to the Planning Board that none of the parking spaces throughout the entire Sleepy Hollow Property are leased or otherwise assigned to individuals who do not reside at Sleepy Hollow Gardens and based upon the foregoing, Applicant consents and agrees as a condition to this approval that it shall not lease or otherwise allow use of any parking spaces in Sleepy Hollow Gardens, including but not limited to the 21 parking spaces, by individuals who do not reside at Sleepy Hollow Gardens.
3. Prior to the issuance of a building permit, the Applicant shall participate in a pre-construction site meeting at which the areas of tree protection and location of silt fence will be determined to the satisfaction of the Village Engineer and consulting Landscape Architect.
4. Prior to the issuance of a building permit, the Applicant shall modify the plant list on the landscape plan to reflect all native plants and specifically include the suggested plantings in the Village Consulting Landscape Architect's landscape report dated July 18, 2018.
5. The re-authorization of the Site Plan is subject to the same terms and conditions of the original site plan resolution previously approved on January 26, 2009.

Mr. Tedesco moved, seconded by Ms. Raiselis, to re-approve this application. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Jonathan Villani – 41 Crest Drive

Jonathan Villani, of Annunziata and Villani Design Consultants appeared, representing the Moriarty's at 41 Crest Drive. He advised the Board that they have filed an application with the ARB, have submitted the streetscape, and have made a revision to the drainage drawing as directed. He is requesting that the hearing be closed and the Board approve this project.

Mr. Tedesco advised that a site visit was made by Board members to 41 Crest Drive on July 12<sup>th</sup>. He asked if anyone in the public had any comments. No one appeared.

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

Mr. Birgy said only a portion of this resolution will be read, but an entire 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 July 23, 2018)****Application of Jonathan Villani****Property: 41 Crest Drive (Sheet 1.110, Block 77, Lot 18 and Zone R-10)****Resolution of Site Plan Approval****Background**

1. The Applicant requested site plan approval to construct a two-story addition of living space and a one story sunroom at the rear of an existing single family residence located at 41 Crest Drive.

2. The Planning Board on May 30, 2018 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot..."* and, therefore, no further SEQRA review is necessary.

3. The Applicant has made a preliminary presentation to the Planning Board on May 30, 2018 and, thereafter, the Planning Board has conducted a duly noticed public hearing on June 25, 2018 and July 23, 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 Consulting Village Planner in memoranda dated May 16, 2018, June 13, 2018 and July 10, 2018 and a review from the Building Inspector/Village Engineer in a memorandum dated May 14, 2018 and an updated review dated June 18, 2018 in which the light exposure plane was reviewed and found to be compliant, all of which the Board has considered.

5. The Planning Board also made a site visit to the subject property at 41 Crest Drive on July 12, 2018 to view the perspective view of the proposed improvements from the adjacent property at 35 Crest Drive. The site visit was restricted to the subject property since no access was provided by the owner of the adjacent property.

6. The Planning Board closed the public hearing on July 23, 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 reviewed the Applicant's site plan. The Project includes the addition of a two story, 540 sf addition of living space and a one story sunroom at the rear of the existing single family residence located at 41 Crest Drive. The Project also include a small one story vestibule at the front entry. The property is 17,500 sf with frontage of 70' and depth of 250'. The property has a low stone wall approximately 25' to the rear of the proposed addition. There will be no changes to the existing stone wall nor any alteration of grades in the sloped areas. The masonry patio and walkway at the rear of the house will be removed with a net increase of 355 sf of impervious surface. Total impervious surface for the property will be 2,360 sf or 13.4 percent where a maximum of 6,519 sf or 37.25 percent is allowed. The Zoning Compliance form has been provided with no issues noted. The height of the residence will remain at 24' with two stories. The addition at the rear will be 12' – 13' from the side yard and within the required side yard setback. The combined side yard setback is a maximum of 26' with the applicant maintaining the existing 33' setback. The Environmental Clearance Form has been provided with no issues identified. The Project will increase the floor area from 1,966 sf or 0.11 FAR to 2,779 sf or 0.16 FAR. The maximum allowable FAR is 0.275 or 4,812.5 sf. The

Project will use a stormwater retention system utilizing three culvert chambers on site. The landscaping will be placed in the front of the low stone wall at the rear of the residence. The landscape plan has been revised replacing the Emerald Green Giant Arborvitae which are not deer resistant with the more appropriate Leyland Cypress shrubs (shown on Drawing A-006.01 revised 6/12/18).

II. Approved Plan:

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

Plans by John J. Annunziata, P. E. dated February 13, 2018 and revised June 12, 2018 unless otherwise noted entitled:

- A-001 *"Cover Sheet, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- A- 002 *"General Notes, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive."*
- A- 003.01 *"Existing Survey, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive."*
- A- 004.01 *"Erosion and Sediment Control Plan, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive."*
- A- 005.01 *"Proposed Site Plan, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive."*
- A- 006.01 *"Proposed Drainage Plan, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive." (includes landscape plan)*
- A- 007 *"Existing Floor Plans, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive."*
- A- 008 *"Proposed Floor Plans, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive."*
- A- 009 *"Proposed Floor Plans, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- A- 010 *"Elevations, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- A- 011 *"Elevations, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- A- 012 *"Sections and Details, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- A- 013 *"Sections and Details, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- A- 014 *"Electrical Plans, Moriarity Residence, Additions and Alterations to Existing Structure, 41 Crest Drive"*
- Survey *"Topography Survey of Property prepared for Mary Moriarity situate in the Town of Greenburgh, Village of Tarrytown Westchester County, New York"* prepared by Joseph R. Link, JRL Land Surveying P. C. surveyed September 2, 2017.



(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 in accordance with applicable provisions of the Village of Tarrytown Code.

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

Mr. Tedesco moved, seconded by Ms. Raiselis, to approve this site plan application. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING - PUBLIC SCOPING SESSION

Artis Senior Living – 153 White Plains Road - Construction of a 35,952 s.f. Alzheimer/Dementia Care Facility and review of petition for Zoning Amendment to allow for a floating/overlay zone for Alzheimer/Dementia Care Housing.

John Kirkpatrick, attorney for the project, introduced Don Walsh, on behalf of the owner, Rich Williams, the project engineer and Mark Fry, consultant. He advised that the draft scope was reviewed and there have been some changes and they hope that they have covered all potential issues and are here to request that the scope be adopted this evening. The Scope Document is attached as "Exhibit D" of these minutes.

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

Mr. Tedesco said they have received final revised scope which addresses all comments and input at the public meeting and written comments which have been submitted and reviewed by the Planning Board and staff.

Mr. Tedesco moved that the Planning Board accept this scope document and direct the applicant to prepare the SDEIS document using this scope, seconded by Ms. Raiselis. All in favor. Motion carried.

Mr. Kirkpatrick advised that they may want to come before the board in September with questions relating to the preparation of the SDEIS.



CONTINUATION OF PUBLIC HEARING – Peter Bartolacci- 67 Miller Avenue

A second call was made before the New Public Hearings began to hear this application. No one appeared. Mr. Tedesco moved to adjourn this application and in the interim ask staff to advise the applicant to provide the following before the next work session:

1. Sample of types of different texture and color.
2. Applicant provide engineering detail and information to the Village Engineer to confirm the constructability and soundness of the proposed wall.
3. Invite Ms. Lucille Munz, village landscape architect consultant, to attend the next work session to explore other possible types of screening for the walls.

All Board members agreed.

Mr. Tedesco moved, seconded by Ms. Raiselis, to adjourn and continue the public hearing at the next meeting. All in favor. Motion carried.

NEW PUBLIC HEARING– Benjamin Zara – 23 Independence Street

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, July 23, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Benjamin Zara  
23 Independence Street  
Tarrytown, NY 10591

For site plan approval for a change of use from an existing garage into a woodworking shop.

The property is located at 23 Independence Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.100, Block 68, Lots 13 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.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: July 13, 2018

The mailing receipts were received and the signs were posted.

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

Benjamin Zara, the applicant and owner of 23 Independence Street, appeared before the Board requesting site plan approval so that he can use his garage as a woodworking shop.

Ms. Raiselis asked for more information from Mr. Pennella.

Mr. Pennella advised the Board that back in 2015, Mr. Zara was issued a court appearance ticket by the building department for modifying his substandard garage into a woodworking shop for his personal use. The court directed that he make an application to this Board for approval for this use. Mr. Zara sought an interpretation from the Zoning Board and they upheld the determination that this change of use requires site plan approval. Mr. Zara removed the existing garage door with a regular door and has provided parking. No variances are required with this application. The application is for a change of use and to make sure adequate parking has been provided. There is one parking space in the garage and one in the driveway so parking requirements have been satisfied.

Ms. Raiselis asked Mr. Zara what the garage was being used for. Mr. Zara said it is for his personal use as a woodworking shop, which is his hobby.

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

Brenda Fracaroli, a 40 year resident of 24 Independence Street, appeared before the Board and passed out correspondence that she emailed to the secretary this afternoon.

She has many concerns with regard to the approval of this application which she has detailed in the attached letter attached as "Exhibit C". She does not feel that this use should be permitted in this zone. She said "woodworking" is only permitted in industrial zone. Mr. Pennella advised that this is not a commercial shop, it is for Mr. Zara's personal use. He asked Ms. Fracaroli what she uses her garage for. She said she uses it for different things like storage for a lawnmower, boat, bike, and uses it for cars. He asked her if she does woodworking. She said there is some activity with wood. Mr. Pennella asked if it was a hobby. She said that everything she has is movable so if they need to, they can move things to store cars.



Ms. Fracaroli is concerned about a number of issues which are outlined in her letter such as waste storage and disposal, noise, air pollution and parking.

Mr. Pennella said the purpose of the application is to show that required parking has been provided for which it has.

Ms. Fracaroli said Mr. Zara has eliminated 2 parking spaces on the property. Ms. Raiselis said that is his business.

Ms. Fracaroli said the property is very symmetrical; the garage is unique and is over 100 years old. She is concerned about the way it looks and feels Mr. Zara destroyed the architecture.

Ms. Raiselis confirmed with Mr. Pennella that the house is not in the historic district. She advised Ms. Fracaroli that she can take up this matter with the Architectural Review Board. The Planning Board is only concerned about parking which the applicant has complied with.

Ms. Fracaroli began talking about the AIRBNB. Mr. Pennella advised that this was not relevant to this application. Ms. Raiselis asked Ms. Fracaroli to restrict her comments to this application.

Ms. Fracaroli is concerned about future use of the property. Mr. Tedesco said any future use would come before the Board, but that is not what we are here for.

Ms. Fracaroli said she is concerned about toxic waste and mentioned pizza boxes?

Ms. Raiselis said that everyone has to abide by the regulations for proper disposal of chemicals.

Ms. Fracaroli talked about truck deliveries invading the privacy of people and her property value with regard to parking. Ms. Raiselis said if he wants to remove the spot, it is his business.

Mr. Tedesco advised Ms. Fracaroli that most of the issues she is raising can all be addressed with the Building Department. A woodworking hobby shop on his property is not an unreasonable request.

Ms. Fracaroli advised that Mr. Zara's application was not complete. Ms. Raiselis asked Mr. Pennella if the application was complete. Mr. Pennella said it is complete. The driveway is already there and we are here for parking.

Ms. Raiselis read through all of the items in Ms. Fracaroli's letter and feels that they have been addressed.

Mr. Pennella advised for the record, that Mr. Zara has made an application to the ARB; however site plan approval was needed before his application could be heard. In addition, Mr. Zara has installed a dust collector in the shop.

Mr. Zara came up and described it as a giant vacuum cleaner. He said he was inspired to make a woodworking shop after seeing Ms. Fracaroli's shop. He assured Ms. Fracaroli that no one will be living in the garage.

Ms. Raiselis moved, seconded by Ms. Lawrence, to close the public hearing. All in favor. Motion carried.

### **RESOLUTION**

#### **VILLAGE OF TARRYTOWN PLANNING BOARD (Adopted July 23, 2018)**

##### **Application of Benjamin Zara**

**Property: 23 Independence Street (Sheet 1.110, Block 68, Lot 13 and Zone R-7.5)**

##### **Resolution of Site Plan Approval**

##### **Background**

1. The Applicant requested site plan approval for a change of use from a detached garage to a personal wood working shop at property located at 23 Independence Street in the R-7.5 zone. The application represents a request to legalize the conversion which was done without proper permits.
2. The Planning Board on July 23, 2018 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) "*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot ....*" and, therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on July 23, 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 Consulting Village Planner in memoranda dated June 13, 2018 and July 10, 2018 and a denial letter from the Building Inspector/Village Engineer dated January 8, 2018 which they have considered.
5. The Planning Board closed the public hearing on July 23, 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 reviewed the Applicant's site plan and application. The Applicant represents a request to legalize the conversion of the detached two car garage into a wood working shop for the applicant's personal use built without the proper permits. The renovations included removing the west side garage door and replacing it with a swinging door and window together with interior renovations. The removal of one of the garage doors reduces the capacity of the garage to a single car. The site plan shows that there is room for a second car to be parked in front of the garage where the door was removed. The required 8' x 18' parking space can be located within the required side and rear yard setbacks. The surface of this parking space consists of permeable paver stones. A 6' fence has been placed along the property line bordering the garage and outside parking space. There were no changes made to the size of the garage nor were there any site improvements or changes to the property. The Zoning Compliance Form and Environmental Clearance Form have been provided with no issues identified.

#### II. Approved Plan:

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

Plan by Samuel F. Vieira, Architect P.C. dated July 25, 2016 unless otherwise noted entitled:

- A-1 *"Revised Parking, Location at: Zara Residence, 23 Independence Street, Tarrytown, NY"* (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.

Mr. Tedesco moved, seconded by Ms. Raiselis, to approve this site plan application. All in favor. Motion carried.



NEW PUBLIC HEARING – James and Joann Nisco 164 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, July 23, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

James and Joann Nisco  
164 Crest Drive  
Tarrytown, NY 10591

For site plan approval for the conversion of a single car garage to storage and livable space and a single story addition to the rear of the home.

The property is located at 164 Crest Drive, Tarrytown, NY and is shown on the tax maps as Sheet 1.80, Block 53, Lot 17 and is in the R 10 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 is required from the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: July 13, 2018

The mailing receipts were received and the signs were posted.

Mr. Tedesco advised that the applicant and the architect have advised that they will not be present this evening. For the record, the applicant has been before the Zoning Board and has received the required variances for this applicant. He will be submitting stormwater and erosion control plans.

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

Mr. Tedesco moved, seconded by Ms. Raiselis, to set an escrow at \$2,500.00. All in favor. Motion carried.

Barry S. Agdern  
224 Crest Drive  
Tarrytown, NY 10591  
June 26, 2018

Dr. Stanley Friedlander  
Chair, Planning Board,  
One Depot Plaza  
Tarrytown, NY 10591

Re: Application of Joseph Fiore

230 Crest Drive

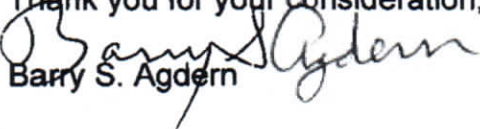
Additions and alterations to a single family home.



Dear Dr. Friedlander,

At yesterday's meeting of the Planning Board there was a question presented by the Board to Mr. Viera concerning how the sun moved relative to the two properties 230 Crest Drive and 224 Crest Drive. The enclosed four photographs, which are annotated to show the date and time at which they were taken, show the movement of the sun. It is our contention that the sun would no longer be visible from those locations at the indicated time if the plans proposed by the owners of 230 Crest Drive are approved. These four photographs were previously presented at the Zoning Board of Appeals and are part of their file on this application. May I ask you to share these photographs with the other members of the Board.

Thank you for your consideration,

  
Barry S. Agdern

cc: Mr. Ronald Tedesco, Member (w/o photographs)

Mr. David Aukland, Member (w/o photographs)

Ms. Joan Raiselis, Member (w/o photographs)

Mr. Paul Birgy, Member (w/o photographs)

Ms. Lizabeth Meszaros, Secretary to the Planning Board (w/o photographs)





PHOTOGRAPH 11  
View From A South Facing Window Of 224 Crest Drive  
Taken On February 14, 2018 At 10:57 AM





PHOTOGRAPH 12  
View From A South Facing Window Of 224 Crest Drive  
Taken On February 21, 2018 At 12:05 pm







PHOTOGRAPH 13  
View From A South Facing Window Of 224 Crest Drive  
Taken On February 27, 2018 At 12:55 PM





impervious surface upon the gross lot area, not the net developable area on a site. **[Added 10-1-2007 by L.L. No 11-2007]**

**INN** — A structure in which more than 10 but less than 20 rooms are rented to guests and that provides dining facilities open to the general public.

**JUNKYARD** — The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that adjoins any street for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**LIGHT EXPOSURE PLANE** — A plane extending vertically at a forty-five-degree angle from the base of a primary residential structure. The purpose of a light exposure plane is to provide sufficient light and air between neighboring primary residential structures. **[Added 3-1-1999 by L.L. No. 4-1999]**

**LIVABLE FLOOR AREA** — Includes all horizontal space within the exterior or party walls of the dwelling, exclusive of garages, cellars, heater rooms and basements and of open unheated porches and breezeways, but shall include the area of all heated livable rooms, kitchens, utility rooms, bathrooms and all closets and hallways directly appurtenant thereof and the area of all attic space having a clear height of four feet from finished floor level to pitch of roof rafter and a clear height of seven feet six inches from finished floor level to ceiling level over 50% of the area of such attic space.



## Chapter 305. Zoning

### Article II. Definitions and Word Usage

#### § 305-5. Word usage; terms defined.

B.

Unless otherwise expressly stated, the following terms, for the purpose of this chapter, shall have the meanings herein indicated. For purposes of clarity and uniformity throughout this chapter of the Village Code, some definitions may be regulatory in nature.

...

#### **LIGHT EXPOSURE PLANE**

A light exposure plane is measured 45° vertically from the neighboring setback line. Building walls shall not encroach on a light exposure plane. If an existing structure is located within a side yard setback, then the point of measurement for a light exposure plane shall be from the required side yard setback.

## Chapter 305. Zoning

[HISTORY: Adopted by the Board of Trustees of the Village of Tarrytown 8-17-1987 by L.L. No. 5-1987; amended in its entirety 12-1-2008 by L.L. No. 18-2008. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Architectural Review Board — See Ch. 9.  
Greenway Compact Plan — See Ch. 30.  
Building construction — See Ch. 97.  
Environmental quality review — See Ch. 147.  
Flood damage prevention — See Ch. 169.  
Historic districts and landmarks — See Ch. 191.  
Landscaping — See Ch. 205.  
Noise — See Ch. 215.  
Signs — See Ch. 251.  
Stormwater management — See Ch. 258.  
Subdivision of land — See Ch. 263.  
Trees — See Ch. 281.  
Wetlands and watercourses — See Ch. 302.

305a Flow Chart 

305b Column 2 

305c Column 3 

305d Column 4 

305e Single-Family Residence Districts 

305f Multifamily Residence Districts 

305g OB District 

305h MU District 

305i LB NS and HC Districts 

305j RR GB WGBD WD and ID Districts 

## Article I. General Provisions

### § 305-1. Title.

- A. This is a local law establishing zoning regulations for the Village of Tarrytown and providing for the administration and enactment thereof pursuant to Article 7 of the Village Law of the State of New York, as amended.
- B. The Village Board of the Village of Tarrytown, by virtue of the power and authority vested in it by law, ordains and enacts the following chapter, which shall be known and may be cited as the "Local Zoning Law of the Village of Tarrytown, New York."



ZONING

305 Attachment 5

Village of Tarrytown  
Zoning Schedule  
Single-Family Residence Districts

5	6	7	7a	8	9	10	11	12	13	14	15	16	17	18	19	20	20a	21
Zone	Minimum Lot Size (square feet)	Width of Building (feet)	Required Minimum Frontage (feet)	Principal Building Coverage (percent)	Accessory Building Coverage (percent)	Total Coverage (all buildings) (percent)	Minimum Front Yard (feet)	Minimum for Each Side Yard (feet)	Minimum 2 Side Yards (feet)	Minimum Rear Yard (feet)	Minimum Distance From Accessory Building to Principal Building (feet)	Minimum Distance From Accessory Building to Side Lot Line (feet)	Minimum Distance From Accessory Building to Rear Lot Line (feet)	Maximum Height (stories)	Maximum Height' (feet)	Minimum Floor Area Per Dwelling Unit (square feet)	Maximum Livable Area (square feet)	Zone
R-80 <sup>2</sup> All uses	80,000	150	150	8 <sup>1</sup>	2	10 <sup>3</sup>	40	30	60	50	30	30	30	2.5	30	1,800	1.5 times principal building coverage	R-80 <sup>2</sup>
R-60 <sup>2</sup> All uses	60,000	150	150	10 <sup>4</sup>	2	12 <sup>3</sup>	40	25	50	45	25	25	25	2.5	30	1,800	1.5 times principal building coverage	R-60
R-40 All uses	40,000	150	150	14.0	3.5	17.5	40	20	40	36	20	20	20	2.5	30	1,800	1.5 times principal building coverage	R-40
R-30 All uses	30,000	135	135	16.0	4.0	20.0	35	18	38	34	18	18	18	2.5	30	1,650	1.5 times principal building coverage	R-30
R-20 All uses	20,000	120	120	18.0	4.5	22.5	30	16	34	32	16	16	16	2.5	30	1,500	1.5 times principal building coverage	R-20
R-15 All uses	15,000	115	115	20.0	5.0	25.0	27	14	30	30	14	14	14	2.5	30	1,350	1.5 times principal building coverage	R-15
R-10 All uses	10,000	100	100	22.0	5.5	27.5	25	12	26	28	12	12	12	2.5	30	1,200	1.5 times principal building coverage	R-10
R-7.5 All uses	7,500	75	75	24.0	6.0	30.0	20	10	22	26	10	10	10	2.5	30	1,050	1.5 times principal building coverage	R-7.5
R-5 All uses	5,000	50	50	30.0	0.0	30.0	20	8	18	26	N/A	N/A	0	2.5	30	900	1.5 times principal building coverage	R-5
R Community and recreation centers	65,000	100	100	20.0	5.0	25.0	25	25	50	50	14	25	50	2.5	30	0	0	R

NOTES:

- Building walls shall not encroach upon a light exposure plane measured 45° vertically from the base of neighboring setback lines. If an existing structure is located within a mandatory side yard setback, then the point of measurement for a light exposure plane shall be at a point equal to the required side yard setback.
- Dimensions for lot size, frontage and yard setbacks may be reduced for lots within the R-60 and R-80 Districts, without any increase in overall lot count, if the Planning Board determines that the resulting lot and building configuration would enhance the overall physical and visual character of the proposed development and/or provide enhanced visual or physical access to open space. Reductions in lot and bulk controls shall be in context with dimensional parameters of adjacent properties, but in no case shall minimum lot sizes be reduced below R-30 standards.
- Principal building coverage on lots less than 60,000 square feet, but more than 60,000 square feet, within the R-80 Zone shall be a maximum of 10%.
- Principal building coverage on lots less than 60,000 square feet within the R-60 Zone shall be a maximum of 12%.
- Total building coverage on lots less than 60,000 square feet, but more than 60,000 square feet, within the R-60 Zone shall be a maximum of 12%.
- Total building coverage on lots less than 60,000 square feet within the R-60 Zone shall be a maximum of 14%.

## Planning Board

June 23, 2018

GOOD EVENING EVERYONE,

I'M JANE AGDERN & I RESIDE AT 224 CREST DRIVE.

1- THANK YOU

2- 2-MR. AUKLAND - MEETING JUNE 25

JUNE 28 VISIT

3- I'D LIKE TO CORRECT SOMETHING THAT WAS MENTIONED PREVIOUSLY. I HAVE SPOKEN AT A NUMBER OF MEETINGS REGARDING THE TOTAL HEIGHT OF THE PROPOSED 230 CREST DRIVE HOUSE. I WILL NOT MENTION EACH TIME, HOWEVER AT THE APRIL 9, 2018 MEETING OF THE ZONING BOARD, I ADDRESSED THE BOARD, POINTED TO THE LIGHT PLANE STUDY AND SPECIFICALLY STATED THAT "THE HOUSE LOOKED LIKE A 3 STORY HOUSE, WITH A 1<sup>ST</sup> STORY, 2<sup>ND</sup> STORY & A 3<sup>RD</sup> STORY ATTIC & HOW LARGE THE ROOF LOOKED." THIS IS IN



EXHIBIT B ATTACHED TO THE MINUTES  
OF THE APRIL 9 MEETING OF THE ZONING  
BOARD.

4-THE STAFF OF THE BUILDING DEPT HAS  
BEEN VERY HELPFUL. DAN & PHIL HAVE BEEN  
AVAILABLE TO ANSWER OUR QUESTIONS. I  
HAVE SPOKEN TO THEM ABOUT ADDITIONAL  
CONCERNS WHICH I WOULD LIKE TO MENTION  
HERE.

A-FIRE - THERE ARE MAJOR WATER ISSUES UP  
IN THE CREST. THESE PROBLEMS HAVE EXISTED  
SINCE I HAVE LIVED HERE - NOW APPROACHING  
44 YRS. THERE IS DISCUSSION GOING ON  
ABOUT POTENTIAL FIXES, BUT AS OF NOW  
THESE PROBLEMS STILL EXIST.

B-RUN-OFF CONTROL THAT WILL PROTECT MY  
HOUSE AS A RESULT OF THE CONSTRUCTION,  
TREE REMOVAL & MAJOR INCREASE IN THE SIZE  
& HEIGHT OF THE PROPOSED 230 CREST DR  
HOUSE.

C-SHINGLE REMOVAL & DISPOSAL. THE  
SHINGLES CONTAIN ASBESTOS WHICH IS A

KNOWN CARCINOGEN. A RESIDENT OF MY HOUSE IS A CANCER SURVIVIOR & I DON'T WANT THIS PERSON TO BE EXPOSED TO ANY ADDITIONAL CARCINOGENS.

D-SAFE REMOVAL OF THE MOLD THAT IS CURRENTLY GROWING ON THE 230 CREST DRIVE HOME.

E-CONSTRUCTION REGULATION FOR CONTRACTORS & HOME OWNER OF 230 CREST DRIVE -

DAN - DO YOU CHECK TO SEE IF THE CONTRACTORS & WORKERS ARE LICENCED TO WORK IN WESTCHESTER? DO YOU EXPLAIN THE DAYS AND TIMES WHEN CONSTRUCTION WORK CAN BEGIN AND MUST END EACH DAY? WHAT ARE THE DAYS WHEN NO WORK IS PERMITTED? WILL THERE BE DRILLING OR BLASTING WHEN THE "GARAGE" IS MOVED & CONSTRUCTED? SINCE OUR HOUSE IS 15 FT AWAY, CAN WE EXPECT NOTIFICATION OF WHEN THIS TYPE OF WORK MIGHT OCCUR? WHEN IS THE DELIVERY OF MATERIALS ALLOWED? ARE ARRANGEMENTS MADE FOR PARKING OF CONSTRUCTION

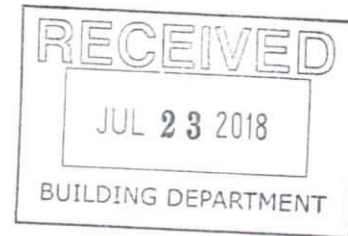


VEHICLES & WORKER'S VEHICLES OFF OF OUR  
NARROW STREET? IF YOU OR PHIL AREN'T  
AVAILABLE & THE OFFICE IS CLOSED, PLEASE  
REMIND ME WHAT WE DO IF THERE IS A  
PROBLEM.WHAT DO WE DO IF THERE IS  
DAMAGE TO MY HOUSE AS A RESULT OF THE  
CONSTRUCTION? IS SOME OF THIS  
INFORMATION PRINTED ANYWHERE SO THAT I  
CAN HAVE A COPY OF THE REGULATIONS?  
THANK YOU ALL FOR YOUR TIME &  
CONSIDERATION.

July 18, 2018

Ms. Brenda Fracaroli  
24 Independence Street  
Tarrytown, NY 10591

Planning Board  
Village of Tarrytown  
1 Depot Plaza  
Tarrytown, NY 10591



Dear Mr. Friedlander and Members of the Planning Board:

I am asking the members of the Planning Board to deny the application of Mr. Zara for change of use of a 2-car garage to a woodworking shop for the following reasons:

1. Mr. Zara will be eliminating 2 off-street, enclosed parking spaces on a non-conforming lot within walking distance to Metro-North which is extremely valuable in our neighborhood since on-street parking is restricted.
2. The lot is too small (R 7.5). Neighbors are already too close contributing to overcrowding and loss of privacy.
3. Village Law now permits "woodworking" in "An Industrial Zone" (305-41), not residential. To allow the Zara application to move forward will have a severe negative impact on quality of life in our residential area.
4. Questionable waste, storage and disposal problems will be created.
5. There will be increased noise and air pollution created. Also there are concerns about noxious and toxic fumes being generated.
6. Delivery and storage of materials, supplies and equipment can be problematic on this small residential property.
7. Health and safety problems can be created, including fire safety, fire department access, toxic, combustible and corrosive materials being handled, stored and/or generated.
8. Allowing this will permanently have a negative impact on quality of life, and health and safety for the residents living in this neighborhood.
9. The property has a joint driveway with neighbor and is within close proximity to neighbor's garage which can cause a potential safety issue.
10. Garage is within 500 feet of Washington Irving School and Route 9 and walking distance to many Historic Districts and Landmarks.
11. Approving this changes the unique architecture of a one-of kind- old house that adds to the character of the Village to make Tarrytown the quaint and unique village that it is.
12. Zara's can sell that property tomorrow and we are stuck with the permanent zoning change of something that is presently only permitted in an "Industrial Zone" according to village code. Any kind of "Industrial Operation" can then attempt to go in there.
13. Removing a 2-car garage can cause a significant reduction of property values in the neighborhood.
14. Allowing this change has a severe negative impact on my property.

If the Planning Board elects to move forward, I am requesting consideration for the following:

1. A **full description** of the project. There is none included. Mr. Zara failed to mention he already changed the frontage of this garage by replacing one garage door with a double-hung window and a



house door on the front of the existing garage which totally destroyed the architectural symmetry on the front of the garage. Additionally, he installed a number of double-hung windows, added interior lighting and finished the interior of the garage. **All this work was done illegally.** It looks like a house that sits behind a house. Additionally, he did not provide a detailing of the reason the Board should consider granting the zoning change.

2. **Is the survey drawing correct? It illustrates an existing 1-car garage. The property that was sold to the Zara's had a legal 2-car garage as indicated in the town records on file. I have lived at 24 Independence for over 40 years and there has never been any changes to the Zara garage until they moved in.**
3. The application is incomplete. There is no topographical survey and no survey of existing trees or structures. There is a giant pine tree in front of one of the bays of the garage. What will they do with that tree? There is no landscaping plan to go along with the addition of proposed parking for 1-car behind the house. And, shouldn't the plan call for **2 additional parking spaces** since they are proposing to eliminate a 2-car garage?
4. The "Environmental Assessment Form" is questionable. Mr. Zara notes that the information is the same as the Environmental Assessment form submitted in February, 2018 when, in fact, **it is not!** The February application says "YES" to connecting to an existing public water supply and existing wastewater utilities and this application dated 5/31/18 indicates "NO". **So which is it?**
5. The Zoning Compliance Form is incomplete. (Existing and Proposed are blank.)
6. There is no lighting plan nor is there any account of details.
7. How will Mr. Zara handle, store and dispose of noxious waste generated from woodworking operations? There is no detailed plan for delivery, safety, and storage of chemicals, supplies and dangerous equipment. Our street excludes large trucks.
8. If there is an accident or emergency, how will this building be accessed since it is behind the main house and access is limited?
9. Who will pick up waste products generated at this facility?
10. Eliminating a 2-car garage can reduce property values, both of his and neighbors.  
The symmetrical architecture of the front of the garage needs to be restored to maintain the character of the original design of this over 100 year old structure. In the 442 years I have been a resident on Independence Street, the architecture of this property was unchanged.
11. Consider the loss in privacy and the nuisance it can be to neighbors.

For your convenience I am attaching pictures of the blueprint, before and after of the garage, the town property card, and the cars parked all over the street in front of the house giving you a birds-eye view of what I have to look at all day. It will only get worse.

Sincerely,

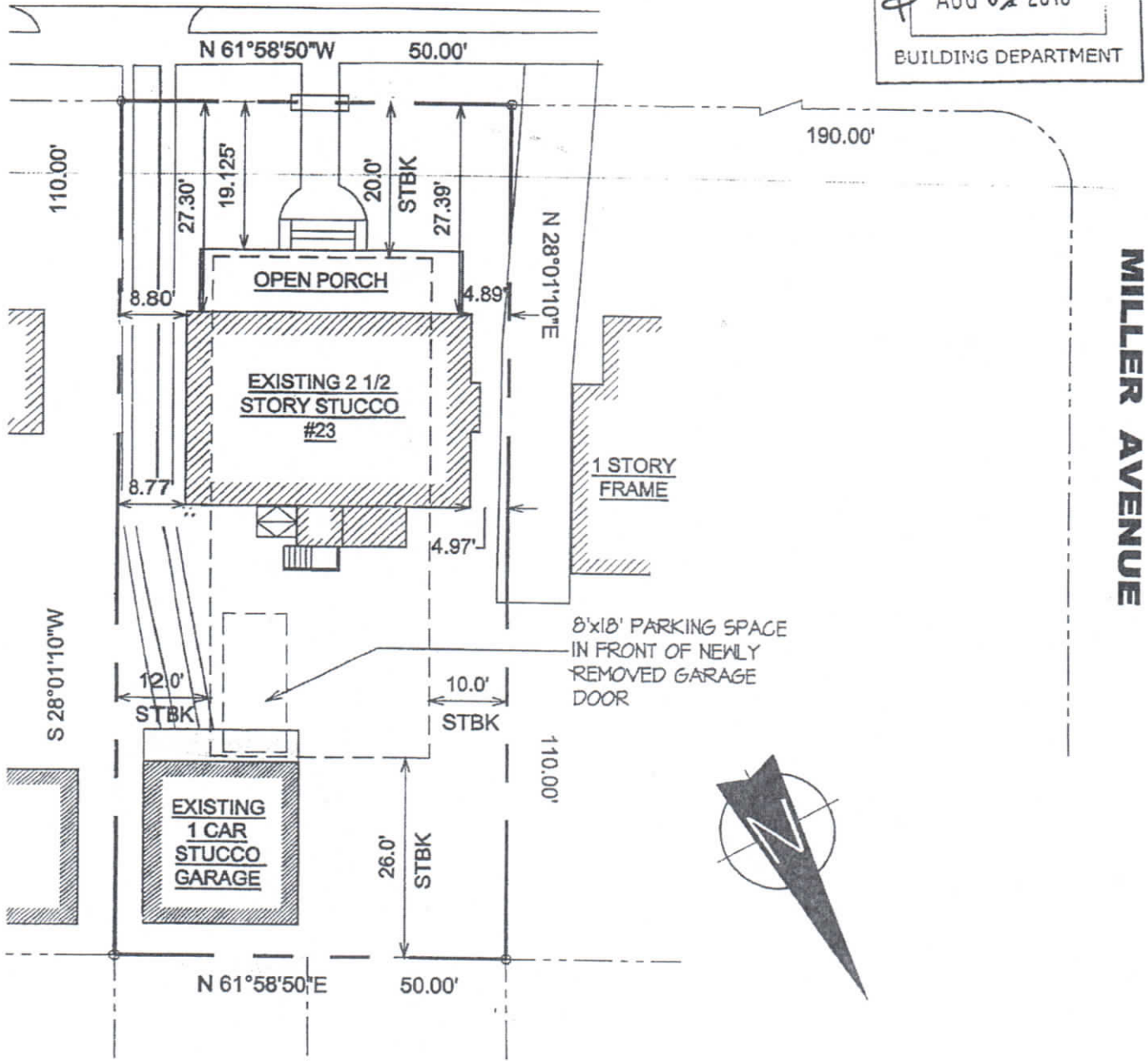
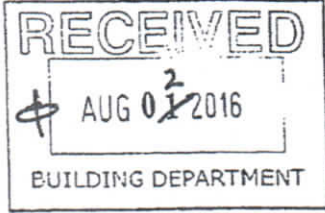
*Ms. Brenda Fracaroli*

Ms. Brenda Fracaroli

Cc:

Mr. R. Slingerland, Village Administrator

# INDEPENDENCE STREET



## SITE PLAN

SCALE: 1" = 20'-0"



Samuel F. Vieira, Architect P.C.

REVISIONS:

DRAWING TITLE: SITE PLAN

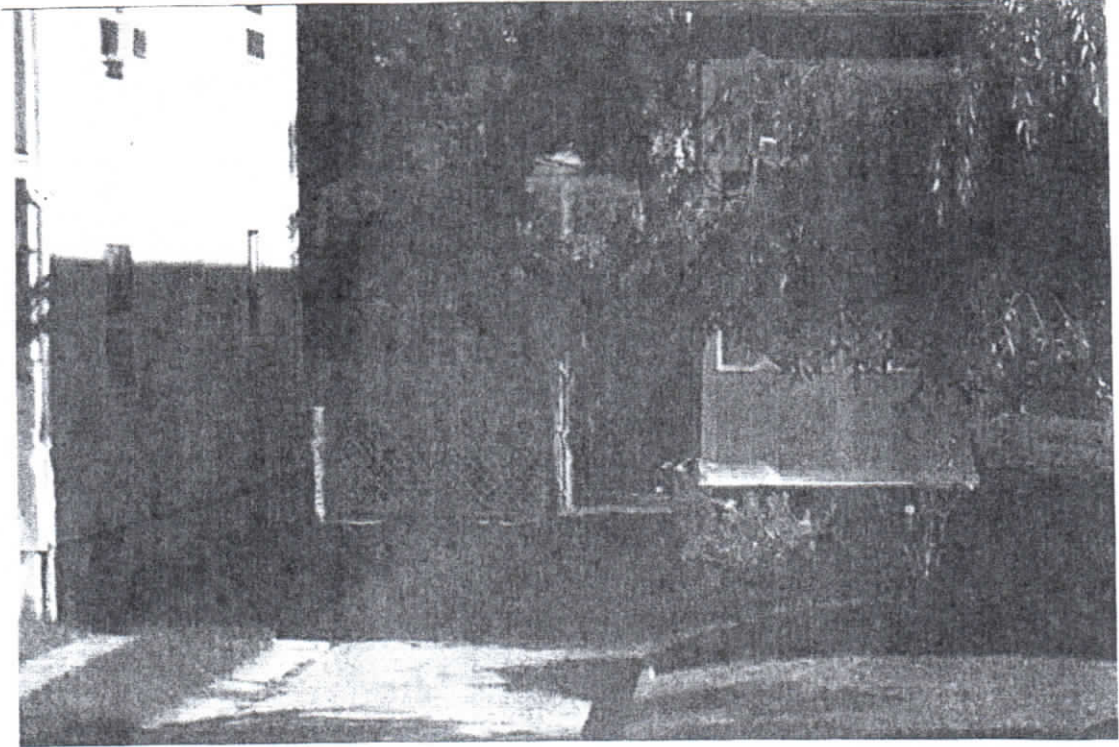
REVISED PARKING LOCATION AT:

SHEET

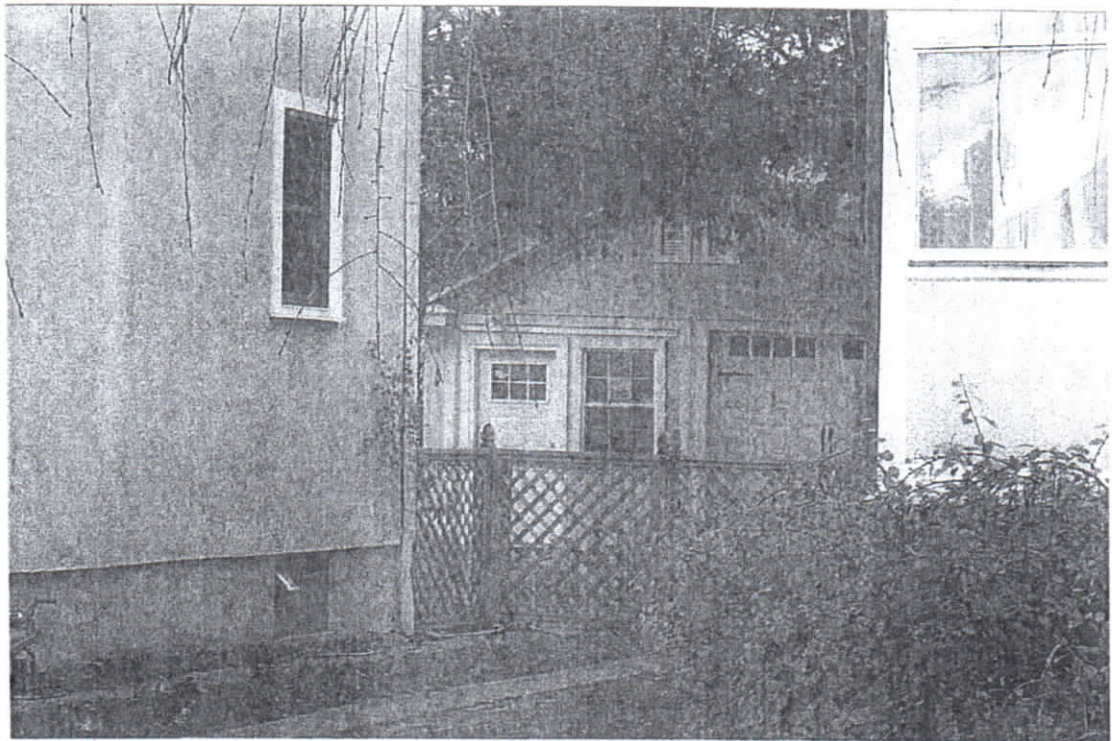


23 Independence St.

BEFORE



AFTER



Parcel ID: 1.100-68-13

**Class: 210 - One Family Year-Round Residence**

Dwelling Information	
Style COLONIAL Story Height 2 STORY Attic UNFINISHED Attic Access Exterior Walls STUCCO Masonry Trim Color YELLOW	Year Built 1930 Eff Year Built Year Remodeled
Basement	
Part of Living Area SqFt	Not part of Living Area SqFt
Basement FULL FBLA Size	# Car Bsmt Gar 0 FBNOLA Size Rec Rm Size
Heating & Cooling	
Heat Type HEAT ONLY Fuel Type GAS System Type HOT WATER	Fireplaces Stacks 1 Openings 1 Pre-Fab
Room Detail	
Bedrooms 4 Family Rooms 1 Kitchens 1 Total Rooms 7 Kitchen Type GOOD Kitchen Remodel YES	Full Baths 2 Half Baths 0 Extra Fixtures 2 Bath Type NORMAL Bath Remodel NO
Adjustments	
Open area/removed from Total Living Area 0 Garage Spaces (non bsmt)	
Grade	
Grade B-	AVERAGE
Dwelling Computations	
Total Living Area 1,942	
Building Notes	

A

B

C

D

E

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Condominium / Mobile Home Information									
Complex Name									
Condo Model									
Unit Number	Unit Location								
Unit Level	Unit View								
Unit Parking									
Outbuildings									
Type	#Car	Size1	Size2	Area	Qty	YrBlt	Grade	Condition	Value
GARAGE DETACHED ONE STORY	2	19	23	437	1	1940	GOOD	GOOD	6000



**EXHIBIT D**  
**REVISED DRAFT SCOPE DOCUMENT**  
**PREPARED FOR SDEIS**  
**ARTIS SENIOR LIVING – 153 WHITE PLAINS ROAD**  
**7-23-18 PB MEETING**

**REVISED DRAFT SCOPE  
FOR  
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**Project**

**Artis Senior Living of Tarrytown**  
153 White Plains Road  
Village of Tarrytown, Westchester County, New York

**Lead Agency**

Village of Tarrytown Planning Board  
1 Depot Plaza  
Tarrytown, NY 10591  
(914) 631-1652  
Contact: Lizabeth Meszaros  
(914) 631-3668  
[lmesaros@tarrytowngov.com](mailto:lmesaros@tarrytowngov.com)

**Applicant**

Artis Senior Living, LLC  
1651 Old Meadow Road, #100  
McLean, VA 22101  
Contact: Max Ferentinos, Vice President  
(571) 376-6224  
[mfferentinos@artissl.com](mailto:mfferentinos@artissl.com)

**Preparer**

Main Street Consulting  
191 Revolutionary Road  
Scarborough Manor, NY 10510  
Contact: Mark J. Fry  
(914) 772-8628  
[markfry@verizon.net](mailto:markfry@verizon.net)

Date of Submission of Draft Scope: June 15, 2018  
SDEIS Public Scoping Session Date: June 25, 2018  
End of Written Comment Period on Draft Scope: July 5, 2018  
Date of Submission of Revised Draft Scope: July 10, 2018  
Date of Submission of Second Revision of Revised Draft Scope July 13, 2018  
Date of Acceptance of Revised Draft Scope: \_\_\_\_\_



**THIS REVISED DRAFT SCOPE** expands the previous draft scope dated June 15, 2018 to provide for responses to verbal comments received at the Public Scoping Session held on June 25, 2018, and to written comments received through the end of the public comment period on July 5, 2018. **THIS SECOND REVISION** expands the revised draft scope further to include additional items requested by Planning Board members and by Village Engineer Dan Pennella, P.E. and Village Planner Bob Galvin at the Planning Board Staff Meeting held on July 12, 2018

**SEQRA Classification: Type I Action**

**GENERAL GUIDELINES**

- The SDEIS should cover all items in this Scoping Outline. It is suggested that the SDEIS also conform to the format outlined in the Scope. The word "should" herein has the same meaning as "shall."
- The document should be written in the third person. The terms "we" and "our" should not be used. The Applicant's conclusions and opinions should be identified as those of "the Applicant" or "the Developer."
- Narrative discussions should be accompanied by appropriate charts, graphs, maps and diagrams whenever possible. If a particular subject matter can be most effectively described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the site should include adjacent homes, other neighboring uses and structures, roads, watercourses, water bodies and a legend.
- The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections.
- Environmental impacts should be described in terms which the layperson can readily understand (e.g., truck-loads of fill and cubic yards rather than just cubic yards).
- All analysis in the SDEIS shall be performed by professionals in their respective fields.
- All discussions of mitigation measures should consider at least those measures mentioned in the Scoping Outline. Where reasonable and necessary, mitigation measures should be incorporated into the Proposed Action if they are not already included. For mitigation measures listed in this Scope that are not incorporated into the Proposed Action, the reason why the Applicant considers them unnecessary should be discussed in the SDEIS.
- Maps in the SDEIS should also be made available in shapefile and/or PDF format to facilitate viewing and analysis.

## A. PROPOSED ACTION

On August 28, 2006 a Findings Statement was adopted by the Village of Tarrytown Planning Board for the Crescent Associates, LLC proposal for the construction of a 60,000-square foot office building at 155 White Plains Road. The 60,000-square foot office building was to be constructed on a site with two existing office buildings and associated parking areas with access derived from NYS Route 119. In 2008-2009 a subdivision was approved by the Village of Tarrytown Planning Board separating 153 and 155 White Plains Road into two separate parcels. The subdivision plat was filed in 2009. In 2014 a Site Plan Approval and Lot Line Adjustment were obtained from the Village of Tarrytown Planning Board to construct additional parking for the exclusive use of a new long-term medical tenant on what was originally part of the proposed office building site referenced in the 2006 Findings Statement. In 2015, the Tarrytown Zoning Board of Appeals, in response to a request for interpretation from the site owner Crescent Associates, LLC, opined that the office use permitted as a principal permitted use in the OB district allowed medical uses in the zone. The porous pavement parking lot construction parcel was completed and the tenant took occupancy at 155 White Plains Road in 2016.

The current proposed project, essentially the proposed action, is a plan by Artis Senior Living of Tarrytown, which envisions the construction of a 64-bed Alzheimer's / Dementia Care Housing facility. This will be geared towards the need of seniors and located wholly on the 153 White Plains Road parcel. A zoning text amendment has been requested by the applicant in support of the proposed action. The proposed action combined with the porous pavement parking lot previously constructed will encompass the same general limits of disturbance as the 60,000-square foot office building that was the subject of the 2006 Findings Statement.

As a result of the changes to the project described above, the Tarrytown Planning Board, as the lead agency under SEQRA, has issued a positive declaration requiring preparation of an SDEIS. This SDEIS is intended to supplement the 2006 Final Environmental Impact Statement as prepared and accepted by the Village of Tarrytown. This SDEIS will address potentially significant environmental impacts not adequately addressed in the Findings as a result of project changes, newly discovered information, or changes in circumstances related to a project. In this instance the change of the project from a 60,000 square foot office building to a 64-bed Alzheimer's / Dementia Care Housing facility results in changes to the project requiring additional study according to the Village of Tarrytown.

Required Approvals are shown in Table 1 below:

Table 1: Required Approvals

Government Entity	Approval
Village of Tarrytown Board of Trustees	Zoning Amendment
Village of Tarrytown Planning Board	Site Plan Approval
Village of Tarrytown Architectural Review Board	Architectural Plan Approval



Westchester County Department of Health	Residential Sewer Connection Approval
Westchester County Department of Health	Backflow Preventer Approval
New York State Office of Parks Recreation and Historic Preservation	Site Plan Review
New York State Department of Health	NYS Licensing/permitting to operate a residential health care facility

## **B. REVISED DRAFT SCOPE OF SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT**

### **COVER SHEET**

The cover sheet should identify:

1. Title of the document
2. Title of the proposed action
3. The location of the proposed action
4. Name, address, telephone number and contact person(s) for:
  - a. The Lead Agency
  - b. The Applicant
  - c. The Preparer(s) of the SDEIS
5. Date of Submission of SDEIS
6. Date of Acceptance of SDEIS (to be inserted)
7. Date of SDEIS Public Hearing (to be inserted)
8. End of SDEIS public comment period (to be inserted)

### **TABLE OF CONTENTS**

The table of contents shall list all of the chapters of the SDEIS and the corresponding page numbers, as well as lists of all exhibits, tables, and appendices, etc.

### **CHAPTERS**

#### **CHAPTER I: Executive Summary**

The Executive Summary will outline details about the proposed project. It will discuss the layout of the proposed project as well as possible alternatives. This summary will also introduce any potential adverse impacts, along with all mitigation measures. It will also include a list of all approvals and permits required for the project.



## CHAPTER II: Project Description

The Project Description will include:

1. Proposed Action
  - a. Description of the Proposed Action
  - b. Regulations and requirements of the site's existing and proposed zoning
2. Overview and Description of Site and Environs:
  - a. Description of the location, frontage, access, acreage, ownership and tax map designation of lot(s) involved in the Proposed Action
  - b. A brief history of the site and area
3. Description of Land Use and Zoning:
  - a. Land Use: A description of the Proposed Action's proposed use as it relates to the previously approved commercial office building
  - b. Zoning: Describe the proposed floating/overlay zone proposal, including identifying the properties potentially impacted by the proposed rezoning. This section will respond to written comments from Town of Greenburgh Community Development and Conservation Commissioner Garrett Duquesne in his letter dated July 5, 2018
4. Discussion of municipal questions regarding green technology and sustainability of the proposed project.

## CHAPTER III: Existing Conditions, Potential Impacts and Proposed Mitigation

1. Soil, Topography (Steep Slopes) and Geology
  - a. Existing Conditions: Existing conditions will be discussed and topography information will be obtained from a professional surveyor. The most recent Village Steep Slopes Ordinance will be used as a starting point for a review of the topography of the site. The varying landscape will be discussed and steep slopes categorized. The potential presence of rock on the site will also be discussed.
  - b. Potential Impacts: Potential Impacts to steep slopes will be discussed in the SDEIS, including a comparison of impacts to steep slopes between the Proposed Action and the project that was the subject of the SEQRA Findings. The potential for, and methods of rock removal, if any, shall also be discussed.
  - c. Mitigation: Mitigation measures will be discussed in the SDEIS. Methods of erosion mitigation, such as silt fencing, will be utilized during construction to alleviate erosion caused by loss of vegetative cover. An Erosion and Sediment Control Plan will be provided that complies with the latest edition of the *New York State Standards and Specifications for Erosion and Sediment Control*. A summary of earlier findings will also be provided.

2. Wetlands
  - a. Existing Condition: All existing wetlands and wetland buffer areas (as defined in the Village Code) will be delineated.
  - b. Potential Impacts: Any proposed disturbance to any wetland or wetland buffer will be discussed as needed
  - c. Mitigation: Any wetland disturbance will be avoided as much as feasibly possible and any necessary wetland mitigation measures will be clearly proposed.
3. Vegetation
  - a. Existing Conditions: The existing vegetation will be discussed and a tree survey by a licensed landscape architect provided.
  - b. Potential Impacts: Any potential impacts to vegetation will be described and evaluated. This section will provide an analysis of the amount of site disturbance, quantify the amount of proposed impervious surfaces, and provide an analysis of tree removal/replacement after updating the existing tree census and map from 2015. There will be a comparison of proposed impervious surfaces as well as impacts to vegetation between the Proposed Action and the project that was the subject of the SEQRA Findings.
  - c. Mitigation: A summary of earlier findings will be provided In addition mitigation will be provided, as feasible, for any new impacts to vegetative resources.
  - d. Specific responses to comments provided by Dr. Carole Griffiths, a member of the Tarrytown Environmental Advisory Council, at the public hearing held June 25, 2018 will be provided in this section, specifically:
    1. Assess impacts of tree removal as the removal of a woodland area and its affect on trees and wildlife.
    2. Impact on viewscape from Martling Avenue will be analyzed.
    3. A 3D view rendering and a photo-simulation will be provided.
4. Stormwater Management and Subsurface Water
  - a. Existing Conditions: The existing stormwater conditions will be studied and described in the SDEIS.
  - b. Potential Impacts. The potential impact following the introduction of new impervious surfaces (among other things) will be outlined and discussed in the SDEIS. The stormwater management system will be described including the description and location of any applicable detention basins, catch basins and drainage configurations and such system will be depicted on a proposed plan.
  - c. Mitigation: A Stormwater Pollution Prevention Plan (SWPPP) will be provided in the SDEIS that complies with the latest edition of the *New York State Stormwater Management Design Manual* and *SPDES General Permit for Stormwater Discharges from Construction Activities*. All peak rates of runoff in the developed condition are anticipated to be less than those under the existing conditions. This section will address conformance of the SWPPP to the latest NYSDEC regulations regarding adaptation to climate change.



5. Traffic and Transportation
  - a. Existing Conditions: A summary of the 2006 Findings regarding traffic impacts and the 2018 update prepared by John Canning will be provided.
  - b. Potential Impacts:
    - i. A comparison of the proposed trip generation rates for an Alzheimer's/Dementia Care Housing facility compared to the proposed trip generation rates of the previously approved office building will be provided and updates to any traffic reports will be provided.
    - ii. Access issues will be discussed including vehicular access from Route 119 through existing parking lot of adjacent office park at 155 White Plains Road;
    - iii. Bus line access and sidewalk pedestrian access from Route 119;
    - iv. Bicycle parking component bicycle/pedestrian connection to Martling Avenue.
    - v. Discuss relationship with potential access through the Marshall Cavendish building fronting on Route 119.
    - vi. Describe the current plans for "Complete Streets" along Route 119 with study to be funded by the New York Bridge Committee Fund.
    - vii. Describe traffic impact of the new New York Bridge pedestrian parking facility as requested.
    - viii. Describe traffic impact of doubling of existing Honda car dealership onto two sites as requested.
    - ix. Describe traffic impacts of proposed projects at Doubletree , J.C.C Property and Montefiore Properties
  - c. Mitigation: Describe possible mitigation measures.
6. Infrastructure and Utilities
  - a. Existing Conditions: The locations of all existing utilities serving the project site, if any, will be located and described.
  - b. Potential Impact: Any potential adverse impacts/additional loading on current municipal facilities will be described. Impacts described to existing sanitary sewer infrastructure discussed in Westchester County Department of Planning letter dated June 22, 2018 will be addressed in this section. Also, any sewer or water main extensions that may be needed for the development will be discussed. An increase in energy use, as a result of the development will be discussed.
  - c. An updated Water Engineering Report and Wastewater Engineering Report will be provided. Sewage Flows will be addressed. The adequacy of existing water and wastewater infrastructure shall be evaluated according to the standards delineated by Village Engineer Dan Pennella, P.E. in his memorandum on this subject
  - d. Mitigation: Measures of mitigation will be provided, where possible, and any adverse impacts to existing infrastructure and utilities will be identified. This section will also address conformance of the energy management plan to the latest NYSDEC regulations regarding mitigation of and adaptation to climate change, including potential reductions in energy use and reduction of greenhouse gases.



7. Community Facilities

- a. Existing Conditions: The current services, service levels and capacities of existing municipal facilities and service will be discussed such as fire and police departments, emergency services, open space and recreation and schools.
- b. Potential Impacts: Any potential impacts to community facilities will be identified and discussed. The SDEIS will provide a comparison of the potential impacts to community facilities including police protection, fire protection, emergency medical care and transport services, and schools resulting from the project change from an office building to an Alzheimer's / Dementia Care Housing facility.
- c. Mitigation. Mitigation should be provided, as feasible, for any impacts to community services caused by the development of the Proposed Action. Suggestions already on record from the Chiefs of the Tarrytown Volunteer Fire Department as to emergency ingress and egress as to this specific site will be incorporated into the Proposed Action. Recycling at the facility and the potential for food composting will be discussed.

8. Fiscal Analysis

- a. Existing Conditions: Current taxes generated from the site will be identified and described.
- b. Potential Impacts: A fiscal analysis will be provided for the project to assess the project's potential impact on local, county and school taxes.
- c. Mitigation: Proposed mitigation measures for any identified adverse impacts will be discussed
- d. A comparison will be provided, as requested, of the projected fiscal impact of previously approved 60,000 square foot office building vs. the projected fiscal impact of the currently proposed 36,000 square foot Memory Care facility and versus the projected fiscal impact of a 36,000 square foot office building.

9. Construction Impacts

- a. Potential Impacts: Describe the methods and nature of the construction of the proposed development, including site features proposed to be altered.
- b. Mitigation: Discuss measures to mitigate potential adverse impacts of construction activities. A construction management plan which discusses the mitigation measures related to the potential impacts above should be included in the SDEIS

CHAPTER IV: Adverse Environmental Impacts that Cannot be Avoided

CHAPTER V: Alternatives

- a. Commercial Office Building of 36,000 Square Feet
- b. Commercial Office Building of 60,000 Square Feet
- c. Medical Office Building of 36,000 Square Feet
- d. Medical Office Building of 60,000 Square Feet
- e. No Action Alternative