

Village of Tarrytown
Planning Board
Regular Meeting (Via Zoom Video Conference)
November 23, 2020 6:00 pm

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

ABSENT: All Present

This meeting is being held via Zoom video conference in accordance with the Governor's Executive Order issued in response to the COVID-19 Pandemic that authorizes public meetings to be held in this manner. The public will be able to view the meeting through the Zoom application and be given the opportunity to speak during the public comment period for each application by pressing the "raise your hand" icon to speak or *9 on their phone.

Chairman Friedlander called the meeting to order at 6:05 p.m.

Approval of Minutes – October 13, 2020

Mr. Tedesco moved, seconded by Aukland, to approve the minutes of the regular October 13, 2020 Planning Board meeting.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Abstained
The minutes were approved 4-0, with one abstention.

Approval of Minutes – October 26, 2020

Mr. Tedesco moved, seconded by Aukland, to approve the minutes of the regular October 26, 2020 Planning Board meeting.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

The minutes were approved 5-0.

HOUSING COMMITTEE PRESENTATION

See attached PowerPoint Presentation attached as **“Exhibit A”** of these minutes:

Sadie McKeown, village resident and Chair of the Tarrytown Housing Committee, introduced Peter Feroe, another member of the Housing Committee. She briefly stated that this committee was an offshoot of the Comprehensive Plan Management Committee and most of the committee members have extensive experience in the real estate business. The goal of their committee is to provide the village with an understanding of the existing housing supply, identify housing needs and trends, support the current and future populations of the village, and to find opportunities within the existing stock and in future developments. The biggest outcome of the Comprehensive Plan as it related to housing was around affordability, integration and providing housing that the village doesn't already have, which is their biggest charge. They are not a decision making board. They meet once a month to tackle a robust agenda of items, including evaluating the existing housing ordinances and proposing ways to integrate affordable housing into the existing stock. The committee received a \$200,000 donation during the onset of the pandemic and created an affordable housing fund for rental assistance to village residents impacted by the unemployment due to COVID. They have also assisted the YMCA to maintain the current resident housing on site. A future affordable housing fund is forthcoming which the committee will advise on with regard to the Franklin Terrace/Court project. Ms. McKeown is on the Franklin Board Housing Committee and they will be recommending how they go forward, looking at zoning changes and other tools to create affordable housing options, and will advise the village on new development projects to ensure that they further the housing goals identified in the Comprehensive Plan.

Peter Feroe, committee member briefly stated that between 1960 and 2010, a period of 60 years, the population of the village was relatively flat, growing by 1.5%, a little over 1000 people. Most of the other river towns, excluding Hastings, which saw a steep decline, have experienced increased populations. He referred to the Westchester County Housing Needs Assessment indicating that since the year 2000, only 204 units of new housing has been constructed within the village, which is about 4.5% of our existing stock. The report also noted that 15% of the households in Tarrytown are severely cost burdened, which means that these households pay more than 50% of their pretax income towards housing. This is not sustainable and it represents the need for affordable housing in the village. Westchester County is in need of 83,000 units of affordable housing. In terms of economic development, jobs follow housing. While a little over 200,000 people commute out of Westchester each day, 173,000 live and work in Westchester, and about 200,000 commute into Westchester. The mission of this committee guided by the Comprehensive Plan, produced over four years and 19 public meetings, is to expand the village's range of offerings with regard to affordable housing. They are looking at diversity of housing types and stock, walkability and density of downtown retail. The downtown station area represents a significant opportunity to leverage sustainable land use policies, and expand transit oriented development.

Ms. McKeown briefly went over the current projects before the Planning Board and offered the housing committee's perspective. Artis and Sunrise are terrific because they provide that diversity of needed housing. The village does not have assisted living facilities. The projects are located out on 119, which is remote to the downtown and station area. The YMCA is a terrific project, since it provides affordable senior housing, additional parking for the village business area, retains housing for the existing residents, has no impacts to the school district, and will provide tax revenue which did not exist before. The 29 South Depot Plaza project represents something very different, not being in the central business district of Tarrytown. It is immediately adjacent to the train station and is a perfect TOD (Transit Oriented Development). The units again will be smaller; these are new type of units to the village. There are not a lot of the smaller units that are offered in Tarrytown. It will provide an alternative for those who want to live near the train station, but can't afford to live in Hudson Harbor, or do not want to wait on the waiting list of either Asbury Terrace, or Franklin Towers or Courts, or may not qualify for affordable housing. This project will provide an opportunity to create a neighborhood and a community in the area. The 39-51 North Broadway project, another 80 units, is located in the central business district, which will provide boots on the ground people, shopping locally and walking. She lives in the village and walks everywhere. It will replace the vacant retail which has been hard to recruit larger retailers. She feels that this is a good reuse of this particular property and consistent with the Comprehensive Plan for a downtown redevelopment type of project.

Mr. Feroe showed the slide of the projects currently on the Board to show where these projects fall in the approval process. It is important to note where these projects are in terms of having the zoning adopted, which lay the rules of the game for the site plan process.

Ms. McKeown jumped in to discuss Franklin Terrace/Courts which has been deemed obsolete by HUD and will go through a prescribed process for renovation. The Franklin Courts will have to be taken down and replaced. They are at the beginning of a very long process as described by HUD. There have been rumors of a second tower, but there's no proposal for that. They will engage an attorney, have a tenant engagement process, put together an RFP and engage a developer who will take the project through a re-development of that community. There are no current plans to add units, the Tower will stay and get a renovation, but the courts will have to be replaced.

Mr. Feroe discussed that traffic is one of the biggest issues related to housing is traffic. And not all housing is equal when it comes to traffic based upon the type and location. They realize the elephant in the room when it comes to traffic is the Edge on Hudson project in Sleepy Hollow, which they cannot ignore as a housing committee. It is not their focus, but would support opportunities to be proactive about traffic in our community and look at ways to enhance traffic calming in our neighborhoods. The parking management committee has reported to the Board of Trustees, pedestrian and bike mobility improvements, which have the potential to really improve transportation within our downtown. The Station Area Zoning is a big issue and the Housing Committee is looking into opportunities where they can be strategic, and advance their housing goals within the framework set out by the Comprehensive Plan, and in a way that complements our character.

Mr. Feroe said that the goal of the committee is to promote affordable, integrated housing. The village needs more housing. It is important from an equity and economic perspective. They also know that the details matter and the public review of different projects is very important. The type, the location, and the design of projects are critically important as we move forward. We should not forget where we came from, which was the Comprehensive Plan, which said that the downtown in the station area, in general, are good places for us to be looking for appropriately placed housing to sustain our downtown businesses and be more sustainable.

To conclude, Ms. McKeown said that the County has grown significantly, but the village population has remained flat. The needs for affordable housing across the county have also grown and so it is incumbent on our village to do our share. The 80,000 units of housing, obviously are county wide. But in our village, we should take that seriously and try to provide better housing options for young people that want to stay in the village or older people that want to sell their homes and remain in the village that are having a hard time finding locations that are affordable. She thanked the Board for the opportunity to present.

Since there was a long agenda, Dr. Friedlander asked Ms. McKeown to come back at the end of the applications to answer some of the Board's questions if it is not too late. Ms. McKeown said she would come back later on. Mr. Aukland thanked the committee for the presentation. Mr. Tedesco said the presentation was done very well and would like a copy provided to the Board.

Dr. Friedlander announced the following adjournments:

Adjournments:

Tarrytown Snack Mart, Inc. (tenant)

440 South Broadway

Expansion to existing automotive filling station to include a net increase of 776 s.f. to the existing convenience store with store front parking and other related site improvements.

39-51 North Broadway Associates

39-51 North Broadway

Referral by Board of Trustees for review and recommendation of a Zoning Petition to allow for the development of a mixed-use project in the RR zone and for site plan approval for 80 residential units with retail and off-street parking pending adoption of the zoning by the Board of Trustees.

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

Re-referral by Board of Trustees for review and recommendation of a petition for zone change to allow for 88 residential units above a self-storage facility with parking.

Mr. Tedesco described for the benefit of the public that the Planning Board is currently reviewing the impacts of this project in accordance with SEQRA. It is important to hear from the public. He advised that if a majority of the Planning Board approves a Negative Declaration and recommends the adoption of zoning text amendment to the Board of Trustees, the Board and minority would submit a minority report to the Board of Trustees.

This minority report would include the reasons for opposing the zoning text amendment, and also include reference to all of the public comments that have been made on the application, which are part of the record. At that point, it would be the decision of the Board of Trustees, who will hold a public hearing on the zoning text amendment. This public hearing will give the public another opportunity to express their views and concerns before the Board of Trustees makes its decision. If the Board of Trustees adopts the zoning text amendment, the application would still come back to the Planning Board for Site Plan review. The public again will have the opportunity to be part of the process at every step and they are important and will become part of the record. He noted that each person will be given three minutes with a one and a half minute follow up if they desire in order to make sure everybody who wants to speak tonight gets a chance to speak on this application and we leave time to address the other items on the agenda.

PUBLIC COMMENT PERIOD:

James Wilson, 109 West Franklin Street, just caddy-corner to the fire station. He noted the flyer left in his mailbox and thanked the community outreach. He is concerned about the 60 foot height which will impact the views in the village which are precious. He understands that housing at the bottom level is not feasible due to a flood zone, but still feels it is too high. His chief concern is the traffic impact. He lives right in the path of the very busy corner. With the Sleepy Hollow development coming, he is expecting even more traffic, especially on the H-bridge. He wholeheartedly supports diversity in housing and additional units of various types but thinks we have to be very smart about the traffic and finding creative solutions for that.

John Stiloski, 155 Wildey Street, advised the Board that there are people getting paid to put flyers in people's mailbox's basically trying to shoot this project down for some unknown reason. He asked the Chairman who suggested that this applicant put residential units on top of the approved self-storage facility.

Chairman Friedlander said there was an application for storage facility which was approved. After that, the Board had said that we would prefer having a mixed use down there, because we were working on a station area zoning that encouraged mixed use. Everyone thought that a mixed use would be better than just having a storage facility so the Board recommended to the applicant to consider having a mixed use and residential above the storage.

Mr. Stiloski asked the Chairman why he recused himself from the storage application but not the current application before this Board.

Dr. Friedlander said that at the time of the storage application, the applicant made some references that he might have a conflict of interest and he didn't want to have an appearance of a conflict of interest, so he recused himself. This is a new project and he did not feel that it was necessary to recuse himself. A discussion took place about the possibility of 107 units. Dr. Friedlander said that the Board had suggested that they

provide a mixed use and the number was 48, never 107. The developer came in with more numbers of units after that. That's the best of his recollection.

Mr. Stiloski advised that somebody is being paid on this project. Mr. Fry said he is doing this because he loves Tarrytown and he loves being here but in reality he is being paid by people in this village. Dr. Friedlander said he was not aware of this.

Mr. Stiloski asked Dr. Friedlander if anybody on the Board took money at any point from a builder because that is what everybody is saying. Dr. Friedlander thought this was inappropriate. Mr. Stiloski said it is not inappropriate because this is what people are saying on the outside. Dr. Friedlander said as far as the Board is concerned, they have not done anything inappropriate, that anyone of them is aware of.

Leslie Gordon, 4th generation resident of the village, who lives on East Elizabeth Street, said that the really significant height variances have the potential to dwarf the surrounding buildings. As former speakers shared, she has real concerns about the historical view shed challenges that will arise from the additional height. More significantly, if there's a variance to the zoning, there's the potential long term to give Developer's preference over what we would really prefer to see and believe is relevant for the community. Regarding traffic, people zoom up East Elizabeth Street, Archer Place and across Grove Street all the time, and so traffic is concerning.

Katie Kreider, 42 North Washington Street, said that prior to COVID, people worked from home and companies could save on rent and utilities (referred to as hoteling). During COVID, more people will be staying home and not going to the train but will be driving in the village, so traffic is a big issue. Height is also a big issue, and there may be some strain on infrastructure. When she works from home, she uses more electricity, water, more connectivity, and it becomes expensive. She decided it was just as easy to travel to the city, but that may not be an option for a lot of people. The traffic is also crazy, even with COVID, because the rush hour lasts a good part of the morning, and it continues from two o'clock in the afternoon, up into the evening. The character of our village is a huge issue. She has been listening to the Board of Trustees meetings and thought that the village would just take care of things, like the height of this building. She feels that the public sense of trust has been shaken, and that so many people feel so strongly that they have come out. She hopes the Planning Board will listen to all of us. We are just disembodied voices in the dark. You can't see us. You don't know us. You cannot feel our frustration. She, herself, does not know 90% or 95% of the people talking, but she shares their views. She is asking the Board to please listen too many who are saying this project is too big and the traffic is bad. The world is changing and before big decisions are made that could set precedent, she would ask that the Board do a traffic study, and make sure our infrastructure can handle it and that the ground down there can handle it. The traffic on Central Avenue and Wildey Street is dangerous now and if you start adding more cars, it is going to be a nightmare.

Dolf Beil, 108 Main Street, showed some slides from the applicant's August 2, 2020 environmental submission to the Planning Board, attached as "**Exhibit B**" of these minutes. Exhibit six shows a rendering from Franklin Court and Franklin Street. In his opinion, there is a misrepresentation in this artist's rendering with regard to the view. In

April of this year, the applicant agreed to perform a balloon test to show what the height would be. He has not seen any record of this taking place and does not think that any action can be taken on the Negative Declaration until the commitment made in April is fulfilled. He showed another slide showing the impact of the building on the view of the Bridge and then detail of how the drone measurements were made of Wildey Street. He pointed out that 46 units at 40 feet was profitable in February and January of 2019 and wondered why exactly.

Dean Gallea, 28 Wildey Street, read his statement into the record on behalf of TEAC:

To: Stanley Friedlander, Chair, Tarrytown Planning Commission
From: Tarrytown Environmental Advisory Council (TEAC)
Dean Gallea and Rachel Tieger, Co-Chairs, TEAC
RE: 29 South Depot Plaza SEQRA process

We understand that construction of the proposed building at 29 Depot Plaza will entail partial or complete excavation of the in-place concrete cap forming the base slab and foundation of the existing structure. This will necessarily expose the old fill material that forms the land mass under the building. The fill was placed, as we understand it, at a time when environmental standards and practices, and regulations for such materials, were not compliant with current standards based on health and safety. We have not been able to ascertain whether there has been any testing of the fill showing that it is free from volatile contaminants that would be of concern to potential residents. Given this concern, and the possibility of other issues within the EAF, we believe that *a positive declaration is warranted*, and recommend that a full DEIS be produced for further examination by stakeholders prior to any furtherance of the project.

Anthony Paladino, 26 Riverview Avenue, moved to Tarrytown this year. The historic character is what attracted his family to the village. The building is tall and will really change the character of this village. The views will be impacted not only from residential areas, but from Main Street, the library, and the parks. The traffic getting down to the Riverwalk and train station is moderately bad now even with few commuters due to COVID. He can't imagine what it will be like when we add residential units to the existing train traffic. He joins the majority of the residents of this neighborhood and opposing changes to the zoning and hope the trustees will consider that.

Mark Fry, who lives in Ossining, said to address John Stiloski's comment, he has received a very small stipend, less than \$6 per hour. He is doing this for his love of Tarrytown and is happy to donate the money to Riverkeeper, a modest amount of money, should that be an issue. He referred to his two letters sent to the Planning Board today raising similar concerns of Dean Gallea. After further review of all the documents he has concluded that the application is not complete. In his professional view, the applicant's submissions contain many substantive errors and the Planning Board may not legally issue a Negative Declaration, because it has not yet completed its legally required hard look at all of the important potential negative impacts which is what is required of all Boards across New York State. They've got to take a hard look at all of the impacts and the applicant should be required to produce an environmental

impact statement. There is question about the potential that the site itself is severely contaminated. Apparently, there were tests done, but he does not have the results. The visual simulations have also not been provided. He wanted to share his visual simulations with the Board. Dr. Friedlander said they could be discussed after everyone else has a chance to speak and if there is time.

Lisette Mendez, 159 Grove Street, is disheartened by the public comment because this is an opportunity for Tarrytown to provide affordable housing for many families in need in Westchester. In Tarrytown, 15% of families are severely cost burdened and we are only concerned only about the impacts on views and not the impacts on family. She is an architect and planner and can assure the public that TOD development is a very established way of working and reducing traffic, while increasing sensible density. Based on the Comprehensive Plan, that we all did in 2018, holding 19 meetings, we all agreed that this was necessary. Those that are concerned on Franklin Street and Riverview, it is about 200 to 300 feet away from the site at a 50 foot elevation. The top of the building will be seen. It will not impact your water view. She visited the area and is making it clear that it will not impact the view as terribly as people think. She questions the height, architecture and the massing, but does not question the need for retail for TOD development that is going to bring walkability sustainability to our village. With regard to traffic concerns, she is asking that everyone consider how they can reduce traffic, by walking to the train station or into town. Everyone needs to do their part. We cannot expect everyone else to do it and we get to drive our car around. She understands the COVID concerns and there are people that are going to be working from home, but they will still be traveling and using the metro station. So why not use this site for future housing which will help people, rather than a storage facility. She is asking that people look at the big picture, not their immediate needs that are going to change over time.

Kristen Albright, who lives on MacArthur Lane, thanked the Board for hosting the meeting and Dolf Beil for his presentation, showing the view analysis that would block the views. She would ask the village to understand and realize that this is only one point of view, but the 180-degree views would be blocked significantly. This is also precedent setting. This would be the first construction and she would like to know where it will end and where else is it going to impact others views? With respect to the traffic, we do our best to walk into town and when we have to drive someplace, it is right now even during COVID, the traffic is pretty challenging. She asked if Tarrytown has the infrastructure to support a building of this height and housing. We understand affordable housing is an issue and support it, but we ask that it not deplete or defray the value of our homes. We have put significant investment into our home and plan to retire here. If the village is going to block our views, make no mistake, they will not hesitate to leave Tarrytown. This is her dream home, it is a tiny home, and if she can't maintain what they have, then they will be forced to leave the village. She wonders how many other people feel the same way. She apologized for being so brash but this is where she stands right now.

Olivia Gerth, who lives on LeGrande Avenue, has been to a number of these meetings and feels that a majority of the public voicing opposition have been pretty straightforward with their concerns with these large projects and hope to see a compromise with these stakeholders for the 29 South Depot and 39-51 North Broadway projects. Again, the size and density of these projects are not reasonable. Addressing the scale of these projects is one way to gain public support, something that a denial of the rezoning application could assist with. The traffic studies submitted are not complete. Looking at the big picture, we have to consider the potential effects of all these projects: 29 S. Depot Plaza, 39-51 North Broadway, in addition to Edge on Hudson, and not view each project in a vacuum because that is just not the realistic impact. It is important recognize that there are unknown effects from a global pandemic on commuting and traffic that are not being taken into consideration in these traffic studies. These concerns are not coming from an anti-diversity or an anti-development sentiment, just simply that they want and deserve the research to be done before implementing lasting change in our village. She would like these drastic measures that will inevitably create precedent, be put on pause until we are not in the middle of a global health emergency. They seem like pretty reasonable requests to her considering the decisions we make now will have a permanent effect on the village later. At the Board of Trustees meeting last week, they were told that they should be presenting our views to the Planning Board rather than the Board of Trustees. She also remembers being told at a prior Planning Board meeting that they should be expressing their views with the Board of Trustees. At this juncture, she is here yet again because she cares about the town, has a vested interest in the town and its future, and would like to be a part of the discussion to make sure that the public's valid concerns are not being swept under the rug.

David Barnett, 104 Main Street, addressed the 29th South Depot Plaza project in context of the comprehensive plan with a short slide presentation, attached as "**Exhibit C**". Members of this Planning Board along with residents of the community worked for several years to complete this carefully constructed study which documents a vision for the future of Tarrytown and continues to be a source of reference as we proceed. Unfortunately, he believes that it is currently being misrepresented and compromised in ways that help defend and justify certain directions that are at odds with this community. He hopes the members of this Board hear our frustration because the decisions you make tonight could change the direction and negatively impact Tarrytown's future development and infrastructure. He has read and re-read this Comp Plan and has found only three references to height and stories and stories you will see on this slide. The first reference is on page 134. In the Comp Plan under the heading economy, built environment and estate, it says, anywhere there was one story make it two, which sound fine. The second reference says, on page 135, references the maximum height of 3 to 5 stories if built up. Apparently, this is still an open question. And based on comments by the residents tonight and past meetings, nobody is endorsing five stories.

The second slide shows an image from the Comp Plan on page 101. It addresses the issue of climate change on our village. The photograph shows a large portion of the station area that I imagine would also impact 29 South Depot Plaza that are within 100

within the hundred year flood zone. And it states on page 102, that “Tarrytown needs to recognize the current and future impacts that climate change will have on the local community”. He remembers Hurricane Sandy when the Hudson flooded the train station crossing the railroad tracks onto Depot Plaza and finally stopping in front of the Portuguese American cultural center. If we continue to choose asphalt and concrete over open green spaces, we will reduce the options for floodwaters recede. And closing again he would like to quote from the Comp Plan that, “sea level rise must be accounted for especially in relation to how it threatens new developments along the waterfront. The alternative could prove costly and dangerous to both village residents and businesses”.

Katie Scully, 3 Hillside Place, thanked Lizette Mendez and others for bringing this matter to her attention and the Housing Committee that presented earlier. She chose this village to raise her family in a community of people from all walks of life, economically, socially, racially. She feels that the village must also take on the issue of the lack of affordable housing in the village which already represents this kind of diversity. She is on the District Equity Committee which aligns with these goals. She has a background in art and architecture and understands the concerns about height. She thinks that there is clearly a compromise that can happen and appreciates that the Board agrees that affordable housing is a priority of the village.

Robert Singer, 15 Park Avenue, said that many of his concerns about this project have been expressed. His main concern is the impact of traffic in Miller Park. Speed bumps were installed last year to slow down the traffic going to and from the train station. One of his cars was totaled by cut through traffic going down Park Avenue, so there are real effects. He is concerned about the safety of the many children in the neighborhood with the increase in traffic. He would like to see a more comprehensive traffic plan. He does not see how the current roads can sustain this traffic. He feels that the density is setting a scary precedent. If this level of density continues, the roads will not handle that. There are also the additional school costs, and the elephant in the room here is the development in Sleepy Hollow. We can't change that, we can only change what we do going forward, which is why a lot of people talking about this particular development. He agrees with the concerns about height and the obstruction of the view, but the density precedent and the traffic concerns are his first and foremost concerns.

Doug Fox, 42 North Washington Street, said the main issue is that this site is a landfill. He has a map from 1891 that shows his house and the area south of the actual turnaround on Franklin Street and the Village Hall, where those existing warehouses are. The reality is that it was swamp land. All of the area down by the waterfront was filled in during the late 1800's and early 1900s. He recalls watching as the railroad blew out all the old 70s built platforms and there was absolutely no resistance to any of the pilings that they were putting into the ground to shore up the foundation for the new platforms. He feels that this entire area is compromised and is in a floodplain, which was proven with Sandy. The new housing that was put on the west side of the tracks does not have anything on the first floor levels. His main contention is that there are no studies to tell us exactly what's going to happen in the area.

Colin VanderHorn, who lives on LeGrande Avenue, feels it would have been helpful if the applicant had presented first so that people could familiarize themselves with the project. There was an entire section dedicated to the fact that Tarrytown is in great fiscal shape so why is there such a need to increase the population? He sympathizes with those households that are cost burdened, but we should start by attempting to reduce the tax burden on households. His taxes are a little over a third of his mortgage, which is pretty shocking. He does not feel that the residents should be responsible for the 82,000 affordability units that are needed in Westchester County. It doesn't seem like people could foresee the faults of the Comp Plan, but we do care about the real-world consequences. He agrees with Dave Barnett that the Comp Plan is being misrepresented. The height is too tall, too tall for the neighborhood and too tall for people who live behind them. He would like to see us move closer to existing zoning. He noted that during that presentation 39 – 51 North Broadway was described as replacing vacant retail. That project would not be replacing just vacant retail it would be replacing the CVS that is severely needed. The Board of Trustees meeting was a little bit disheartening. The Board of Trustees and Mayor have made their views very transparent, and they intend to approve these projects. This is the proper avenue for community intervention and people should speak up. It doesn't matter if you have never spoken, please do not hesitate to speak up. He thinks that telling people that there will be many more chances to appeal is a little bit misleading, especially if you've attended one of those Board of Trustees meeting, you know where the heart of the trustees is and especially the heart of the Mayor. It is not a bad view, but he is not in agreement with some of the public views voiced tonight. He would like to express to the Planning Board that the community clearly does not want the developments of this scale, this density level or this height. He would appeal to the Board to take these public comments into consideration now and in the long term.

Daniel Blatz, 107 MacArthur lane, recently just moved into town to raise his family. He is in complete favor of affordable housing but he thinks the town and developers need to do their due diligence on the impacts associated with the project. He would like to see a traffic study completed and a property value assessment completed which should be paid for by the applicant. He appreciates the sentiments of all of the people that have spoken tonight and he would like to hear more on the project.

Judith (no last name), lives at 18 North Broadway, in the Landmark building. She is a minority voice and is in support of this project and other projects like this that would bring more affordable housing to Tarrytown. She thinks there are lots of competing priorities. She respects her neighbor's comments, but feels the need for affordable housing really must take precedence over those other priorities. One of the things they love most about Tarrytown is the diversity of the community which is just as important as the look of the buildings and the views. She is very happy when she thinks of these buildings coming in bringing new people coming into the community, shopping it at our local stores, and keeping all the other wonderful shops and local restaurants open and hanging out by our beautiful Waterfront Park. This is what we need in Tarrytown.

Heather Haggerty, who lives on Kaldenberg with her husband, is originally from Dobbs Ferry and she has seen what happens with over-development. There has been a lot of talk about affordable housing but she has been to a lot of these meetings and she still does not know what the rents will be and if they will be rent stabilized or if it is affordable. In Dobbs Ferry, they have provided affordable housing for their firefighters. She does not feel that this village has taken care of the volunteers. Many of them are only able to live here because they live in family homes. She feels there is more we can do for the firefighters and people that actually work for town and this has not been discussed. With regard to traffic, she is one of those who only have one car and she walks around town. Most of the people around her have two cars. There are some new apartments near her on Main Street that just from these two new apartments, the amount of traffic that has increased on her little street because people are going to grocery stores, going to the gym, etc. and they do get in their cars. She and her husband attempted to try a lifestyle without a car in town which they found is almost impossible to do. This should be taken into consideration since you really do need a car and the new rentals coming in will most likely have two cars per family. The traffic on Central Avenue is a mess blocked in by trucks and buses.

Monica Shepherd, 71 Miller Avenue, feels that villagers have reason to be concerned and not trust what is happening when the proposed height that we see in the pictures has been increased multiple times over the past months. The presentations by the developer have been misleading. She also has concerns about the traffic in the Miller Park area. This neighborhood sustains an enormous amount of traffic between Park Miller and Independence and there are about 26 children in the area with loads of cars coming through. The speed humps have helped a lot, but she does not think the neighborhood that is full of kids can sustain or tolerate a lot more traffic coming through here and people living down there. You might say that they are not going to use their cars, but they will.

Amy Wessan, 85 Main Street, a village resident for 25 years, said that Tarrytown is known as one of the top 10 villages by Forbes Magazine in the United States for its beauty. We have a special architectural beauty and charm. Some of these proposals have absolutely nothing to do with that charm and they do not fit in with the village. There is no place in the history for these larger clunky buildings. Franklin Courts and Asbury Terrace should not set a precedent for the height in this area. She asked if the village has a vision of the area showing what it would actually look like (electronically) to have a scattered little village down there. This area should be connected from the train station to Main Street to give a feeling of a really warm, inviting place. She appreciates all of the people here tonight. She would like to note that over the past hour and a half, only two speakers have been somewhat positive towards this building.

Laura Burke, 40 North Washington Street, has lived here since 1999. Her taxes are half of her mortgage and they weren't like that when she moved here. She does not feel that Hudson Harbor gave the village the tax revenue it wanted. She is not against developing the village, she just has issue with the scope and the size of this project. She thinks it should be half of what it is. And if it is not profitable for the developer, that is not really the village's problem. She wanted to know how much of the project is designated as

affordable housing and would like to see more details about that the percentage of affordable and what the proposed rates are for the apartments. She noted that with regard to the 39-51 North Broadway project, the vacant storefronts are not really helping the walkability and getting rid of CVS as part of that development up there is not going to help with walkability either.

Howard Smith, 87 Main Street, sent a communication to the Planning Board members earlier today and most of them bounced back. This communication included a photo of an overhead shot of the parking areas near the train station to illustrate the point that nine months into a pandemic and the parking lots are more than half empty. He wants to know why the village is talking about making a significant change in their approach to development at this time without taking the time to do a more long range study of the potential impact of the pandemic. He is concerned with the impact of the Edge on Hudson development. It is not technically in the village but the 1177 residential units will house somewhere around 2400 residents and 3,400 parking spaces, which translates to a lot of cars. If the Walgreens Plaza were to be developed at the density level comparable to 29 South Depot, that could add another 450 new residents and another 400 cars. He feels that it would be a real mistake to interpret all these concerns as being anti-development or anti-affordable housing. The developer lost him when he went from the thoughtfully designed 4 story concept that was presented initially and then got greedy and went for the 60 foot tall, massive structure. They are proposing to turn what used to be a warehouse for things, to a warehouse for people, and are only proposing eight affordable units. He also is concerned about the environmental issues that have been discussed tonight, all of which suggests that a lot of work needs to be done first before we move in this direction.

Harley Denver, of 85 Main Street, a 25-year village resident, referred to his background picture of the view from his balcony. He finds the disconnect between the Planning Board, the Board of Trustees, and the villagers very frightening. It is almost as divided as this country. It makes him question the motive behind this. He heard Peter Feroe's presentation about how housing brings jobs but, at what point do you stop and say, enough is enough? He is really frightened that there is just going to be a big boxy building, like they have in Yonkers. He has done a lot of business and tourism development in both South America and Asia, particularly Argentina, and Brazil, Malaysia and the way you get things done is who to pay off. He was a little frightened when that was considered to be an inappropriate question that was asked earlier? He thinks the answer was inappropriate. He is not saying that this is happening, he just does not understand what the disconnect is. With regard to the traffic, he asked why we don't take care of the traffic first, before we do the development.

Suzanne Bartolacci, 67 Miller Avenue, agrees with a number of comments tonight, particularly the neighbors in the Miller Park neighborhood. Her main concerns are around the density and the volume of cars and traffic that will come through her not only her neighborhood, but the town in general. She noted a Miller Park traffic study done prior to the traffic calming which said that about 3000 cars a day went past her home. It is nowhere near that level now and the children can play somewhat safely outside. The road humps have also had a huge difference. Her concern is when things get back to

normal, the traffic will increase and go back to what it was and if you layer on all the additional development particularly the Edge development, cars will be cutting through their neighborhood and all of the residential neighborhoods in town. This is a serious concern from a property value perspective as well as a safety issue for the people in the neighborhood. She feels that the views from the village parks, from the school and everywhere else are a special part of what makes Tarrytown what it is. A re-evaluation was done a few years ago for their property taxes which placed a 25% Premium on properties that had a river view. So, it is not just the residents that are placing a premium on that view, it is also the village, who is getting effectively additional tax dollars from these views. She thinks an assessment needs to be done of what would happen if all those views were lost or impaired. She thinks that this should be considered not just for this development but for all future developments down in this area because she thinks this is start of many more to come.

Patrick and Lynn Jones, live at 111 MacArthur Lane. Mr. Jones is concerned with the parking in general in the village and the additional people who will be driving into the village from the new development. Ms. Jones came on and said she is concerned about the tall building that will obstruct her view of the river which gives her a sense of peace and would lower her property value. They have lived here since 1973 and it would hurt them if an eight story building were put down there.

Mark Fry, returned to comment on the issue of affordability and noted documents he downloaded from the village website. The rents have gone up substantially. The project began with two stories of self-storage and then it went to three-stories and 46 units. Then it went to four-stories and 69 units. Then it went to five-stories at 88 units and the monthly rents are as follows: Studios will be \$1,950; 1 bedrooms will be \$3,000, and 2 bedrooms will cost \$4,100. With regard to the calculations for affordability which were provided, the one bedrooms require an income of \$120,000, which is above the 100% of AMI. So, the 48-1-bedroom apartments are not affordable. The 2 bedrooms require an income of \$164,000 a year. Again, the 100% of adjusted mean income is \$120,000, so also not affordable. You have to make 80,000 a year to live in the studio, so they are not affordable.

Barbara Barnett, has lived at 104 Main Street for 10 years. The back of her house looks out to the Train Station. The proposed 29 South Depot Plaza project is out of character with Tarrytown. She agrees with Amy Wessan that when people arrive by train to the charming village, there should be a well thought out architecturally designed gateway to Main Street instead of a five-story building standing out like a sore thumb. She is afraid that the project will set a negative precedent for the rest of the village. Even though many years were spent on the Comprehensive Plan, there does not seem to be any cohesive strategy to complete the train station area. It seems that once again, developers are in charge and not the people of Tarrytown. We need the Planning Board to stand by what the taxpaying residents want for their village. Additionally, at this time of the pandemic, with businesses closing and people working remotely, we should not make any rash decisions. Healthcare experts warn that things will get worse before they'll get better. We need to wait to evaluate the new normal and closely determine what our needs will be.

Adam Bergadamo, a new resident of Wilson Park Drive, came from neighboring Elmsford. They spent the better part of the last four years looking at different towns in Westchester and were very attracted to Tarrytown due to its character. He feels that these projects: 62 Main Street, 29 South Depot and the North Broadway proposal all put this at risk to some degree. He will make 11 points briefly and thanked the other speakers who have spoken. He thanked the people who dropped off the flyers raising community awareness on this topic. He suggested creating an email group or some way to organize to be more thorough in their approach. He is concerned about the height of the building. He is concerned about the precedent this sets for material zoning variations which is a bit alarming. The character of the town is what draws many people here. The village is known as one of the prettiest towns in America and it is important to maintain the character of the taxpaying residents of this town. Point number four relates to traffic. This is a commuter county and people need to be able to walk here but clearly residents coming in will come with cars and they will need to drive that has been said by many residents here. The next point is he would urge the Board to take the totality of all the projects under consideration into account. Piecemeal studies done one at a time will not do service to what the burden on the infrastructure of the town will be and there are a number of large projects under consideration given the size of our town. The next point is that this tends to be a family-oriented community. It is not clear to him that small apartments fill the needs for that affordable housing for what would actually be needed to live in this area for the reason so many people do here. The next point is that the architectural designs shown in the drawings here do not appear to be consistent with the feeling of the town buildings. They are too tall and too modern looking with the stick frame architecture which does not fit into the character of the town. The next point echoes the last caller that there should be no new major decisions made during the pandemic. The next point is that there is no need of growth for growth's sake, we are not running a corporation, we are running a town, which should defer to the residents, which has been pretty clear and how it has been expressed here. The next point is that he would like to say thank you to Mr. Fry for bringing those numbers to all of our attention, which really makes the affordable housing argument quite frankly, farcical and fantastical. \$4,000 for a two bedroom apartment is hardly within the realm of affordability. Lastly, he will echo the comments on getting a gateway from the train station to the broader downtown area, this would be particularly relevant to the South Depot Plaza, rather than a large five story building, with storage units underneath. A more comprehensive thought out plan that mirrors the image of the overall town in design as well as feel would be a better approach.

Peter Bartolacci, 67 Miller Avenue, is a resident, in other words, he lives here and is a taxpayer. It is important to note with regard to the discussion about the Broadway Development, by the area of Mrs. Green's, the clothing store and the CVS area, there was reference to a traffic study that was done for the Edge on Hudson project. The study concluded that most of the traffic leaving Edge on Hudson would not be going up Beekman and onto Broadway, but rather would be traveling over the H-bridge and up Franklin and then through the Miller Park neighborhood to get to Broadway. This needs to be considered when looking at the station area development. We are going to see a huge increase in traffic once the Edge on Hudson comes fully online. We can't look at each project in isolation. If you have the density of this South Depot Plaza, spread across the 15 developable acres of the stationary overlay zone, we could be talking about over

1000 units, which is a serious issue. He feels it will impact the entire village but in particular, the Miller Park area. He agrees with the points made tonight, especially concerning the height of the building. He had no issue with this project when it was a three-story 46-unit project. He thought it was better than what was down there now and better than self-storage. But it has now ballooned to 88 units and five stories, 60 feet high which he thinks would set an incredibly dangerous precedent, and really needs to be thought about, again, not in isolation as to just this project, but what that means for all of the land down near the station area overlay.

Rob Wingate, who lives on North Broadway, has questions about environmental conditions and possible heights of the river impacting developments. He does not directly oppose development that could be more affordable in scope. He is in support of it in some parts of the village. He is concerned about this development in terms of scale and size. He thinks it is worth thinking about what it means to develop affordable housing in terms of a diverse community and what the properties look like. He thinks the two are intertwined. He has concern about some of the some of the earlier general commentary about what it means to develop affordable housing, and yet how we feel like we have to resist a certain number of units along the way, and he guesses that is the nature of the contradictory times we live in. With regard to the YMCA property, in terms of affordable housing, the residents will stay and that is unique, and it really is affordable in terms of that proposal. It is important that we do not forget that property in those terms. Having space for residents to stay in Tarrytown is a form of affordable housing, and it is a form of diversity. It also allows the YMCA to be able to find funds to relocate and set up operations at another site. He hopes that this is part of the conversation. He feels like we are stuck in sort of a two dimensional set of conversations. If we are looking at our population and what is diversity in our community, he thinks people need to be more a part of that, and not just to the size of the buildings.

Lisette Mendez, Grove Street resident, returned and thanked the speakers, even though they may not agree, she understands the concerns, she owns property and wants to preserve her view as well. With regard to the Comprehensive Plan, it looks at specific sites that will impact the least amount of people in the neighborhood and having development near the train station at a lower elevation on landfill which is feasible. She agrees with Heather Haggerty about the need to provide housing for firefighters, police officers, for teachers, which will reduce traffic because they will live where they work. This is the kind of thinking that we need to be looking at. Transit Oriented Development is not only about affordable housing, it is about a new way of looking at how you commute, how you are sustainable. If people are concerned about sustainability, dense development that is sensible to the historic fabric and not too tall, is extremely sustainable.

Colin VanderHorn returned and was wondering if there was going to be an opportunity to address the Board before they vote after the applicant presentation. Mr. Ringel said that this is the time for public comment. Mr. VanderHorn said then that he would just appeal to the Board to take all these comments into consideration this evening.

Howard Smith, 87 Main Street, returned and said that using the term affordable is kind of disingenuous when you talk about the proposed rents for the project. The only legitimate reference to affordable is the eight proposed affordable units. The parking that the developer is proposing is currently leased by the railroad to the village. And for a private individual to have access to parking that is leased to the village for public purposes, for their profit, seems questionable. It is important to realize that what makes the business community viable here is not just adding a few more residents. For businesses to be viable, they need to bring people in from the outside and what attracts people from the outside is the charm and the character and the community that we have. Right now he would urge the Board to give proper consideration to the kind of questions that are being raised to make a positive declaration and insist that the appropriate environmental impact process is followed.

John Stiloski, of Wildey Street, returned and asked at what point the Board at prior to this becoming an issue where everybody has come forward. He wanted to know if this was put out to a vote at some point. Mr. Ringel said he does not believe there has been a vote on this project yet. Dr. Friedlander confirmed that they have done the impact studies, including traffic. Mr. Stiloski said so the studies are in front of you. He said that the Board has to run with some true facts. There are rents being thrown out there, what it is going to cost and all that stuff and you also have allegations that there are people on your Board taking money from people in trench coats, \$150,000 over dinner, which he finds hard to believe since he knows the Board Members personally. He thinks the Board has to run with the facts and he wonders where some of this stuff is coming from. He said there are people that are non-residents that love this village, then you have people paying people to turn around and put stuff in mailboxes, and he does not get where this is going. He does not get how that is love in Tarrytown, when you got to get paid to do something.

Dolf Beil, 108 Main Street, returned to say he has some concerns before the Board votes. There are several significant material defects in the submission, which has been brought up tonight. Specifically, he talked about the height and the applicant's agreement to put up balloons so that everyone could see what the impact was. He asked for that to be done before any vote is taken on the negative declaration. He was not aware of the foundation issues and the potential for disturbing the sub soil and having significant contamination. He thinks this needs to be examined before you decide whether there is a material opportunity for environmental impact. Last, but certainly not least, TEAC is the organization which is designed to advise this Board on environment issues and they have clearly said that the Board should not to vote on the Negative Declaration. He does not understand any way that this board can tonight, approve a Negative Declaration and send it to the Board of Trustees.

Kyle Moto, of Browning Lane, suggested, rather than the balloon test, a bucket truck will bring the person directly up to that 60-foot level, to take a look. Two bucket trucks can also be put at the corner of each of the building to really assess how the building would look and what the actual height would be. He thinks part of the outpouring of support against this project, is that they have been lied to by a developer that is going to show you pictures that misrepresent a specific height. He thinks this really needs to be addressed.

END OF PUBLIC COMMENT

Mr. Ringel advised that there is no one else in the public that wishes to comment.

Dr. Friedlander asked the applicant to speak.

Linda Whitehead, attorney with firm of McCullough, Goldberger and Staudt, representing the applicant, said she will be brief since it is late. She is concerned that there has been a lot of inaccurate information and misleading information provided here tonight. It is unfortunate that so much of the public commenting now has only come in the last two or three months. There has been a lot of information provided to this Board. This current plan is for 88 units and this height has been the plan that the Board has been looking at since at least this January. It has not changed since then. This Board sent us back to the Board of Trustees to have them re-refer it which was done in the spring. This Board retained Chazen as their consultant to review some issues. This included density and parking and a number of other issues that have been looked at. A traffic report traffic study was done. Height and view studies were done. In fact, some of the view simulations shown tonight have been out of context. We advised the Board that these submissions that we submitted back in August were from an earlier submission. The submission made in August also talked about the heightened elevation of the top of the building, and also provided a great deal of information showing the topography and the elevation of the homes in Miller Park to show that the first floors and the entries of those homes were all at elevations higher than the top of our building so that their views would not be obstructed. The Board has had this information before them. She was very disturbed to hear some comments made tonight about the site being contaminated and one comment or referred to it as severely contaminated without any support for saying that is complete conjecture. That's not in fact the case. There has been boring and testing done. There was a cleanup from tank removal under the DEC and County Health Department which was all addressed. She has a real problem with someone getting up in a public meeting in a public forum and stating with no support whatsoever that a site is severely contaminated because it is just incorrect, inaccurate, misleading, and frankly, could be libelous. The property is clean, it has been checked out. It has clean borings with respect to the structural issues. The issues raised about the foundation and the plans that you have before you reflect some additional work being done to help support the additional residential on top of the approved self-storage. As a reminder, there was a two story self-storage facility which is approved and remains an approved project for this site. The Village, based on the Comprehensive Plan, asked that housing be provided. They cannot do housing on the first floor because of the floodplain issues. The original plan that the Ferraro's had proposed, kept two stories of self-storage and put residential on top of that. They were asked to revise it to one story of self-storage with residential on top, that's when it changed from 40 some odd units to 69 units. Subsequently, they brought in Arthur Collins because he is a more experienced residential developer. Mr. Collins looked at the site and suggested that more units could be there and that he would want to do more. The Board of Trustees advised that they could not go higher than 60 feet. They are also limited by the area they have for parking. She pointed out that they have additional land that will be under a long term lease that they have not used in calculating the FAR and density. If it was

included in the calculation, the rents would be lower. They will have a minimum of nine units of affordable housing which meets the Village requirements. These rents will be below 60% AMI. The rents for the nine affordable units will be about \$1,260 for a studio and a little over \$1,400 for one bedroom, which is a little bit below the 60% AMI. It is correct that the other rents will range from about \$1,900 to \$4,000, but even those rents are lower than a lot of what exists in the village as rental housing, and certainly lower than other new rental housing. The comment made that are eliminating some public parking is not true. They are improving some of the MTA and village public parking adjacent to this property. That is the metered lot which they will be repaving and providing landscaping. The same number of spaces will remain available as public spaces that exists. With regard to Franklin courts, the Planning Board has pushed them to focus hard on improving the conditions for Franklin Courts. Right now they have a rather ugly MTA employee parking lot immediately adjacent. They're looking at an empty warehouse building or what could be an approved two story self-storage facility. That parking lot is also going to be cleaned up, repaved landscaped, and they are also providing them with access across the property to the plaza adjacent to our building, which will give them access to the platform, and also ultimately access across to the park and the other side of the tracks and the river. She noted that she thinks some people are confused and that this is not an SAO project and it is also not the Broadway proposal. A lot of comments were made about this. With regard to traffic, a lot of people mentioned traffic coming to the station. The benefit of a TOD development, which was discussed in our traffic report is that there will not be traffic coming to the station at rush hour because our residents are already there. With regard to comments about infrastructure, the Planning Board has pushed very hard to require in the proposed zoning to really make the building sustainable. To reduce the energy demand and all of those kinds of things. With regard to the design, to remind everybody, again, they are not in the design phase for this development. The Planning Board has pushed us to put in some language in the zoning text that is going to force them to modify the design from what we have been showing as a preliminary design. When they come back for site plan approval and go to the Architectural Review Board, the design will be much more developed and the façade will be broken up which has been included in the proposed zoning text. There have been a lot of comments about height and views. She feels that they have really addressed the issues in pretty significant level of detail over the time that the Board has been reviewing this application. She would be happy to respond to any particular questions. She asked Mr. Collins if he wanted to add any comment.

Mr. Collins had no additional comment but wanted to advise that he has had a conversation with the Housing Council that presented earlier, and they are trying to figure out a way to help them with some of their initiatives as well. They don't know what it is going to look at. Ms. Whitehead said they will have a minimum of nine affordable units, and there may be some possibility of providing some additional affordable units. But that is not determined yet.

Dr. Friedlander asked when that will be determined.

Ms. Whitehead said it will be discussed with the Village Board.

Dr. Friedlander said he thinks the point that the housing committee was making was that one of their main functions was to increase diversity and affordability of housing, and complying with the current village code of, of 10% may not be enough in order to be to correspond to the increased density that you're asking for.

Ms. Whitehead thinks that the Housing Committee actually agrees that this proposal increases the diversity of housing types within the village, which is something that is recommended in the Comprehensive Plan. This is a housing type that doesn't exist today.

Dr. Friedlander said you are talking about having \$3000 to \$4,000 monthly rents, which was as a previous speaker indicated, was considerably higher than the AMI and which constitute a much heavier percentage burden of someone's income. The project was not designed to be affordable. I think there has been a misconstrued notion that this was an affordable housing development. The YMCA is an affordable housing development, but this is a regular market rent housing development of 88 units. Ms. Whitehead said they have never claimed to be an affordable housing project.

Dr. Friedlander said he is not saying that they did but the public may have thought that this was an affordable housing project, which it is not, it is some market rent housing project with 10% of affordable housing based on the village code.

Dr. Friedlander asked for each Board member to comment on this application.

Ms. Raiselis read a statement into the record.

"1. We all take our role on this planning board very seriously. We are not the only ones involved in this process however, there are rules and regulations, the legal restrictions and policy guidelines that we use with every application. With the aid of professionals, the required review of the project and the long-term goals of the village must go hand in hand to ensure that all voices should be measured within the long and considered work and conversation that has been done to date.

2. The work that has been done both on the station area and on this application for a zoning evaluation involved many opinions and lots of thought from residents all over this village. Regarding the station area as a whole, in which this parcel is located, one of the goals of that work was to attend to an existing neighborhood that had been denied a variety of possibilities for a very long time. The ID Industrial zone does not allow residential, so for a long time, the two housing projects: Franklin and Asbury, were left like islands - residential buildings facing industrial uses. The goal was to make a balanced and diverse neighborhood there, full of a variety of amenities that make neighborhoods successful, which, in the past have been minimal. As has been the case, and still is the case in many areas of the country, affordable housing is often relegated to sites of least appeal. These two housing projects were relegated in what we now would describe as an act of environmental injustice to a site adjacent to a spewing asphalt plant. One can only have been here during those days to know the sense of

pleasure we know now, to smell coffee roasting instead of petroleum fumes every day. I would hope that we all agree that everyone has a right to clean air and water in this country and not only the ones who can afford to buy space between their children and the ID districts of the world.

3. I think one thing has been ignored in the past 5 months of discussion about this application is that the site at 29 Depot Plaza, which has been going through this zoning review for over 18 months, already has an approved site plan for a self-storage facility at that address. This means that tomorrow, they could pull a building permit for a 3 story storage warehouse: 47,875 square feet in area, 304 feet of windowless street front: a pedestrian free warehouse. If built, instead of enlivening the area with activity on the street and sidewalk, it would maintain the inactivity of this block next to the platform. It would be allowing an industrial use, in a critical location of a neighborhood where Tarrytown residents call home. We now have the opportunity to acknowledge and enhance that neighborhood by our planning actions. In her housing assessments presentation at the last BOT session, County Planning Commissioner Norma Drummond stated that the regional need for affordable housing units is 82,240. When I hear a person claiming to be the voice of our village say that “the people of Tarrytown are not interested in meeting” that need – well, All I can say is that that person does not speak for me.

4. The BOT asked the planning board for a review of the zoning proposal to allow residential at this site. Over the course of the months we have had it on our table, the zoning text proposed has evolved to include many of the changes we have requested including connections with the existing pedestrian circulation, public access to the train station, mixed use requirements. Retail was added adjacent to the platform access and building height was capped by order of the BOT. All of the factors that are considered impacts for the size and use and location and design of a zoning proposal as designated and allowed by our State Environmental Quality Review Act have been vetted by the developer’s reviewers and re-evaluated for their accuracy and integrity by our independently chosen consultants, including the number of units. This extensive review included viewsheds, traffic, parking, impacts to the school system, financials and more. All of these issues were reviewed and discussed in public sessions, either in the work sessions or the monthly public sessions over the past 18 months. The vote tonight is for a zoning recommendation. It is not a site plan review.

In addition to public comment, this should be a vote based upon the research and review that has been done by a team of professional consultants and yes, unelected people – as is the rule of law in our state. According to state law and tradition, “municipal planning is rooted in the concept of a non-paid, non-political, citizen advisory planning board. The ultimate goal of the planning board is to ensure that the long-range planning and land use objectives of the community can be achieved.... The formal documentation of these plans and policies is called the Comprehensive plan. And a fundamental component to the process is citizen participation.” We are a community that does participate. There is always participation while the iron is hot, but there were also 4 years of considered and thoughtful participation - 19 outreach events, while the comprehensive plan was being developed, analyzed and reviewed - including a final review by the Planning Board and... by a unanimous vote, the 5 members of this - board recommended the Comp Plan to the BOT– It was then adopted into law by the

elected Board of Trustees.

It will be the determination of that elected village board of Trustees to decide whether they feel this zoning amendment meets their own goals and objectives for our community as well as those set forth by the comprehensive plan. Those goals may include other studies. That's their call.

I do not want to see another self-storage at that site, which would complete a self-storage wall between a high-end luxury development west of the tracks and Affordable Housing east of them. I believe that the long-term goal to weave together these residential communities with the addition of this type of proposal, - in this TOD location and with the size of the units proposed - would be a benefit for the village as a whole, with customers who can walk to and support businesses on Main and Broadway, walk to the train, walk to the river parks, pay their taxes, and grow to love and support our village as we all do."

Dr. Friedlander asked if Ms. Raiselis wanted to respond to anyone directly. Ms. Raiselis said she thinks her statement responded to many of the comments tonight.

Mr. Aukland completely supports what Joan Raiselis just very eloquently went through. He welcomes all of the public comment this evening from a very big number of interested residents. It is unusual that this Board gets that much interest in any particular application. He agrees with most of the concerns that the callers have made, and he is sure everybody on this Board actually does. In the months that this application has been in front of the Board, they have taken great pains to exercise all of the concerns that we have noted. The applicant has been very cooperative in that and helped our consultant who validated every last piece of what the applicant is claiming and sustained with regard to the views, the traffic, a number of things that that we've heard this evening. They have been asked by the Board of Trustees to give a recommendation on a requested zoning change. His position is that the Board support this zoning change. That is not the end of the story. The Board of Trustees will take its own position on whether it thinks the application for a zoning change is suitable for the Village. He hopes they do. Then it comes back to this Board for site plan. The applicant knows very well that this Board is going to be asking a lot more questions and some specifics, but that doesn't change the fundamental position that this application provides some much-needed housing stock for the village and, in his opinion, way better than having a dead storage unit on that site. A couple of other notes. The question of traffic has been in everybody's mind. How could it not be? We haven't missed that by some accident. He learned today that the Board of Trustees has asked the village traffic team to take a re-assessment of the traffic studies that were done around the Edge on Hudson, several years ago, when the lawsuit between Tarrytown and Sleepy Hollow was settled, to see what has changed, what might be done better in the time since then, when the possibilities have been improved quite substantially. And that's one piece of news he is delighted about. It doesn't change the traffic situation on this development. The applicant looked at it. The Planning Board consultant looked at it, and he is satisfied that the traffic impact is not unacceptable. And the other piece of news that comes from Sadie McKeown's presentation earlier, is that Franklin Courts is now going to get a fresh look by HUD. This has been on his mind for a long time, but we haven't been able to get into it and discuss it openly, which is that there is a neighborhood in development down there that, for a long time, has been in isolation. The poor cousins of the village, left to

themselves. That redevelopment, combined with the one that we have on the table 29 South Depot Plaza, and possibly a little more in that same area, is the basis for a community which doesn't exist today and he really welcomes that. This is the kind of vibrancy and revitalization that drove all the thinking in the station area reviews over the last five more years which led to the Comprehensive Plan and it is the expression of that vibrancy that is in the Comprehensive Plan. That is the Board of Trustees statement of policy for development across the village and of course in this area. He shall be voting in favor of a recommendation to the Board.

Mr. Tedesco echoes Mr. Aukland's comment about the wealth of public participation that we had tonight. It is one of the things that makes living in this village so positive. People are concerned and they care. The Board shares their cares and their concerns and has always dealt, as Joan Raiselis so wonderfully put it, by looking into the facts and getting consultants to search through them for us, not just the applicant's consultant, but our own. The Board does a very thorough review process on everything that comes before us. He couldn't do any better than to echo the reasons that Ms. Raiselis gave for why he also thinks that this will be a very valuable TOD for the village and overall, will be a much welcomed addition to that area by the train station.

Mr. Birgy thanked the community for turning out and articulating so well, the issues that we as a Village are facing. He wants to clarify a few points because he thinks there is a lot of information out there that he finds inaccurate. He would like to make clear that, in his opinion, this is not even a real TOD Development. A TOD is an urban planning strategy that is designed to help mitigate suburban sprawl. This concept has managed to migrate from urban areas to the suburbs with the help of developers and their paid planners. The original intent was, for instance, if you had a developer who had 10 acres up by the lakes and wanted to build 10 houses. We, as a village would say to him, we happen to have a piece of property down here by the train station and if you would give us a trade of those 10 acres for recreation or parkland, then we would give you the ability to build down here by the train station which would be fair as compensation for the property. That is the true intent of TOD. What we have here is simply, in his opinion, not the Planning Board's opinion, just an excuse to build a hyper dense development in the middle of a small village with restricted road infrastructure. We are river bound. Our traffic is so bad that we ended up suing our sister village which seems to have been totally forgotten. We can't even wait, as a village, to see what the impacts are from Edge on Hudson. It seems like we are at this point in time, that we are in almost like a panic, to approve projects that are already a mini version of Edge on Hudson. He refers to them as hyper density projects. He wants the community to understand that, he has been on the Planning Board for about 8 years, and he never ever seen a developer come into a community and make a proposal that is 10 times denser than what is next door. He supported the project in the beginning. And he would have said, okay, let's get creative here. Let's give the developer two times the density of what is existing. He thinks that would have been reasonable, prudent, and something that would have erred on the side of caution for the village. It seems like we are on a path of tampering and tinkering with something that works so well for so many people. We all agree we want affordable housing. So let's concentrate on building affordable housing. We could take a village owned piece of property and put out an RFP for a proposal for affordable housing and

build 16 or 20 units of affordable housing right off the bat, that wouldn't come with an additional 200 or 300, or 500, or whatever the developer can come up with. This is what happens when we allow a developer to come in and write their own zoning. He can't even imagine two years ago, with a serious intent of entertaining this kind of proposal. We have heard from experts, in dozens of articles that articulate it very well, of the potential dangers of building these hyper dense developments. It makes absolutely no sense. People are fleeing urban areas to come to places like Tarrytown because of the well understood questions about what it does to people's mental and physical health. It is also dangerous. We have experts telling us that but yet, we all know better. These hyper dense projects are not two times they're not three times, they're 10 times the density. So he wants the community to absorb that and why we couldn't have two or three times a density. Watching this project develop was like watching a train wreck in slow motion. Throughout the entire process, he was hoping that somebody would say stop and say, why are we doing this? Why are we even entertaining this? At this time? Why here? And why now? He is just trying to share his frustration with this project. There is a minority view on this Board. There are two board members who are very strongly against this development. He has lived in Tarrytown for 30 years. He loves this community more than anything. He doesn't want to live in any other place in the world. He could live virtually anywhere, but this is where he wants to live. This is where he raised his kids and his grandchildren are going to come live here. This is what he wants and he will not be part of having something that he considers to be a rush to judgment to build something hyper dense and then fix the traffic. He thinks somebody made an excellent suggestion earlier saying, let's fix the traffic now and then we can see what projects we can build. He thinks this is a really smart idea. We are in the middle of a pandemic. He recalls before the pandemic, sitting in traffic trying to get from Irvington to Tarrytown. When you talk about making a community vibrant and making people want to come to community, traffic is the last thing people want to see. Just the other day, he was coming up Franklin Street and there were 25 cars in front of him at three o'clock on a Saturday afternoon, with no events going on. You couldn't make the right hand turn because there was a conga line of traffic going out of the village. And this is during, again, during a pandemic. But we're in a big hurry. Let's approve as many high density projects as we can, because now is the perfect time to do it. So I'm going to say once again, he thinks the community is behind the need to build more affordable housing, so let's build affordable housing and stop chasing these high density projects. But again, this is what happens when you allow a developer to come into our community and write their own zoning and come up with in my opinion, absurdly high density proposals. He will vote no against this and he urges anybody who cares about this village to keep coming, keep expressing their views, and let people know how you feel, which he thinks everyone did very well tonight. He hopes it continues.

Dr. Friedlander thanked the Board for their comments. He is at a loss for words. He has been the Chair of the Planning Board for 48 years and this is the first time we have had such a divisive different view of what's good for the village. He respects his colleagues and in some ways, they are all correct. He thinks that there is a serious problem with this proposal. He will not belabor the points that I made earlier in the last six Months, and he knows so many people are listening and they spent their time and efforts in articulating their position. He is a little surprised and disappointed that the Board didn't really respond specifically to those questions and concerns tonight, only

because we have a rare opportunity to engage with our fellow citizens on issues that are important to all of us. He thinks they deserve more from us in terms of our interaction. I think the position seems to be that we made up our minds and it is nice that you wanted to talk to us but we really aren't interested in hearing what you have to say, because we didn't interact and get the chance to see what the Board was thinking and why. Ms. Raiselis' presentation was eloquent and he agrees with almost 90% of what she said. He supports things that Mr. Aukland and Mr. Tedesco said too. But he comes out on the side of what Mr. Birgy said more than anything else because if you look back at what happened here, this was not a planning exercise that we would do in normal times, not considering the pandemic, just in normal times, in terms of 48 years of planning. You do not accept a proposal, carte blanche, from a developer that says this is what we want, take it or leave, and then say, Okay, we'll take it, when it's not in the best interest of the village. There may be some things that are good for the village in the proposal, but there may be some things that are not good. The Board and community never disagreed about affordable housing or residential over mixed use. From the very evolution of this proposal, it was designed to prevent a storage facility being built in that area without residential. There was a very strong interest in building a residential community in that area. It all stemmed from discussions with Mr. Aukland and Ms. Raiselis about the station area zoning and the Planning Board went to the Board of Trustees with the idea. What has happened since then is that it has been determined that so little of the station area project is now available to build. The west side of the tracks has been eliminated, and the only thing left is this small parcel of a couple of acres where the recycling plant is and where this proposal is on 29 Depot Plaza and a few other places, the village parking lot, the Walgreens area, and the area where Mr. Stiloski's business is with other small businesses in that area. So what has happened is a lot of work went into it, and we did develop a very wonderful Comprehensive Plan, thanks to the Planning Board and Member Aukland, in particular. We are trying to find a way in which we can achieve those goals, but we have reached a serious bottleneck. It is true that we hired consultants, and we've heard experts. It is also true that there are things that experts make mistakes on and that we live here with those mistakes. Mr. Birgy alluded to the traffic on Broadway between Irvington and some of the traffic issues within the village. Everyone, including merchants, have talked about the traffic issues and parking issues in the village. It is not something that is going to go away with or without a development. Our fundamental problem is the density of development and the fact that it maxes out the entire property. And not only is maxing it out, the developer needs a long term lease with the MTA to be able to provide the parking on a sliver of property. The goal was to build a neighborhood that incorporated and integrated the Franklin court area. With Hudson Harbor, we insisted that National Resources buy all the properties in the area and then come in with a comprehensive plan which lead to a master plan. We were thinking that maybe the recycling company would go away, or would be bought out and made available for residential property, but that may be, 5, 10 or 15 years from now, or maybe never if they're making a profitable business down there. Ms. McKeown, from the Housing Committee just informed us of the Franklin Court project. Why can't we wait until they replace Franklin courts and do what we originally wanted? This is a smarter planning move. We should all take a deep breath and look at three things, the possibility of the Franklin Court project, the pandemic which has changed people's lives now and maybe

forever in many different ways, and the traffic pattern that we will learn more about with regard to Edge on Hudson. The traffic study did not take into account and even our own consultant, did not realize the fact that a large fraction of people in Edge on Hudson (1100 units with maybe 2500 to 3000 people) will drive to a station or be dropped off by their spouse and then proceed through our village over the H- bridge into the Main Street area and into Broadway. These traffic impacts need to be taken into account. Also, the 60 foot maximum height restriction by the Board of Trustees didn't explain why this was an appropriate height. For over two and half to three years, the village discussed the height of the Hudson Harbor project and we ended up giving them densities to go up to a maximum of 52 feet. But here, we are going to a 60 feet height, without discussing if it would be good for this area. Instead, we had a plan that was handed us to say, if you don't want storage, you take this 88 units. We had said to the developer that we wanted residential rather than all storage and we made a trade, give us some residential, and you can have your storage. They said okay and we talked about 40 units, which would not have been too dense, and the parking and traffic issues would be better, and the height issue would have been taken care of. We didn't do that, but we still could do that. But, the project evolved into an 88 unit, five story, 60 foot high, 300 foot of mass, a huge structural wall that is going to block Franklin Courts. We just said, okay, why are we doing it? Because that is what the developer put into the proposal for the zone change. But, we don't have to do what the developer said. We have to do what we think is best. We never had a real substantive discussion among us to determine if 60 feet is okay? Is 50 feet better? Is 40 feet better? Is a certain number of units better? We didn't discuss whether it was worthwhile having less units. We didn't discuss the impact on the school district which could be as much as 48 children (24 two bedroom units, with one or two children per bedroom). The Rutgers Study average is something like 9 to 12 students which would be a breakeven point for the school system, not to make a profit or a surplus. With the pandemic, people are leaving the city and 24 to 48 students would have a tremendous negative impact on the fiscal condition of the Tarrytown school. The Rutgers study is a generic study and it warned against applying the data for smaller villages, but we blindly said, our consultant 9 to 12, their consultant said 9 to 12. We are better than that. I beg you, we're better than that. I think you should really consider what we need to do in the best interest of the village. We should not rush to judgment of this. I know people are going to say it has already been one or two years, but many projects that are successful took longer than this. You have to come to grips with your conscience and say, are you going to give into 88 units because you don't want storage or are you going to do something better for Tarrytown? And that's what I think you should do, something better for Tarrytown. I really think you should reconsider. And at least think about a positive declaration and go through these issues more carefully, more thoroughly. For the first time in 48 years, other than the Cooney Plant, have we had so many articulated concerns and valuable insights from citizens of our community. In all these years he can't remember so many good issues, not that they're right, but that they were raised, and that we did not respond to them by saying, okay, now we heard you and we will neg dec it. He asked the Board not to neg dec this application.

Dr. Friedlander made a motion to make a Positive Declaration and not a Negative Declaration on this application in order to study this further and hear more concerns

from the public, and get a more thorough examination of the issues, the facts and the impacts of this development on this zone change, seconded by Mr. Birgy.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: No
 Member Aukland: No
 Member Tedesco: No
 Chair Friedlander: Yes
 Member Birgy: Yes

The vote to declare a Positive Declaration on this action failed by a majority of the Board. Motion denied. 3 - 2

Mr. Tedesco read through portions of this Negative declaration below and noted that a copy will be provided to the applicant and the entire Negative Declaration will be recorded in the minutes of this meeting which is attached as **“Exhibit D”**.

Mr. Tedesco read that the proposed action consists of the development of a mixed use building containing 2,000 square feet of retail and 20,757 square feet of self-storage on the ground floor, with 88 residential units on four floors above a 1.18 acre property located at 29 South Depot Plaza, lot 38, with direct access to the train platform, development of landscape pedestrian plaza adjacent to the proposed mixed use building at the foot of the stairs to the train platform. Approvals and rehabilitation of adjacent parking areas, including approving and landscaping the MTA employee parking lot, adjacent to Franklin courts, and approving and providing landscaping and LED dark sky compliant lighting to the MTA computer parking lots and development of pedestrian sidewalks, linking Franklin Courts to the train station, train platform and to the villages waterfront and park. In connection with the proposed development the applicant seeks zoning text amendments to the industrial or ID zone that would allow transit oriented development to date as a permitted use in the ID zone, for properties larger than one acre and located within 100 feet from direct access to the Metro North train station, as well as a site plan approval for proposed TOD development within the ID district. The applicant is proposing to use the foundation of the existing one story metal warehouse building to construct the proposed mixed use building. The subject property also abuts Metro North line right of way, as well as the Tarrytown train station with access stairs to the train platform. There have been modifications to the proposed zoning amendments. The planning board has reviewed the proposed zoning over several months, which has resulted in many modifications to the applicants originally submitted zoning and text amendments. These many revisions are contained in this Negative Declaration. Upon review of information recorded in the EAF plus the additional support information, which is contained in this Negative Declaration and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the village of Tarrytown Planning Board as lead agency, that the project will result in no significant adverse impacts on the environment. And therefore an environmental impact statement need not be prepared.

Mr. Tedesco therefore moved, that the Planning Board issue a Negative Declaration on this action. Dr. Friedlander asked for Board comment. No one commented.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: No
Chair Friedlander: No

The vote to declare a Negative Declaration on this project was approved by a majority of the Board. 3 - 2 Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board authorize the village staff to provide a letter to the Board of Trustees recommending the adoption of the Zoning Text Amendment, which will add provisions for a Transit Oriented Development in the ID Zoning District.

Dr. Friedlander asked if the Board had any comment. Mr. Birgy said when they submit the minority report to the Board, he will make it very clear that this is not a TOD, it is an excuse for a developer to build a hyper dense project, which gives them the ability to make additional profit at the expense of the village.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: No
Chair Friedlander: No

Motion carried: 3-2 to recommend a report be sent to the Board of Trustees recommending the adoption of the Zoning Text Amendment.

Dr. Friedlander commented on the reasons he is voting NO against this project. He is opposed to the height of 60 feet and five stories. He is opposed to the fact that, in a residential zone, we have such limited, almost negligible setbacks. He is opposed to the fact that there is no separation of significance between an industrial usage like a recycling company, and a residential building. He is opposed to the fact that they are allowing 75% of coverage for a residential building, when in all other residential zones, it's considerably less, and would not be approved, if it was applied in residential densities. The density of 88 units is extreme. The coverage of the land is 75 units per acre. They have technically 1.18 acre of land, but 13,000 s.f. of this is a roadway used by industrial trucks, recycling trucks, and is dangerous for people living in a residential area. The land left without the roadway is less is 38,000 s.f. and they are proposing a building that's maxed out at 22,000 s.f. The separation between the industrial building the other building is no more than 10 feet at the present time. There are no side yards

right next to the train station where children will be living with no protective distancing. No side yards on a rail or a major thoroughfare with 18 wheeler trucks going in and out. There are no considerable setbacks for safety at all. There is no landscaping of any sort. No project in Tarrytown has been approved in an area of a residential building that didn't have significant landscaping. This is incredible. The Planning Board spent six months talking about a trail and garbage storage and setbacks for the Temple Beth Application for a small addition and here we are rushing to approve a project without any setbacks for protecting the people that are going to live there. That is not good planning at all. How can we vote for things that we have been so opposed to for over 48 years. He doesn't understand it. We should have concerns about the rail, the roadway, and the safety of that roadway. We don't have any of that. We don't even have a systematic way of saying that this is the requirement of the zone to allow connectivity from the Franklin Court to the train station. And if that was so important, why didn't we do it without any developer. We could have done that just by breaking down that ugly fence and making a sidewalk and getting the MTA to give us an easement at that property. We don't need a development to get connectivity. We need the will and the foresight and the planning to do it. And we didn't do that. So I'm against sending this to the Village Board the way it is. This is not a Planning Board's proposal, this is an applicant's proposal to max out the development and the profit on this property and holding the village hostage to the two stories of self-storage is wrong and we shouldn't do it. So, he is opposed and is voting no.

CONTINUATION OF PUBLIC HEARING - Artis Senior Living, LLC - 153 White Plains Road
Construction of a 64 Bed Alzheimer/Dementia Care Facility.

Linda Whitehead, with the firm of McCullough, Goldberger and Staudt, representing the applicant, wanted to clarify issues raised at the work session and comments that were made that her client is uncooperative which they don't think is the case. They will put solar on roof, which will cost them \$150,000 to do and they will build additional sidewalk also at a significant cost. They are concerned about new requests that they thought had been addressed. The landscape issues have all been resolved. The tree fund was recommended to be reduced so that has been resolved, so they are down to two issues. The recreation fee was addressed at work counsel and in Executive Session. During SEQRA process, there was a comment and the response talked about the garden area and that residents would not make any use of village facilities and not create any demand. It was similar to new dormitory fee at the E. F. School, where no fee was required. Under the law, there has to be a demand to require a recreation fee. There is nothing in the Findings Statement saying that there would be a recreation fee. Her client was surprised that the recreation fee issue has come back. This facility is not going to make use of village recreation facilities and I know there's been some discussion about reducing it from the full fee, but it was a big ask late in the project that her client was not anticipating.

The other open item is the sewer improvements on Martling Avenue. There have been discussions with Dan Pennella and their engineer and Sunrise regarding the tie in to the sewer on Martling Avenue and Sunrise has said that they are too early in the process to commit to doing anything and are studying their options. The only thing that Sunrise would agree to commit to is to look at it and Artis will continue to have discussion with

them. They have looked at the sewer and it is not a capacity issue. There are some issues discovered in the existing sewer that the village would like to get fixed. They are willing to work on that and look at contributing a fair share, which is what they are doing based on a conversation this afternoon between their engineer and Mr. Pennella. To finalize the scope of the work that has to be done since one of their concerns is that when they open things up, they may find more work that needs to be done. They will continue discussions with Sunrise. It is their hope that they would contribute to some of this work. If they end up having to pay a recreation fee, frankly, that lessens the amount of money that is available for the sewer work. These are expenses that have come in late in the process that her client didn't anticipate. It is not a matter of her client being uncooperative. She thinks they have tried very hard throughout this process to be cooperative.

A brief discussion took place about the affordability. Max Ferentinos, representing Artis said that, in Westchester County, it ranges from \$8,000 to \$12,000 per month, 70% for care and 30% housing. Mr. Walsh said this was all covered in the FSEIS and he will resubmit that for a re-review.

Ms. Whitehead noted that the Board adopted a Findings Statement. Dr. Friedlander said that a conclusion was never reached among the Board with regard to the affordability issue for the units. Ms. Whitehead said there was nothing in the Findings Statement with regard to the Recreation Fee or the Affordability of the units. Mr. Walsh agreed.

Mr. Birgy asked Counsel Zalantis to respond.

Counsel Zalantis said the issue of affordability was raised by the Board and it was not a requirement of this particular project. She does not believe that the Findings Statement was as clear about the Recreation Fee, which is a requirement of code, so she doesn't necessarily agree with their interpretation. It was discussed and it is part of the record. On the affordability issue, the discussion was that it was a care model versus a rent model. With the Sunrise applications, we got additional information from the county about affordability of rents and there was more discussion about this. Right now, there are two open issues outstanding, the sewer and recreation fee, which need to be resolved in order to move this project forward.

Mr. Birgy said Ms. Whitehead said her client has been cooperative in providing the solar panels at a cost of \$150,000. This cost is an investment in the building that has a payback. So, the applicant is spending \$150,000 on something that will benefit them and the village since Con Ed does not have the capacity to provide enough electricity to everybody without experiencing rolling brownouts and blackouts like in California.

Mr. Birgy asked Dan Pennella to comment on the sewer. He is hoping that the taxpayers will not be paying for something that the developer should be.

Mr. Pennella advised that the sewer issue and he has been mentioned from the beginning of this project is nothing new. The area where the applicant wants to connect on Martling has some hotspots. Currently, it doesn't cause any problems, but it's flowing

with a pipe full condition and any additional flow added could be a problem. He discussed this with Mr. Williams, the applicant's engineer, and he was going to present this to the applicant as to what the repairs are, so we can finalize that. An alternative would be to connect to the sewer on Route 119. He will report back to the Board to make sure it gets rectified.

Dr. Friedlander thought that the solar companies offer rebates and install the panels for free and they extract the extra power and sell it off at a discount to encourage solar use. Ms. Whitehead said the solar they are providing is for their building only to reduce their power usage, it is not community solar. Ms. Raiselis noted that NYSERDA was providing some rebates for commercial endeavors. Ms. Whitehead said they will look into that but her client has already agreed to the solar panels.

A brief discussion took place about the Recreation Fees. Dr. Friedlander said that the Board felt that there would be some use of the recreation of abilities by employees and their children and visitors and their children and that might be the reason we are asking for a heavily discounted recreation fee. Ms. Whitehead said a recreation fee is supposed to be for the use by the residents. She does not know why employees' children would be in the village. She doesn't think people bring their children to work unless they already live in the village. She thinks this is a stretch. She does not believe that this is proper under the law and that the village's own SEQRA process does not support it. She is happy to provide the FSEIS language for this application. Dr. Friedlander thinks that the family of the visitors who come from far away to visit will use the parks and if the use is intensive, it would require more maintenance. Ms. Whitehead disagrees and said that the purpose of a recreation fee is demand caused by residents and people tend to go into these facilities close to where their families live, not far away. Counsel Zalantis said there is nothing that precludes the residents from leaving the facility. Ms. Whitehead said the residents are not allowed to leave the facility, only for doctors' appointments. They are providing recreation on site with gardens and walking paths. Dr. Friedlander is concerned that they are locking up the residents. He thinks they should be allowed to go out if they have an aide and they could go to a park and the river. He doesn't think it is a good care system. Ms. Whitehead said the facility will be paying significant taxes. Dr. Friedlander said it is not about the money. He does not want to have a prison in Tarrytown. He wants the residents to have an opportunity to go to the parks. It is about the people and he wants them to have the best possible life in the memory care center. It is a humane point that has nothing to do with money. It has to do with people and doing the right thing.

Mr. Walsh referred to the EF application that was before them a while back and noted that the Board decided that EF school would not have to pay recreation fees since they were providing recreational facilities to students on the site. They have followed behind that decision. With this current application, there is even more of a reason to ask this question about the fees since the residents were not going to be leaving the premises. That is what memory care is. That is the very nature of it. So, he respectfully submits, we covered it in the final environmental impact statement we submitted to you. And we respectfully suggest the board reviews that carefully.

Dr. Friedlander asked Mr. Walsh if he is taking the position that the residents can't leave the premises. Dr. Friedlander said to compare a garden and a walkway with the college campus with plenty of recreational facilities does not make any sense. He thinks there should be programs that allow people to leave the premises so they can see the world and not forget the world. Max Ferentinos said that they have close to 30 years of experience in providing nothing but memory care across the United States. This is not a prison, but individuals with Alzheimer's have very specific needs. There is an elopement risk. Once a family places their loved one in our building, they are responsible for that individual. The residents can participate in as much or as little activities as they choose to. They have programming from morning until night everything and putting aside the current situation that we're in. Mr. Ferentinos said that family members can take the resident out to eat and to a park.

Ms. Whitehead would like to respond in writing with regard to the legality and what the law is on Recreation Fees.

Dr. Friedlander wants to make it better for the residents and is suggesting that these people should be out enjoying the world.

Counsel Zalantis said we heard tonight that families can check out the residents and take them and there is a potential there for the residents to partake in the recreational areas of the village so, she thinks we acknowledge that the usage is going to be less than in typical facilities and that is the reason why the Planning Board suggested a substantially reduced recreation fee.

Mr. Aukland wants clarification on the NYS requirements and if it allows visitors to take memory care residents outside of the premises.

Counsel Zalantis said that Mr. Ferentinos said the families could take them out and they could take them to the river. Mr. Aukland just wants to make sure that it is within the law as specified by memory care.

Mr. Ferentinos said the average age of one of my residents is 86. Dr. Friedlander said that they are not physically disabled and should be able to enjoy a walk, etc. Young people also get Alzheimers too and they should be able to leave the facility. They should be able to go out so the world gets bigger, not smaller for them. It is small enough because they lost their memory and we shouldn't be making it worse. He wants them to do this whether or not they pay a recreation fee.

Mr. Aukland asked Ms. Whitehead to write up something for us to include in the statutory limitations discussed.

Mr. Birgy said that Ms. Whitehead can write that all she wants but he will be listening to Counsel Zalantis for her direction.

Mr. Aukland agreed, Ms. Whitehead will provide the information, and Ms. Zalantis would review it.

Counsel Zalantis advised that Ms. Whitehead can certainly make the submission for her review. She hopes to continue this discussion and also the discussion with Mr. Pennella regarding the sewer issue. These matters can be discussed in further detail at the work session.

Mr. Tedesco agrees with Dr. Friedlander that the humanity issue has to be addressed, not so much the recreation fee. It is the idea of giving people the best possible life they can have, unless somebody tells us it is not within the law.

Counsel advised to seek public comment since this is a public hearing.

Mr. Ringel advised that there was some public comment.

Katie Kreider, 42 North Washington, said her mother in law died of Alzheimer's. She spent seven years in one of these facilities. Her family made sure she went out every week. She went hiking and to church. Chairman Friedlander is correct. The residents should be able to go out, and families who love and care for them will take them out. And a park is where they would have taken her mother in law if she were in this village.

Rob Wingate, lives on North Broadway, and is a caregiver of an individual with dementia. He would like to have information about the different tiers of care? And, his experience with memory care, there can be different gradations of staffing levels and capacity of residents to move in and about both internally and then also externally with supervision or support. It would be interesting for him to hear and for the Board in particular. He would like to know if it is common, that in your industry, for the development of other assisted living facilities, that you're approaching planning entities without having provided pricing estimates for different tiers of care? It sounds a little bit unorthodox and he thinks it would be in their business plan.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Member Birgy: Yes
Chair Friedlander: Yes

All in favor: 5- 0. Motion carried.

CONTINUATION OF PUBLIC HEARING - Wilder Balter Partners, Inc. – 62 Main Street
Site Plan review for the development of 109 units of affordable mixed income, in a senior/multi-family building, in the newly created "Senior-Community Floating/Overlay District".

Alternate Member Lawrence recused herself from this application.

Bill Balter, with Wilder Balter Partners Inc., appeared and shared his screen his screen to present the site plan. The program has not changed. He noted that they will be preserving the front of the building and the two-story addition, just to the right of the front of the building. They will be creating 109 apartments, one super unit, and then the rest are rental apartments that range from 40 to 80% of AMI. We will be providing them a municipal parking lot that is accessed from Washington Street. In addition to that, 121 onsite parking spaces, a green courtyard. The building will be LEED Gold, at least, with 150 kw on site solar. They are working hard to make this an all-electric building. He briefly will go through the changes since the last time they met. They made changes to the lower parking level. He showed the level immediately below the public parking levels which is a sub level with the rest of the resident parking is. They have added an ADA compliant ramp to get people from the building and the public parking on the Washington Street lot to Main Street. They have pushed the building back two feet on this end, and two feet on this end. Richard Metsky, the façade consultant will talk about that in a minute. They are providing 69 spaces in the municipal lot and two floors below will be the 121 parking spaces. The public parking is accessed from the Washington Street lot and there's no connection between the public parking and the lower parking, which will make their parking much more efficient. The access to their parking will be from Windle Park and will be solely for their residents which also creates security for their residents. He showed the additional staircase that was added from the first to the second floor and because of the way that they will be housing the residents and sort of building this in two phases, they decided they needed to add a second elevator to make it all work. Nothing else has changed.

Richard Metsky, with Beyer, Blinder Belle Architects came on Board to assist the applicant with the Architectural proposal before the ARB. He found many of the ARB comments from the October 21, 2020 meeting very helpful and wanted to address these points before returning back to them on November 18, 2020. He noted the November 18, 2020 report that ARB forwarded to this Board. He showed the existing photos of the building and noted its handsome historical presence which deserves to be a contributing building within the Main Street Historic District. It's character and defining elements are not symmetry and its balance, its simplicity, its record linearity, it's very cubic in form, are definitely substantial in its proportions. He noted the very regularized window pattern of punched windows, or double hung windows, very prominent lintels, above the windows, a couple of real strong horizontal string courses at the base of the building at the top of the first floor and at the third floor. It also has a beautiful sort of step back brick parapet above the cornice line. They wanted the addition to this building to be complimentary to the historic structure, but they certainly did not want to replicate it. So, they have differentiated the new structure and its color to incorporate some of the brick color range that you find in the existing building. They have placed some vertical elements such as projecting bay windows as just a way of breaking the massing of the building, especially on the Windle Park elevation. They considered five elements in their

design approach which they felt were most important. One was to break down the overall massing by stepping the building back. He showed the series of steps which appropriately breaks down the overall horizontality of the building. Secondly, they set back the fourth floor in order to give the building more of a pedestrian feel and a sense of scale from the street, which is the three stories. They introduced the bay windows so that there is a series of bay windows that go all around the building which help give it some verticality, which helps break down the linearity of the building itself. The last thing was the color and tonality, which they thought was incredibly important. The brick color really picks up on the buff reddish brick that you find in the existing building. The fourth floor has that lighter gray tone, which really offsets the brick color down below and the bay windows having more of a contrast in colors as a way of visually breaking up the building. They also stepped back the corners of the building, so the building starts to step down. He showed the remaining elevations and how the building mass has been broken up by being stepped back and with the addition of the windows which really do break the façade down. He feels that they have addressed all of the ARB concerns with regard to this addition.

Mr. Balter noted the memo from Village Landscape Architect, Suzanne Nolan indicating that her concerns as well as the concerns of the ARB. The five maple trees on Windle Park will be replaced by a narrower maple. They have made changes to the shrubbery and the ground cover. The courtyard plantings for the most part haven't changed. Mr. Balter is hoping that after hearing any further public comment and answering any questions that the Board will consider closing the public hearing tonight and voting on this Resolution.

Dr. Friedlander asked if anyone in the public had any comment.

PUBLIC COMMENT PERIOD:

John Jolly, 68 Main Street, asked Mr. Balter what will be in the existing YMCA building, apartments or offices?

Mr. Balter said, when they are all done, the building will have all apartments with amenities for the residents. An apartment for the live-in superintendent and a rental/management office to serve the people who live there, which includes the remaining men who still live there, who are being offered the opportunity to move back. The main entrance is actually on Windle Park. There will be a door out to Main Street from the building with a key fob only for the residents. He is expecting the vast majority of people to come in from Windle. Mr. Jolly had another question about the trees on Main Street. Mr. Ringel asked Mr. Jolly to call him in the morning to follow up on these trees as they are not related to this application.

Sadie McKeown, lives on Archer Place and is the Chair of the Housing Committee and has been involved with affordable housing for 30 years. She just wants to state how difficult it is to build affordable housing in Westchester County, particularly when you're trying to preserve the residential units for the residents of the YMCA who've been living there some for almost 50 years. Mr. Balter really took that seriously, and went out of his

way to incorporate and maintain and preserve the housing for the existing residents. It's not an easy development to do. It's expensive and requires very complicated financing. Mr. Balter was very experienced in doing this and the village has been very, very fortunate to have him take this on and stick with it through thick and thin. There were times that this development didn't feel like it was going to go forward. The fact that we can get parking, that we can get housing for seniors, and that we can preserve the façade on Main Street are all things that the public is very concerned about. It is a dense project and sometimes density is appropriate. Certainly, in other locations in the village, density is appropriate to get the kind of housing that Mr. Balter is proposing, which required this number of units to preserve what is there but also to provide further benefit to the community. She wants to applaud Mr. Balter on bringing in Beyer Blinder and Belle to provide a really nice rendering and façade treatment for Windle Park. He has done an exceptional job bringing everyone in and hearing from the merchants and the neighbors and in trying to meet everyone's needs, including the villages. She firmly supports this project as a resident, first and foremost, but also as the Chair of the Housing Committee, and I want to just say publicly, thank you to Mr. Balter for really sticking with this project and making it happen.

Mark Fry, returned to say he has spoken in favor of this project before. He thinks it is an outstanding project. Both Mr. Balter and Sadie McKeown have done a wonderful job and without them, we wouldn't be at this point. There are six projects that are in front of the Board. He is in favor of four and them and against two of them. This project is a great example as it provides 100% senior housing, which is needed in the village. It is truly affordable between 40% to 80% of AMI. It provides a tremendous benefit to the merchants and the economy of downtown Tarrytown, by providing 69 public parking places. The quality of materials and the architecture is just unparalleled. He thinks that these are some standards by which we need to learn to judge other projects, on how much additional parking does any particular hypothetical project provide to the village, in addition to the spaces for its own need. That is an amenity that he thinks is well worth looking at. Comparing this project with the 29 South Depot Project, for instance, of the 88 units, only nine of them will be affordable, so 79 will be unaffordable. It will be \$4,000 a month for two bedroom \$3,000 a month for a one bedroom. He thinks we need to compare projects in terms of the overall social benefits. Richard Metsky did a phenomenal with the Architecture with the very strong detailing of the projecting bays, with a very heavy casework around the windows, and the projecting wooden lintels above the base combined to draw away from the overall mass of the building. The unusually heavy wooden window casework in the base, carefully chosen solid brick facing and the cast stone liberals and banding gives the building a feeling of quality and durability and permanence. The use of obviously expensive facade materials helps a lot with the carefully designed horizontal setback to the fourth floor, especially the corners. He will leave it at that. Again, this is a standard against which we can judge other projects.

Dolf Beil, who pays taxes at 108 Main Street, totally supports this project. He is in awe of both what it does, how it was conceived, how it was instituted, how it was developed, and how it benefits the village. It is clearly is a win win. I like creating win wins and this is certainly one of them. He thanked Mr. Balter very much.

Katie Kreider, 42 N. Washington Street, absolutely approves of this project. She doesn't like the gray color and it looks too modern and would like something more traditional. But this is a project that Tarrytown needs, deserves, and wants. Unlike the South Depot Plaza project, which she felt like democracy kind of stopped working for a little while this project actually gives her hope. She is actually for diversity and affordable housing and one day, she may need this if she decides to retire here.

Sadie Mckeown, of Archer Place, also on the Town Housing committee just wants everyone to know how complex capital stack is on this deal. This is not a conventionally financed project. The resources to build something like this are very, very limited, and very competitive. We're lucky that Mr. Balter is a seasoned and experienced developer and was able to be awarded the subsidy required to finance a project like this. It's very, very unique. She wanted to point this out because we shouldn't just assume that every project can approach development with this type of ease or utility, because it's just not the case. While this is a very affordable project from 40 to 80% of AMI, there are levels of affordability around the village to the very high-end rented Hudson Harbor up to \$10,000 a month. So, while Depot Plaza may not seem all that affordable, at \$4,000 a month for the two bedrooms, they are working with the developer to try to provide more affordability into that project. But density is important for development and sometimes density makes a deal work. The YMCA deal works because of subsidy, not because of density, but with Depot Plaza project, the density helps make that deal work which she wanted to point out.

Lisette Mendez, 159 Grove Street, called to congratulate Beyer Blinder Belle on this project. With regard to the 29 South Depot Plaza project, she feels we need to have the same level of detail for this project with regard to aesthetics consideration. Right now, people are concerned about the height of the building, the massing, and the location but in reality, we do need all kinds of affordable housing not only senior housing in Tarrytown. She hopes that people take that into consideration.

Mark Fry said he has been involved with housing since 1966, when he went to Penn State, he read, "The Builders" by Martin Mayer, which pointed out that America, unlike most countries, has never had a sustainable housing policy. Most attempts at affordable and public housing have been abject failures. He is well aware of what Ms. McKeown has said. If you get into the model, it has subsidies, there are subsidies that make this possible. And if you ask a developer to self-subsidize, in that event, you get 10% of units that are affordable. But unfortunately, to do that, you have to have 90% of the units that are not affordable. They're certainly market rate units don't really benefit anyone, they don't benefit the housing stock. He thinks we have to be very careful if we want to build affordable. One of the speakers had said, Yeah, let's do that, but let's not get locked into a model where we ask someone to build 100 units. So, if every time we want 10 affordable units, we have to take 90 unaffordable units. That is a path to disaster.

END OF PUBLIC COMMENT

Mr. Birgy left the meeting and Ms. Lawrence has recused herself.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Chair Friedlander: Yes

All in favor: 4- 0. Motion carried.

Before Mr. Aukland read portions of the draft Resolution, Counsel advised that she had a discussion with the Developer's for changes for the Board to consider. Mr. Galvin went through the changes as follows:

- (1) On page 1, Paragraph 1 – it is a net increase of at least (is added in) 64 spaces
- (2) On page 3, change typo on first paragraph of determination from 116 to 121
- (3) On page 4, 2nd paragraph at the end, remove reference to providing a shuttle service and substitute "is willing to arrange for Senior publicly available transportation to the building"
- (4) On page 11, condition 6 - Make recreation fees payable prior to receiving the 40th Certificate of Occupancy due to the nature of the financing and affordable units.

With regard to the recreation fee, a discussion took place and Mr. Balter was hoping that when they move the existing residents over into the new building, the Board would agree to the payment of the recreation fee. He noted that it will probably be 18-20 months from the time they get the building permit. It was agreed by all that the recreation fees will need to be paid at the 40th certificate of occupancy.

- (5) Page 5, paragraph 4 was discussed and it was agreed to eliminate this sentence regarding the "opening of the garage area has been covered so that no one now looks into the garage", since it is immaterial.

The Board agreed to these five changes in addition to minor spelling, punctuation errors in the Resolution.

Mr. Aukland read through portions of the Resolution, and noted that an entire copy of this Resolution will be provided to the applicant and is included below as follows with the changes as discussed above:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted November 23, 2020)

Application of Wilder Balter Partners, Inc. (contract vendee)
Property: 62 Main Street (Sheet 1.70, Block 33, Lots 17, 21, 22 & 23;
and Senior Community (SC) Floating/Overlay Zone)

Resolution of Site Plan Approval

Background

1.The Applicant Wilder Balter requests site plan approval for the redevelopment of the YMCA property at 62 Main Street in the Senior Community (SC) Floating/Overlay Zone with an approximately 50-foot, 4 story high building with 109-units (14 efficiency/studio units and 95 1-bedroom units) and a parking structure (the “Garage”) with 121 spaces for residents and 69 spaces on ground level for Village uses (a net increase of at least 64 spaces due to the access ramp in the municipal lot) (“Municipal Spaces”), which Municipal Spaces will be accessible from the Village’s South Washington Street Municipal Parking Lot (“Municipal Lot”). The redevelopment Project will adaptively reuse the historic 4-story YMCA building.

2.Wilder Balter is contract-vendee for the real property at 62 Main Street, designated on the Tax Assessment Map of the Village of Tarrytown as Section 1.70, Block 33, Lots 23, 23.1, 23.2 (“Property”), which is currently owned and occupied by the Family YMCA at Tarrytown (“YMCA”)

3.The Planning Board determined that the proposed action was an Unlisted action and declared its intent to be lead agency at its meeting on February 24, 2020, issued a Notice of Intent (NOI) on February 25, 2020, assumed Lead Agency status at its meeting on April 27, 2020 and issued a Negative Declaration for the proposed unlisted action on July 27, 2020.

4.On August 17, 2020, the Village Board adopted Local law No. 7 of 2020 amending the Village’s Zoning Code to adopt the Senior Community Floating/Overlay Zone, and on September 8, 2020, the Village Board amended the Village’s Zoning Map to rezone the portion of the Property located in the RR District to the M-1.5 District, and applied the SC Floating Overlay Zone to the entirety of the Property.

5.The Village Board reviewed the Applicant’s letter dated July 29, 2020, by which the Applicant proposed to retain ownership over the Municipal Spaces and grant the Village an easement for public use of the Municipal Spaces as an integral part of the Project and without any upfront land or construction costs to the Village for the Municipal Spaces.

6.The Village Board consented to a 30-year term payment in lieu of taxes agreement (“PILOT Agreement”) with the Town of Greenburgh in connection with costs to develop the municipal spaces whereby real estate taxes that would otherwise have been payable for the

Project will be abated in the approximate amount of the debt service allocable to the construction of municipal spaces.

7. The Applicant made a preliminary presentation to the Planning Board on February 24, 2020. The Planning Board opened a duly noticed public hearing on March 23, 2020 and continued the public hearing on April 27, 2020, May 27, 2020, June 22, 2020, September 30, 2020, October 26, 2020 and November 23, 2020, at which time all those wishing to be heard were given the opportunity to be heard.

8. The Planning Board has carefully examined the Application including the Applicant Attorney's Cover Letters dated October 13, 2020 and November 10, 2020, and reviewed elevations, renderings and façade design changes developed by Applicant's architectural consultant, Beyer Blinder Belle, a listing of proposed green technologies targeting LEED Gold certification for the project, information on the level of affordability of the project, and received supplemental reports including the *Part 1A Literature Search and Sensitivity Assessment* prepared by Hudson Valley Cultural Resource Consultants (February 2020); *Fiscal Analysis* prepared by Kimley-Horn dated March 5, 2020, a *Parking Ratio Memo* by John Canning, Kimley-Horn dated February 18, 2020, a *Summary of Civil and Architectural Plan Changes* by Kimley-Horn dated November 18, 2020, from the Village Landscape Consultant in her staff report dated November 11, 2020, from the ARB's review comments at their October 21, 2020 and November 18, 2020 meetings from Westchester County Planning in GML referral letters dated March 10, 2020 and October 23, 2020, from SHPO findings dated March 19, 2020 and April 24, 2020 and from the Cronin Engineering, P.E. site plan and stormwater review dated November 20, 2020 and comments by the Village Engineer regarding sewer design and improvements which they have considered.

9. The Planning Board has reviewed the revised *Tenant Relocation Plan* prepared by the Housing Action Council (HAC). In this revised plan approved by DHCR, tenants will now be maintained in place until the new building is completed. The YMCA building will then be renovated. HAC will be provided with an office on site to case manage the tenants during the entire construction period. The Planning Board also reviewed the final *Memorandum of Agreement (MOA)* between the Applicant and SHPO incorporating mitigation measures such as continued consultation with SHPO, continued maintenance and repairs of the 1911 and 1915 portions of the building, documentation of the building, salvage and reuse of certain architectural elements, interpretative signage and exhibits.

10. The Applicant advised that to satisfy requirements of public bond financing for the Project, Applicant will instead of granting the Village an easement for the Municipal Spaces, create a commercial condominium (the "Condominium") with one unit comprised of the portion of the Garage in which the Municipal Spaces are located ("Unit 1") and the other unit(s) comprised of the remainder of the Garage and the Project building and will convey title to Unit 1 to the Village upon issuance of the final certificate of occupancy for the Project.

11. The Applicant advised that pursuant to the State Private Housing Finance Law, upon closing with the YMCA, title to the Property will be transferred to 62 Main Housing Development

Fund Company, Inc. (the “HDFC”), a New York not-for-profit corporation, as nominee of 62 Main Limited Partnership (the “Partnership”), which is a related entity of Wilder Balter, and will be the beneficial owner of the Property

12. The Planning Board closed the public hearing on November 23, 2020. 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 for the redevelopment of the YMCA property at 62 Main Street with a 109-unit building and parking structure (121 spaces for residents and 69 municipal spaces) is approved 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 Planning Board has also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village’s Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has extensively reviewed the Applicant’s application. The subject property is located at 62 Main Street on the south side of Main Street. The Property consists of approximately 1.12 acres and is located in the recently zoned Senior Community (SC) Floating/Overlay zone. The underlying zoning is M-1.5 Multifamily Residence District of the Village. The Property is improved with an approximately 52,000 square foot, four-story brick building with 48 single room occupancy units as well as a community recreation center, and with approximately 42 on-grade parking spaces.

The property is currently occupied by the Family YMCA of Tarrytown (hereafter Tarrytown YMCA). The Project will redevelop the site with a 4-story, approximately 50-foot high mixed income, senior (age 55+) multi-family building with incomes and rents based on 40% to 80% of Area Median Income (AMI) that will average 60% median income. The applicant proposes to demolish many of the existing improvements on the property, but would adaptively reuse the historic, 4-story, brick YMCA building with frontage on Main Street to be incorporated into the proposed residential building. The proposed building will contain 109 dwelling units (14 efficiency/studio units and 95 one-bedroom units). The ground floor of the building will contain

a parking structure with 69 Municipal Spaces. The two levels of parking below grade which is accessible from Windle Park will contain 121 parking spaces for residents of the building. The Applicant has indicated that it is targeting *Gold LEED certification* and provided specifics of green building technologies. He is also providing bicycle parking, adequate space for recycling and is willing to arrange for senior publicly available transportation to the building.

The Tarrytown YMCA is located within the boundaries of the Main Street Historic District, a National Register Eligible and Certified Local Historic district. The Tarrytown YMCA is itself a National Register Eligible structure. The Tarrytown YMCA was constructed in 1912. A two-story brick wing (the boys wing) and gymnasium additions were constructed about 1915. In 1920, an addition was added to the rear of the building that includes hand ball courts and locker rooms. A third addition was added to the structure in 1961 that contains a swimming pool. The proposed project includes demolishing the 1925 and 1961 additions to the 1912 YMCA building. The new structure would adaptively reuse the four-story brick structure that fronts on Main Street. The 1912 portion of the building will be included in the new structure. The 1915 addition will also be retained and incorporated into the new structure.

The proposed building will contain 109 dwelling units (14 efficiency/studio units and 95 one-bedroom units). The ground floor of the building will contain a parking structure with 69 Municipal Spaces. The two levels of parking below grade which is accessible from Windle Park will 121 parking spaces for residents of the building. The Village of Tarrytown will receive all revenue from the 69 municipal parking spaces. The Applicant will construct the Municipal Spaces at its sole cost and expense with the Village bearing no expense for construction of the Municipal Spaces. During the term of the PILOT Agreement, the Applicant at its sole cost and expense: (1) will perform all maintenance and repair of the Municipal Spaces and other improvements comprising Unit 1 of the Condominium, except for installing and maintaining municipal parking meters; and (2) will be liable for all utility charges for service to the Garage. Upon the expiration of the term of the PILOT Agreement, Applicant will continue to be responsible for maintenance and repair at its cost and expense of all structural elements of the Garage including Unit 1, and the Village will be responsible for all operational expenses of the Municipal Spaces and other improvements comprising Unit 1, including for electrical service to Unit 1, and for maintenance and repair, at the Village's expense, of the Municipal Spaces and other improvements comprising Unit 1, including, without limitation, lighting, and paving in Unit 1. There is an overall beneficial fiscal impact since new tax revenue will be generated by the project (where currently, no taxes are paid) and services required will be minimal. The Pilot Agreement's benefits will finance the construction of the Municipal Spaces and Unit 1. The Village will not have any out of pocket land, construction or other costs for the Municipal Spaces and Unit 1.

SHPO has concurred that all alternatives have been explored and is currently reviewing the *Memorandum of Agreement (MOA)*, which incorporates mitigation measures such as continued design consultation with SHPO, documentation of the building and the salvage or reuse of certain architectural features in the new building. In the revised *Tenant Relocation Plan*, tenants will now be maintained in place until the new building is completed. The YMCA building will then be renovated. HAC will be provided with an office on site to case manage the tenants during the entire construction period.

In response to the Village Landscape Consultant and comments from the ARB, the landscape plan has been revised to incorporate additional trees and shrubs along Windle Park. Applicant has provided additional plantings to increase native species; added Courtyard Planting Plan; added images of proposed plantings; and showed extents of the plantings on the 1,600-sf green roof. The site plan has been revised in response to comments from the Planning Board and from the adjacent property owner to the south of the site. The revised plan moves the building so that it is a minimum of 14' from the southern property line. Applicant has created a more robust landscape buffer in the increased space between the building and the southerly property line.

In response to comments by ARB, the Applicant retained the architectural firm of Beyer Blinder Belle as a facade design consultant. The architect has developed elevations which have been reviewed by the Planning Board. The elevations show that Beyer Blinder Belle has: 1) pushed back the southern portion of the western elevation 2 feet in order to create a 4 feet setback from the middle of the building; 2) included bay windows, 3) changed colors – the result is that the building appears to be divided into three separate sections in order to break up the mass. The layout plan was revised to shift the Garage ramp to the south; extended proposed walkway to the shifted Garage ramp entrance; added sidewalk along south side of building; added accessible sidewalk from building to street along Windle Park; adjusted small portion of building wall at southeast corner; and shows the municipal parking within the building. Applicant has also provided a resident circulation plan to the Planning Board to clearly identifies how residents get to and from various locations including Main Street.

The Applicant has worked with the Trustees of Solomon's Lodge (masonic lodge) to address their comments. Plans and survey have been revised to reflect the Lodge Property and an improved Garage entry moved to the south with associated minor striping changes to separate further from Masonic Lodge. Plan changes also included revised internal parking along the south leg, the relocated Garage entry as mentioned above, and incorporated a new pedestrian connection to Main Street. Existing conditions plan (C-2) added extents of wall between Lodge Property and Village parking lot and added a gutter on Lodge property. Applicant has added a second elevator in building lobby (there are now 3 building elevators) and added an interior staircase from the first to the second residential level.

Cronin Engineering, P.E. has provided a review of the Project's Site Plan including the proposed stormwater management system, SWPPP and Erosion and Sediment Control Plan dated November 20, 2020. Their review indicated that the Site Plan and SWPPP submitted were detailed and meet the NYSDEC and Village Codes. The engineering consultant recommended that the Planning Board may want to include a condition in the site plan approval that would allow for further review of the SWPPP and to require the applicant to address any comments that may arise from future reviews.

With respect to sewer impacts and capacity concerns, the applicant/developer performed internal televised sewer inspections on October 5 and 6, 2020 for the sewer pipes that run along in a westerly direction on Main Street and White Street that would serve the proposed

development. The inspection revealed that improvements and/or modifications are required to permit any additional capacity to be added to the existing system. The applicant's engineer has provided information to the Village Engineer regarding the preferred route (White Street) for the increased sewage flow based on a preliminary evaluation. The sewer design proposes to redirect the flow from Main Street by interconnecting Main Street to White Street lines with an 8" pipe and reline the upper portion of White Street. In addition, the lower portion of the White Street sewer will require improvements and/or replacement. A full evaluation, including flow monitoring and detailed capacity analysis to the satisfaction of the Village Engineer will be performed by the developer to analyze the necessary improvements and/or replacement of the lower portion of White Street.

With respect to the available water supply for the proposed development the applicant performed a static hydrant flow test on Main Street. The results demonstrated that there is adequate flow for the domestic and fire demand under this condition. A full hydraulic simulation is required to confirm the adequacy of the system under varying scenarios and the applicant directed the Village to utilize their water modeling consultant Woodward and Curran to perform a simulated hydraulic analysis with the demand of 918 gpm to supply this facility. The analysis will confirm if a secondary water tap on Windle Park or South Washington Street is needed under varying system demands.

The cost of all improvements to the water and sanitary sewer system, including evaluations, design, regulatory compliance, permitting and construction management services for the required improvements as agreed upon with the Village Engineer shall be borne solely by the developer.

The Applicant has requested a reduction of the recreation fees, which reduction request is warranted given the unique circumstance of this project. As an initial matter, there were 48 existing single room occupancy units at the Tarrytown YMCA, and it is reasonable that any recreation fee should only apply to additional units. The Project provides some on-site recreation areas in the 4,300-sf landscaped courtyard with benches above the parking garage for the dwelling units including the 1,900 sf planted green roof in the courtyard, a club room, gym, workout studio w/classes, and a history gallery in the first-floor lobby. Further, the Project provides a significant level of affordability with incomes and rents based on 40% to 80% of Area Median Income (AMI) that will average 60% median income. Finally, through the creation of the Municipal Spaces, the Village will be able to generate revenue, which revenue could be used by the Village to support recreational needs. Accordingly, while the total recreation fee for 61 units (the additional units above the existing 48 units) is \$628,300 (61 times \$10,513), it is appropriate to reduce this amount based upon the above stated reasons to \$300,000.

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:

Civil Drawings and Landscape Plans for Tarrytown YMCA Redevelopment, 62 Main Street, Village of Tarrytown, New York 10591 for Wilder Balter Partners, Inc. prepared by Kimley-Horn

of New York, P.C. dated February 5, 2020 and last revised November 13, 2020; *Proposed Elevations* prepared by Beyer Blinder Belle Architects & Planners LLP dated November 13, 2021 and *Building Floor Plans* prepared by L&M Design LLC dated November 13, 2021 unless otherwise noted entitled:

Civil Drawings and Landscape Plans prepared by Kimley-Horn of New York, P.C.

- C-0.0 *Cover Sheet*
- C-1.0 *General Notes*
- C-1.1 *Abutters List and Map*
- C-2.0 *Existing Conditions Plan*
- C-3.0 *Layout and Materials Plan*
- C-4.0 *Grading and Drainage Plan*
- C-5.0 *Utility Plan*
- C-6.0 *Erosion and Sediment Control Plan*
- C-6.1 *Erosion and Sediment Control Details*
- C-7.0 *Planting Plan*
- C-7.1 *Planting Plan – Courtyard*
- C-7.2 *Planting Notes and Details*
- C-10 *Site Details*
- C-10.1 *Site Details*
- C-10.2 *Site Details*
- C-10.3 *Site Details*
- C-10.4 *Site Details*

Proposed Elevations prepared by Beyer Blinder Belle LLP

- Exhibit 1 *Proposed Elevations*
- Exhibit 2 *Proposed Elevations*
- Exhibit 3 *View from Southwest Corner*

Building Floor Plans prepared by L&M Design LLC

- Exhibit 4 *Building Floor Plan - P1 R1*
- Exhibit 5 *Building Floor Plan - R2*
- Exhibit 6 *Building Floor Plan – R3*
- Exhibit 7 *Building Floor Plan – R4*
- Exhibit 8 *Garage Floor Plan – P2*
- Exhibit 9 *Garage Floor Plan – P3*
- Exhibit 10 *Roof Plan*
- *Stormwater Pollution Prevention Plan (SWPPP), Tarrytown YMCA Redevelopment, 62 Main Street, Village of Tarrytown, New York prepared by Kimley-Horn of New York, P.C.*

(the “Approved Plans”).

III. General Conditions

- (a) Requirement to Obtain Approvals: 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.
- (b) Changes to Approved Plans: 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."
- (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
- (d) 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.
- (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) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (g) 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.
- (h) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the

growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season

IV. Specific Conditions

- (1) Prior to issuance of a building permit, Applicant or Partnership will provide an executed *Memorandum of Agreement (MOA)* with SHPO to the Building Department.
- (2) Prior to the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the Tarrytown YMCA Redevelopment project, in a form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk's Office.

Prior to the issuance of a building permit, a full evaluation, including flow monitoring and detailed capacity analysis to the satisfaction of the Village Engineer will be performed by the developer to analyze the necessary improvements and/or replacement of the lower sewer portion of White Street. The developer shall enter into an agreement with the Village to undertake all improvements necessary for increased sewage flows.

Prior to the issuance of a building permit, simulations using the Village's water hydraulic model are to be performed to confirm the adequacy of the system under varying scenarios with the imposed water demand of 918 gpm to this facility. The analysis will confirm if a secondary water tap on Windle Park or South Washington Street is needed under varying seasonal and diurnal water demands. The Applicant or Partnership will undertake at its own expense all costs associated with a secondary water service, if necessary, which must be completed prior to the issuance of a building permit.

- (3) Village Engineer may require the Applicant or Partnership to address any comments that may arise from future reviews of the SWPPP prior to the issuance of a building permit.
- (4) The Applicant will provide proof to the Village of its closing with the YMCA and the transfer of title to the HDFC as nominee of the Partnership which will be the beneficial owner.
- (5) Prior to the issuance of a building permit, the Village, the HDFC, and the Partnership will enter into (a) an agreement, in a form acceptable to the Village Attorney, by which the Village will acquire ownership of Unit 1 of the Condominium as a condition of the issuance of a final certificate of occupancy, and (b) the declaration, by-laws and rules and restrictions, and other governing documents of the Condominium, which will provide for the following:
 - a. The Partnership will undertake the construction of the Municipal Spaces at its expense. The Village will bear no expense for construction.

- b. During the term of the PILOT Agreement, the Partnership at its sole cost and expense: (1) will perform all maintenance and repair of the Municipal Spaces and other improvements comprising Unit 1 of the Condominium, except for installing and maintaining municipal parking meters; and (2) will be liable for all utility charges for service to the Garage, including Unit 1. Upon the expiration of the term of the PILOT Agreement, the Partnership will continue to be responsible for maintenance and repair at its cost and expense of all structural elements of the Garage including Unit 1, but the Village will be responsible for general maintenance and repair of the Municipal Spaces and for all operational expenses of Unit 1, including electrical service to Unit 1; and (3) during the PILOT Agreement's terms, the Partnership will perform all paving of Unit 1 at the Partnership's sole expense, while the Village will perform paving after the term of the PILOT Agreement.
 - c. From and after conveyance to the Village of Unit 1, the Village will have the right and obligation, and its costs and expense, to: (1) install and maintain municipal parking meters at the Municipal Spaces; (2) set the rate(s) for use of the Municipal Spaces; and (3) collect and retain all revenue from the use of the Municipal Spaces.
 - d. The declaration, by-laws and rules and restrictions, and other governing documents of the Condominium will set forth in a form acceptable to the Village Attorney remedies against HDFC and/or the Partnership for the failure to comply with the obligations set forth in subparagraph b above, including but not limited to, such costs being an assessment due and payable through and added to real estate taxes owed the Village should such obligation and lack of cure extend beyond one-year. .
- (6) The recreation fees are reduced to \$300,000, which must be paid prior to the issuance of the 40th Certificate of Occupancy.
- (7) Prior to the issuance of a building permit, the Applicant or the Partnership shall enter into a parking agreement in a form acceptable to the Village Administrator and Village Attorney relating to the Municipal Lot (the Washington Street municipal parking lot) and the construction of the Garage which may require the elimination of up to five (5) parking spaces in the Municipal Lot to provide access to the Municipal Spaces. Applicant or the Partnership shall use best efforts to reduce the loss of parking spaces in the Municipal Lot to the maximum extent practicable by restriping and/or reconfiguring the Municipal Lot to reduce any loss of parking spaces in the Municipal Lot to only 1 space or 2 spaces and the Applicant or Partnership shall incur all costs related to such work with the goal being to retain as many parking spaces as possible.
- (8) Subject to Village Board approval, the Applicant or the Partnership will need to enter into license agreement in a form acceptable to the Village Attorney, by which the Village will

permit a portion of the Municipal Lot to be used as a staging area for the construction of the Project, and by which the Partnership shall carry appropriate insurance and hold harmless and indemnify the Village against any liability that may be incurred, directly or indirectly, as a result of the use of the Municipal Lot for such purposes and for the Applicant or Partnership to pay an appropriate license fee to reimburse the Village for the loss of such spaces and the revenue from same in an amount to be determined by the Village Board.

- (9) This site plan approval is subject to and conditioned upon the Village, the HDPC, and the Partnership entering into a Memorandum of Understanding (MOU) in a form acceptable to the Village Administrator and Village Attorney setting forth the terms set forth above in paragraphs 5, 7 and 8.

END

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this site plan application.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
 Member Aukland: Yes
 Member Tedesco: Yes
 Chair Friedlander: Yes

All in favor: 4- 0. Motion carried.

CONTINUATION OF PUBLIC HEARING - Sunrise Development, Inc. - 99 White Plains Road

Referral by Board of Trustees for review and recommendation of a Zoning Petition to permit "Service Enriched Assisted Living Housing" and for site plan approval for 85 units of Service Enriched Assisted Living/Memory Care Housing pending the adoption of the zoning by the Board of Trustees.

Brad Schwartz, attorney with the law firm of Zarin & Steinmetz appeared and introduced Philip Kroskin, the Senior V.P. of Sunrise who is also present, along with Rob Aiello, the project engineer and the rest of the Sunrise Development Team. He noted that a draft Negative Declaration has been prepared for this Board and he had a chance to review it. After reviewing the draft there is one key comment on page five, with regard to the Recreation Fee for this project that Mr. Kroskin would like to address.

Mr. Kroskin referred to the prior discussion this evening with Artis Sr. Living as it relates to the recreation fees for these types of facilities. He would like to comment about the ongoing operations and how they manage their buildings and our residents who live there. It is quite important to recognize that when it comes to memory care, they serve a very comparable community. He noted that with the residents living in the assisted living do not live independently. They are coming for the purpose of needing help, and 70% of our assisted living residents are diagnosed with some form of dementia. Their motto of course is to preserve independence, promote dignity and they certainly ensure that their

residents have full accessibility to everything within and throughout the world. We promote the idea of independence and as their conditions allow and they are able to move throughout the building and the facilities provided on site. They provide for activities that are both on and off site so it would be inappropriate for us to suggest that nobody from our building is ever going to touch any public park or do anything within the confines of the recreational amenities that are within Tarrytown. He thinks that they should separate the idea of their internal programming and how they care for their residents since as much as we would love to be able to encourage them to be more of a part of the community, they just don't have the mental capacity and the physical abilities to be able to leave the building. As Artis pointed out, they are the caretakers for these individuals and they need to ensure that their safety and security comes first and foremost, as well as their mental health and their acuity, which we promote with all the activities that we have within our building. So, his argument is very simple. They do know their residents very well and they do not participate in the recreational amenities of the adjacent communities in which we have our buildings to an extent that is remotely meaningful, that would require any sort of meaningful payment. We are willing, as we've been willing to work with you all, through many of the things that are not code related, you know, this is a mutual approval that we're seeking. And so they are willing to work with the Board, as they have been on the with regard to the environmental considerations, the LEED and the affordability considerations but there is a very fine line between their ability to pay for things and not. They are willing to consider a fee of 20%, across the board, for both our assisted living and memory care residents. He feels that this is an exceptionally large number, that's \$175,000, and on top of all the other things, it is something that he is unbelievably uncomfortable paying. But to the point of their ability to move this project forward and to work, Chair and Board, he respectfully requests that we don't get into a battle over this. He cannot go beyond this and does recognize the points that have been made. He hopes the Board can appreciate his side and find some harmony. His request is that they do a 20% across the board, which would calculate to be he thinks, \$175,000. He thinks that is a sizable fee for a building of what they are bringing to the table. He thanked the Board.

Mr. Schwartz said that is the extent of their comments on the draft negative declaration. The recreation fees were the issue that they wanted to address this evening. He welcomes any feedback that the Board can provide tonight. They would certainly like to wrap this up tonight so that they move onto the Board of Trustees for the rezoning.

Dr. Friedlander asked Mr. Ringel if anyone would like to comment on this application.

PUBLIC COMMENT PERIOD:

Katie Kreider, of 42 N. Washington Street, said her parents lived in assisted living and they certainly used the facilities in the town where they lived. She took them to the park quite often and she does not think asking for this these facilities to pay a recreation fee is unreasonable. There has to be some benefit to the village. She would like the Board to stick to their guns.

Mr. Kroskin noted again that they are not arguing that they don't want to pay the fee, they are suggesting a reduced fee across the board.

Rob Wingate, who lives on North Broadway raised a question at a prior meeting about what adjustments they have had to make to the internal layout of the facility plan for endemic protection purposes. And if they have had to do work on the plan in relation to the physical layout of visitation, sort of facility arrangements for protection against passing along future infectious diseases.

Mr. Kroskin said that, first and foremost, it goes without saying that these buildings were previously built to handle significant infection control. They have primarily single occupancy rooms, and a sizable amount of common spaces that can be quarantined off for various residents. Their memory care residents have their own floor that can be uniquely identified and quarantined off. So historically, they have already built these buildings to a very high standard for protecting their residents from infection. They also have an operational methodology that historically has been very, very good for that. They are exploring many different methods of how they can handle the pandemic going forward, as well as how we can handle things differently, like different HVAC systems have negative pressure systems. They have managed over the last eight, eight months exceptionally well to keep COVID out of the buildings with a very limited infection rate for both residents and team members. He is not just speaking for Sunrise, the assisted living industry has been quite exceptional in that. They will continue to explore additional means to manage it. They also have PPP protocols in place to ensure that their staff have appropriate PPP and training for its use.

Mr. Galvin noted that the enhanced EAF that they provided to us has several pages that go through their COVID operations and protections.

Dolf Beil, 108 Main Street, does not understand too much about the project, but the area that it is being built in on 119 is just ripe for additional building. Clearly it has good access to roads and his understanding is that there is a very substantial tax benefit. He would encourage the Board not to focus so much on the recreation part.

END OF PUBLIC COMMENT

Counsel Zalantis said the this issue about the recreation fees will need to be addressed before the issuance of the Negative Declaration because it goes to community impacts. Originally, the Board suggested having two tiers. It is ultimately up to the Board to determine what the appropriate fee is, but if we can't determine that tonight, we'll have to adjourn this application.

Mr. Tedesco said that he knows that there's a reasonable, quite a reasonable component of assisted living in this. From his own experience working with relatives who are in assisted living, they really do make a great deal of use of the recreational facilities. He does not think necessarily that they need to do a tiered thing for this. He would suggest a compromise of 25% across the board for the recreation fee, which seems reasonable to him.

Mr. Raiselis asked if there should be an executive session on this.

Counsel advised that it is within this Board's discretion to determine, based on the circumstance of each development, what an appropriate recreation fee and it could be discussed in an executive session.

Mr. Aukland agreed with Ms. Raiselis. He thinks we should make a reasonable recommendation which requires a focused discussion and he recognized these kinds of facilities make less use the village facilities.

Counsel Zalantis said we have two applications before us proposing memory care and one has to be consistent with the other. She thinks it is perfectly reasonable that the developers are asking for a reduction in the recreation fee. It is just how the Board arrives at an appropriate number, looking at each individual development and the amount of recreation being provided. Maybe this is something the Chair would like to ask the applicant.

Dr. Friedlander realizes that there could be differences in each application having more space or less space for recreation and having different rotation activities and that it should be reduced because it's not going to be as intense as a regular resident and they have to decide the appropriate reduction. He thinks the discussion should continue in an Executive Session.

Counsel Zalantis wants to resolve the issue prior to the SEQRA determination. Mr. Tedesco agrees that this should be discussed in executive session and to continue the public hearing.

Counsel Zalantis asked if the Board if there were any other potential issues with the proposed draft Negative Declaration.

David Steinmetz, attorney with Zarin and Steinmetz, joined the meeting, as counsel for the applicant, and asked that, if the Board needs to get a better understanding of how many of their residents actually leave the premises and use any of the municipal resources, they would like to answer them tonight. He briefly discussed his experience with his own father who spent 7 years in assisted living and he did not use recreational facilities. Most of the residents are on walker, many have canes and some of them are in wheelchairs. They are not in the skateboard park, or on the tennis courts or hiking the trails and parks. So realistically, they're not going to drain the village's recreational resources. He added that, with all due respect whatever you get from Sunrise, in addition to the substantial tax revenue that Mr. Beil just alluded to, this is a significant windfall to the village. They are ready to contribute to that windfall in a reasonable fashion and would like to confront the issue and get to the end of it. Recreation and assisted living is the same today as it was pre-pandemic, and the residents really do not leave the campus.

He wants to answer the Board's questions to get them comfortable. They have argued with Counsel Zalantis on this and they don't think the village should be collecting any recreation fee but his client is willing to compromise.

Dr. Friedlander thanked Mr. Steinmetz and referred back to his comments with Artis that they also should be able to take their residents into the community. He thinks they should provide opportunities to take people out and enjoy the area. The village has a wonderful area and there are lots of historic properties, parks, walking trails, lakes and rivers. One of the reasons you selected this village is because it has so much vitality and recreation benefits. So even though people may not be using them intensely, they will be and should be using it. It's better for them to get outside of their assisted living facility. It's not the most wholesome way to live in your last years.

Mr. Kroskin agrees with Dr. Friedlander and they do actively engage in ensuring that their residents to the extent that they are both physically and mentally capable, enjoy the benefits of the community. They have chosen this community for multiple reasons. One is the idea that yes, if we can get them, they can enjoy it. They are not arguing the idea that they should have some sort of commitment to the recreational fee. He thinks \$175,000 is a large number in the context of what they have paid in other municipalities. They will be making sure that their residents enjoy the beauty of the village while also ensuring that they can have a financially viable project. They think what they offered is a substantial number.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
 Member Aukland: Yes
 Member Tedesco: Yes
 Chair Friedlander: Yes

All in favor: 4- 0. Motion carried.

CONTINUATION OF PUBLIC HEARING – Raining Threes LLC – 9 Carriage Trail

Andy Todd, the applicant, appeared before the Board. A draft Resolution has been prepared for the Board's consideration.

Dr. Friedlander asked if anyone wanted to comment on the application

Mr. Ringel advised that there was one person raising their hand.

Mark Fry appeared and said he is all for this project. Andy Todd is doing a fabulous job with the stone being cut on site and the spectacular energy efficiencies at a level never before seen in Tarrytown. With regard to the density, he is in favor of 1 unit on 2.5 acres. It is a win win for the village with substantial taxes, very low traffic impact, and

no viewshed issues the way it is nested into the hollow of the site. He thinks the standards in this application that should be applied to other applications.

Mr. Todd commented that the landscaping plan has been approved by Ms. Nolan and Mr. Pennella is satisfied with the plan. He advised that he is willing to have a pervious courtyard/driveway, whether it be pavers or gravel, he is not sure yet but he is happy to have it as a condition in the Resolution. Mr. Pennella said the design allowed for a certain amount of impervious area and if the applicant exceeds that, then he would have to do something to accommodate for that. It was agreed that this would be added as a special condition 6 to the draft Resolution, but not to include the specific material.

Ms. Raiselis moved, seconded by Mr. Tedesco, to close the public hearing.

The secretary recorded the vote:

Member Raiselis: Yes

Member Aukland: Yes

Member Tedesco: Yes

Dr. Friedlander lost his internet (temporarily)

All in favor. Motion carried: 3-0

Ms. Raiselis read through portions of the Resolution. A copy will be provided to the applicant and entire Resolution will be included in the minutes of the meeting as follows:

RESOLUTION

VILLAGE OF TARRYTOWN PLANNING BOARD

(Adopted November 23, 2020)

Application of Raining Threes LLC

Property: 9 Carriage Trail (Sheet 1.271, Block 138, Lot 1.8 and Zone R-60)

Resolution of Site Plan Approval

Background

1. The Applicant requests the Planning Board to approve a site plan for the construction of a single-family residence, pool, and pavilion at 9 Carriage Trail (lot 8) in the Greystone on Hudson subdivision within the R-60 zoning district. The subdivision was approved by the Planning Board on July 23, 2012.
2. The Planning Board on September 17, 2020 determined that the proposed action is 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."*

3. The Planning Board has conducted a duly noticed public hearing on September 17, 2020 and continued the public hearing on October 26, 2020 and November 23, 2020, 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 Applicant's Cover Letter dated August 26, 2020, the *Environmental Clearance Form* and received a Supplemental Memorandum from the Applicant dated 9/22/20 on *Reduced Impact and Energy Efficiency Techniques* to be used in the Project, a Landscape/Tree Removal plan prepared by Arborscape inc. dated July 14, 2020 and provided to the Village of Tarrytown Tree Warden, and reviewed comments from the Consulting Village Planner in memoranda dated September 14, 2020, October 14, 2020 and November 10, 2020, from the Village Landscape Consultant in her Landscape Reports dated September 25, 2020, October 23, 2020 and final review dated November 10, 2020, a denial letter from the Building Inspector/Village Engineer dated September 10, 2020 and plan reviews dated September 25, 2020 and November 2, 2020 which they have considered.

5. The Applicant has provided a *Steep Slopes Narrative* addressing the criteria in §305-67. The area to be occupied by the home, driveways, patios, pool, and accessory uses covers approximately 30 percent or 7,392 square feet of the 23,909 square feet of the steep slope area of the property, with approximately 70% of the steep slope area remaining.

6. The Planning Board closed the public hearing on November 2, 2020. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval and the waiver for steep slopes disturbance are granted subject to the conditions set forth below.

I. Findings

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Applicant's *Narrative* dated September 10, 2020 is made part of the findings of the Planning Board and described below:

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.

Neighborhood Character: Granting the waiver will not result in an undesirable change in the character of the neighborhood. The proposed home will span the slope from the front to the rear. The home will have the lower level exposed on the rear, exactly like all other homes already constructed in the Greystone community. The proposed design has been engineered to work maximally with the land to mitigate disturbance. By being able to place most of the foundation

over the sloping rocks, the project will be able to minimize excavation and, thereby, eliminate blasting into the underlying bedrock that would be required to fully excavate the foundation. The proposed design will be achieved with just some mild chipping and minor disturbance as it is designed around the land to arise from the lower area and meet the higher in the front of the house. The proposed design initiates use of many of the same materials and takes inspiration from many of the design details of other existing homes in the Greystone community. Terraced areas are designed to integrate into the existing topography and are proposed to be consistent with the historic type and character of the community.

Alternate Feasible Method to achieve benefit sought by applicant: The benefit cannot be achieved by some other method feasible for the Applicant to pursue due to the steep slopes area being situated in the center of the parcel. Because of the terrain and situating of the the lot, construction of a home in character with the community cannot be feasible achieved other than with a steep slope waiver. Locating the home elsewhere on the site would push it right next to neighboring properties and require blasting of rock for the foundation as the foundation would have to be entirely underground, which would cause disturbance to others. It would also not serve to permanently stabilize the site and slopes fro erosion and sedimentation, nor to protect against possible slpe failure and stormwater runoff and flooding.

Impact on Other Properties: The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood, nor create any dangers. The existing conditions of the slope will be improved and permanently stabilized by incorporating the slope within the area of the home, thus, reducing stormwater runoff on and off-site. The proposed development will reduce the quantity of steep slopes, thereby, facilitating percolation and the runoff. The sheet runoff of water during a rain event will be minimized and engineered stormwater management systems will be introduced which will minimize stormwater overflow to adjacent properties.

Consistency of Project with Intent of the Steep Slopes Chapter: The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood, nor create any dangers. The existing conditions of the slope will be improved and permanently stabilized by incorporating the slope within the area of the home, thus, reducing stormwater runoff on and off-site. The proposed development will reduce the quantity of steep slopes, thereby, facilitating percolation and the runoff. The sheet runoff of water during a rain event will be minimized and engineered stormwater management systems will be introduced which will minimize stormwater overflow to adjacent properties.

Consistency of Project with Intent of the Steep Slopes Chapter: The waiver will: Afford a more stable and maintainable condition which will provide long-term protection from soil erosion and sedimentation; Provide increased slope stability to protect against slope failures; Provide an improved stormwater management system, which will minimize stormwater runoff, erosion and flooding. This project will improve the site's aesthetic character and surrounding property values while maintaining, if not improving, health, safety and welfare of the public in the neighborhood and Village of Tarrytown. This site is not untouched natural slopes, as it has been continuously disturbed through the years by construction of the adjoining road and utilities, the original

Coppola driveway and above ground utilities which ran through it, and older farmer drains and structures. The area to be occupied by the home, driveways, patios, pool and accessory uses covers approximately 30% or 7,392 square feet of the 23,909 square feet of the steep slope area of the property, and approximately 70% of the steep slope area will remain.

Finally, the location of the house as proposed minimizes the disturbance of the slope and the impact on the community. Because of the sloping terrain with rock piles located in the center of the lot, which is the most natural site for construction to avoid blasting and to be considerate of neighbors, the waiver is the minimum relief necessary to relieve this extraordinary hardship.

In addition, the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein. The Planning Board has also reviewed the proposed landscaping and plantings and finds that the landscape plantings are in conformity with the natural resources goals and policies of the Village's Comprehensive Plan relating to the promotion of functional and native plant species, habitat creation and biodiversity, and guidelines for the removal of nonfunctional invasive species.

The Planning Board has conducted an extensive review of the applicant's proposal to construct a single-family residence, pool, and pavilion on the subject property. The subject single-family property, known as 9 Carriage Trail, is a sloping lot located on a private road in the gated community of Greystone on Hudson. The lot size of 102,000 square feet is approximately 70% larger than required under the R-60 zoning, and approximately seven times the size of adjacent residential properties on Tarryhill Road. A review of the *Zoning Compliance Form* indicates that the application is zoning compliant.

The lot is currently vacant. It is well maintained in the flat areas around the perimeter, but much of the central portion of the lot is composed of steep rocky patches spanning the areas defined as steep slopes. These areas are difficult to maintain and they are overgrown with invasive weeds and remnants of dead trees and plant matter. Some of these steep slopes are likely manmade rock piles created as a result of the construction of the adjacent road and utility infrastructure, as well as the construction and demolition of the original Coppola driveway and utility infrastructure which ran through this lot, as well as previously existing farmer drains and farm structures which previously occupied this lot.

The subdivision for the Greystone subdivision approved 9 Carriage Trail (Lot 8) for the building of a home, a pool house, a pool, and a shade pavilion. The shade pavilion will be situated by the pool and will include a bathroom, changing rooms, a barbeque area and storage. As a complement to the existing historic stone walls and community gatehouse along South Broadway, the historic district adjacent to the community, and the old world architecture featured throughout the Greystone community, Applicant proposes utilizing the same native stone to construct a traditional French chateau style residence with a sweeping slate roof, and the pool/spa and cabana shade pavilion as described. Foundation construction will be steel reinforced concrete engineered to provide the structural strength to support the weight of the soil and vegetation above.

In response to the Village landscape consultant's 10/23/20 review, the Applicant added contours to the tree removal and landscape plans and further modified the plans. After reviewing the revised plans, the Village landscape consultant provided a final review dated 11/10/20 acknowledging the modifications. The trees identified previously for removal have now been retained including several specimen trees. Tree protection for the on-site trees to remain has been thoroughly addressed and shown on the plans and details. In addition to a line of 46 spruce that were previously planted as screening, there are a total of 68 live, spontaneous, trees on the site. Of these, a total of (6) hardwoods will be retained, and the remaining (62) trees will be removed as they conflict with the footprint of the proposed building and the grading of the site. The revised planting consists of (42) canopy trees (34 native, 8 non-native); (66) understory trees (48 native and 20 non-native); and (7) native shrubs planted along Carriage Trail Drive. A total of (57) additional screening evergreens (42 native, 15 non-native) are proposed. The foundation planting consists mostly of non-native boxwood. As requested, non-native plants are limited to the foundation planting, areas directly adjacent to the house, and as specific accents. The proposed planting plan represents a significant quantity of native hardwood trees, diversifies the canopy with the introduction of a robust quantity of understory trees, and protects significant on-site trees that are Specimen Species as per the Village Code. It is a suitable planting to address mitigation for removal of trees required to implement the site plan.

Applicant also revised site development plans in response to the Village Engineer's review dated November 2, 2020. The Stormwater Management and Erosion & Sediment Control plans were reviewed by and approved by the Village Engineer.

V. 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 Development Plans for Lot 8 Greystone Subdivision prepared by J. Pontieri, PE, D.P.C. Engineering & Consulting (JPCE) dated August 24, 2020, last revised November 18, 2020, and the Landscape Plans prepared by arborscape inc. for Greystone on Hudson, Greystone Mansion Group last revised November 16, 2020 unless otherwise noted entitled:

Site Development Plans prepared by J. Pontieri, PE, D.P.C. Engineering & Consulting

- S 1.0 - *Site Plan with Utilities & Zoning Compliance*
- S 1.0ss - *Site Grading & Erosion Control Plan w/Steep Slopes*
- S 2.0 - *Site Plan Details & Notes*
- S 2.1 - *Site Plan Details & Notes (Cont'd)* last revised 10/12/20
- S 3.0 - *Site Drainage Plan* Last revised 10/26/20

Landscape Plans prepared by arborscape inc.

- *Lot 8 Tree Removal Plan & Tree Protection Detail* last revised 11/16/20
- *Landscape Plan* last revised 10/25/20
- *Existing Conditions (includes survey)*

(the "Approved Plans").

VI. General Conditions

- (a) Requirement to Obtain Approvals: 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.
- (b) Changes to Approved Plans: 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."
- (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
- (d) 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.
- (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) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

- (g) 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.
- (h) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season.

VII. Specific Conditions

- (1) Applicant shall provide to the Building Inspector/Village Engineer a "staging and construction plan" to identify the location of construction equipment, construction materials and debris on the site. This plan shall be submitted prior to any site disturbance or the location of construction equipment on the site.
- (2) Prior to issuance of a building permit, the Applicant shall provide compensation for tree loss on the property (Lot 8 of the Greystone on Hudson subdivision) into the Village of Tarrytown Tree Fund as determined by the Village of Tarrytown Tree Warden in accordance with §281-13 of the Village Code.
- (3) Prior to the issuance of a building permit, the Applicant shall provide in a form satisfactory to the Village Engineer and Village Attorney, and shall be fully executed and submitted to the Building Department with proof that a modified utility easement fully encompassing the water main as installed on Lot 7, 8 Southern Path with proof that the Easement has been submitted for recording in the Westchester County Clerk's Office.
- (4) Prior to the issuance of a building permit, and/or certificate of occupancy the Applicant shall pay all outstanding fees held in escrow per code section 305-138.
- (5) Prior to the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the construction of a single-family resident on Lot 8 of the Greystone on Hudson subdivision, in a form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Westchester County Clerk's Office.

*CONDITION ADDED:

- (6) The applicant agrees to install permeable surface on the area designated as a courtyard to the satisfaction of the Village Engineer.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application.

Dr. Friedlander returned and asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Chairman Friedlander: Yes

All in favor. Motion carried. 4-0

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 11:25 p.m.

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Tedesco: Yes
Chair Friedlander: Yes

All in favor. Motion carried: 4-0

Liz Meszaros- Secretary

EXHIBIT "A"

TARRYTOWN HOUSING COMMITTEE PRESENTATION

11-23-20 PB MINUTES

EXHIBIT A -
11/23/20
PB. Minutes

Tarrytown Housing Committee

Sadie McKeown (Chair); Gary Friedlander; Peter Feroe;
Rose Noonan; Alexander Roberts; Craig Singer

Deputy Mayor McGovern & Trustee Brown; Trustee Liaisons

Richard Slingerland & Josh Ringel; Staff Support

Housing Affordability Task Force: Mission Statement

To provide the Village of Tarrytown with an understanding of **existing housing supply**, identify **housing needs and trends** to support current and future populations of the village, **define opportunities** within the existing stock, in future developments and with the tools available through land use planning, zoning and vision to **incentivize and preserve integrated and affordable, workforce and middle-income housing** for the long-term benefit of the community

Housing Committee Activity

- Part of Comprehensive Plan Management Committee structure
- Advise Village and non-profits :
 - Village of Tarrytown Affordable Housing Fund
 - Re-housing YMCA residents
 - Tarrytown Rental Assistance Program – emergency assistance during pandemic
- Ongoing and Future Tasks
 - Advise Village and non-profit with respect to Franklin Terrace rehabilitation
 - Recommend zoning changes and other tools to promote the retention and creation of affordable housing options; both regulated and non-regulated
 - Advise Village on new development projects; ensure they further our Village's Housing goals

Context: Population

Tarrytown

- 1960: 11,109
- 2010: 11,277

Population Change		1940-1960	1960-2010
Tarrytown		+62%	+1.5%
Westchester County		+41%	+17%
Sleepy Hollow		0%	+12%
Irvington		+68%	+17%
Dobbs Ferry		+57%	+17%
Hastings-on-Hudson		+27%	-13%

Context: Housing & Jobs

Housing

- Since 2000, 204 units have been constructed
 - 4.5% of our total stock
- 15.3% of households in Tarrytown are *severely cost-burdened* (645 households)
 - Pay more than 50% of income towards housing
- County-wide demand for housing
 - 82,451 units of affordable housing

Jobs Follow Housing

- 173K live and work in Westchester
- 199K commute into Westchester
- 207K commute out of Westchester



Context: Planning

2018 Comprehensive Plan

- 4 years and 19 public meetings
- “New Housing should...complement and expand the Village’s range of offerings”
- “Walkability and density of downtown retail and service core represents an inherent strength for consumers and business owners.”
- “Downtown and Station area...represent a significant opportunity to leverage sustainable land use policies and expand transit-oriented development”

Projects “On the Board”

Artis & Sunrise

- Assisted Living
- Not conventional housing
- Located on Rt. 119

YMCA

- Senior, age-restricted
- All affordable: 40-80% AMI
- Studio & 1-BR
- Includes *replacement* for existing units on-site
- New municipal parking

29 South Depot

- 88 units
- Smaller apartments
- Next to train
- Proposed instead of current zoning for 2-story self-storage facility

39-51 Broadway

- 80 units
- Smaller apartments in CBD
- Replace vacant retail

Projects "On the Board"

Project	Units	Type	Where in Process	Notes	As Relates to Comp Plan
Artis	64	<ul style="list-style-type: none"> Assisted Living / Memory Care 	<ul style="list-style-type: none"> Zoning Adopted Site Plan review before PB 	<ul style="list-style-type: none"> On Rt. 119. Extremely low traffic generator 	<ul style="list-style-type: none"> Expand housing choices; multi-generational
Sunrise	85	<ul style="list-style-type: none"> Assisted Living / Memory Care 	<ul style="list-style-type: none"> Application for rezoning PB report to BoT 	<ul style="list-style-type: none"> On Rt. 119. Extremely Low Traffic Generator 	<ul style="list-style-type: none"> Expand housing choices; multi-generational
YMCA	109 (48 replacement)	<ul style="list-style-type: none"> Senior-only Affordable Studio and 1-BR Includes replacement for housing currently on site 	<ul style="list-style-type: none"> Zoning Adopted Site Plan review before PB 	<ul style="list-style-type: none"> Replace existing units Low traffic generator Village gets municipal parking 	<ul style="list-style-type: none"> Downtown development Village parking Multi-generational
29 S. Depot	88	<ul style="list-style-type: none"> Studio, 1-, 2-BR 	<ul style="list-style-type: none"> Application for rezoning PB report to BoT 	<ul style="list-style-type: none"> Smaller housing Existing footprint 60 feet 	<ul style="list-style-type: none"> Different housing options Transit oriented Strengthen downtown
39-51 Broadway	80	<ul style="list-style-type: none"> Studio, 1-, 2-BR 8,700 sf Retail 5-story 	<ul style="list-style-type: none"> Application for rezoning PB report to BoT 	<ul style="list-style-type: none"> Re-purpose vacant buildings 	<ul style="list-style-type: none"> Different Housing options Downtown focused Less auto-dependent
Franklin Courts	Renovation of existing	<ul style="list-style-type: none"> Renovation and HUD RAD conversion 	<ul style="list-style-type: none"> No proposal, no application; Still in infancy 	<ul style="list-style-type: none"> Renovate obsolete public housing 	<ul style="list-style-type: none"> Affordable Downtown Near transit
Hudson Harbor	23	<ul style="list-style-type: none"> Remaining units in Master Plan 	<ul style="list-style-type: none"> No application 	<ul style="list-style-type: none"> Continuation of existing project 	<ul style="list-style-type: none"> Waterfront revitalization Transit oriented

Traffic

- All housing is not equal when it comes to traffic
- *Volume* of traffic and *timing* of traffic varies with:
 - **Type** of Housing (single-family, senior, apartment)
 - **Location** of Housing (station-area, downtown, close-in neighborhoods, farther out neighborhoods)
- Elephant in the Room: Edge on Hudson
- Opportunity to be proactive about traffic
 - Location and type of development in Tarrytown
 - Traffic calming in our neighborhoods
 - Downtown parking management
 - Pedestrian and bike mobility improvements
- Improvements to Broadway?
- Managing H-bridge traffic?

Station Area Zoning

- Consistent with recommendations of *Comprehensive Plan*
- Still being edited – not finalized or enacted
- No current proposal under this zoning
- Village control over height, design, location, density
- No residential west side of tracks, south of Hudson Harbor
- Smart design can *complement* Rivertown character
 - Height, location, orientation matters on a building-specific basis
 - Public will get a chance to review and comment on each future project if/when they are proposed

Housing in Tarrytown



Village needs more housing

Details matter – Public review

Downtown and Station Area

Keep Village vibrant

Jobs follow housing

Local and regional need

Diversify housing types / stock

Type

Location

Design

Identified by Comprehensive Plan

More walking & biking,
more transit, fewer cars

Sustain downtown businesses

Reduce pressure elsewhere in
Village; strengthen existing
neighborhoods

EXHIBIT "B"

Dolf Beil - 108 Main Street

11-23-20 Presentation Documents



The building depicted in this exhibit is representation only, the specific design will be prepared as part a specific site plan review process.

Exhibit 6
Photo-rendering from Franklin Court/Franklin Street Intersection

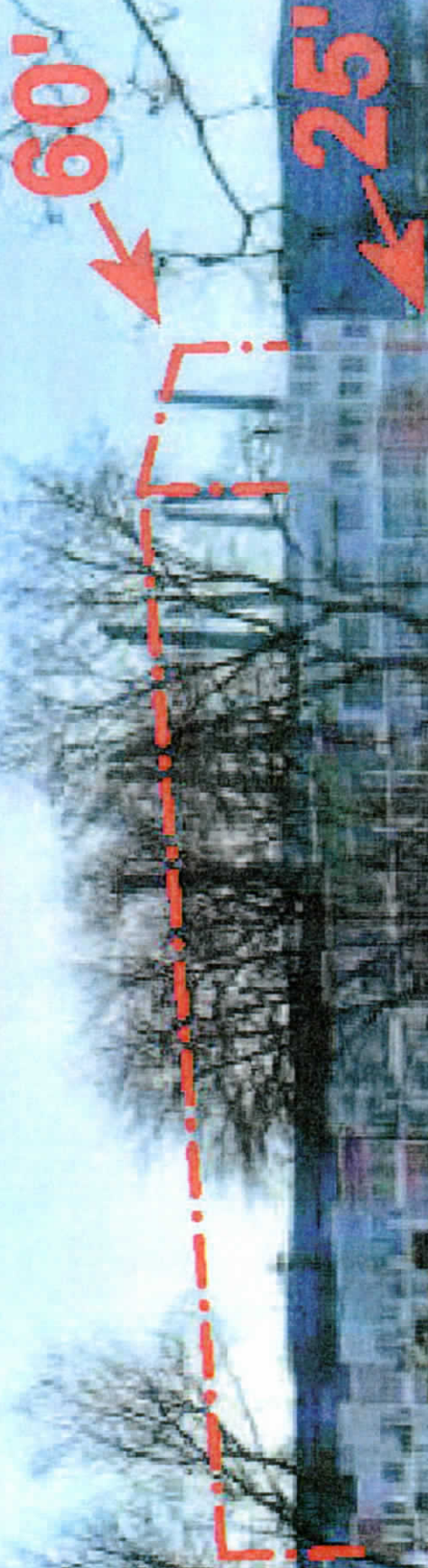
River View Obstruction Estimate



65% Obstructed

(Draft Regulation 305-67 (G) Calls 5% "Significant Impact")

Understated Height



Ms. Whitehead said she will try but 60 feet is a long way for a balloon to go up and stay there. Mr. Birgy said you can do it with a string and helium balloon. It has been done before and it is very helpful to see the volume and height.

Ms. Whitehead asked if the Board would like one balloon at each end of the building

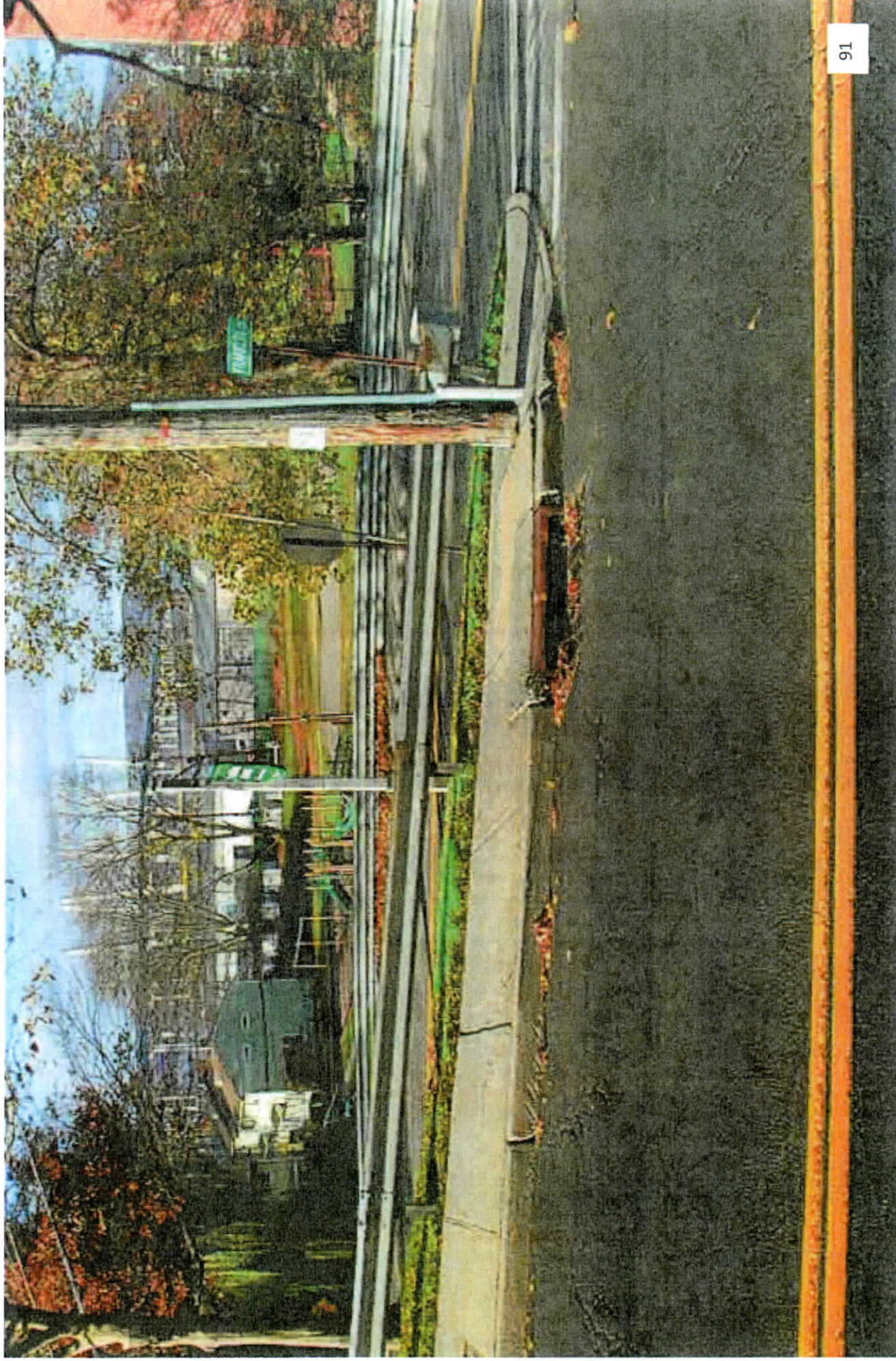
Dr. Friedlander suggested one on each end and one in the middle.

Mr. Birgy said he will not be able to make any comment on this until he sees it. It does not have to be done tomorrow, but it will delay the process. Counsel Zalantis asked if a drone was acceptable. Dr. Friedlander said no. Ms. Whitehead agreed to the balloon test.

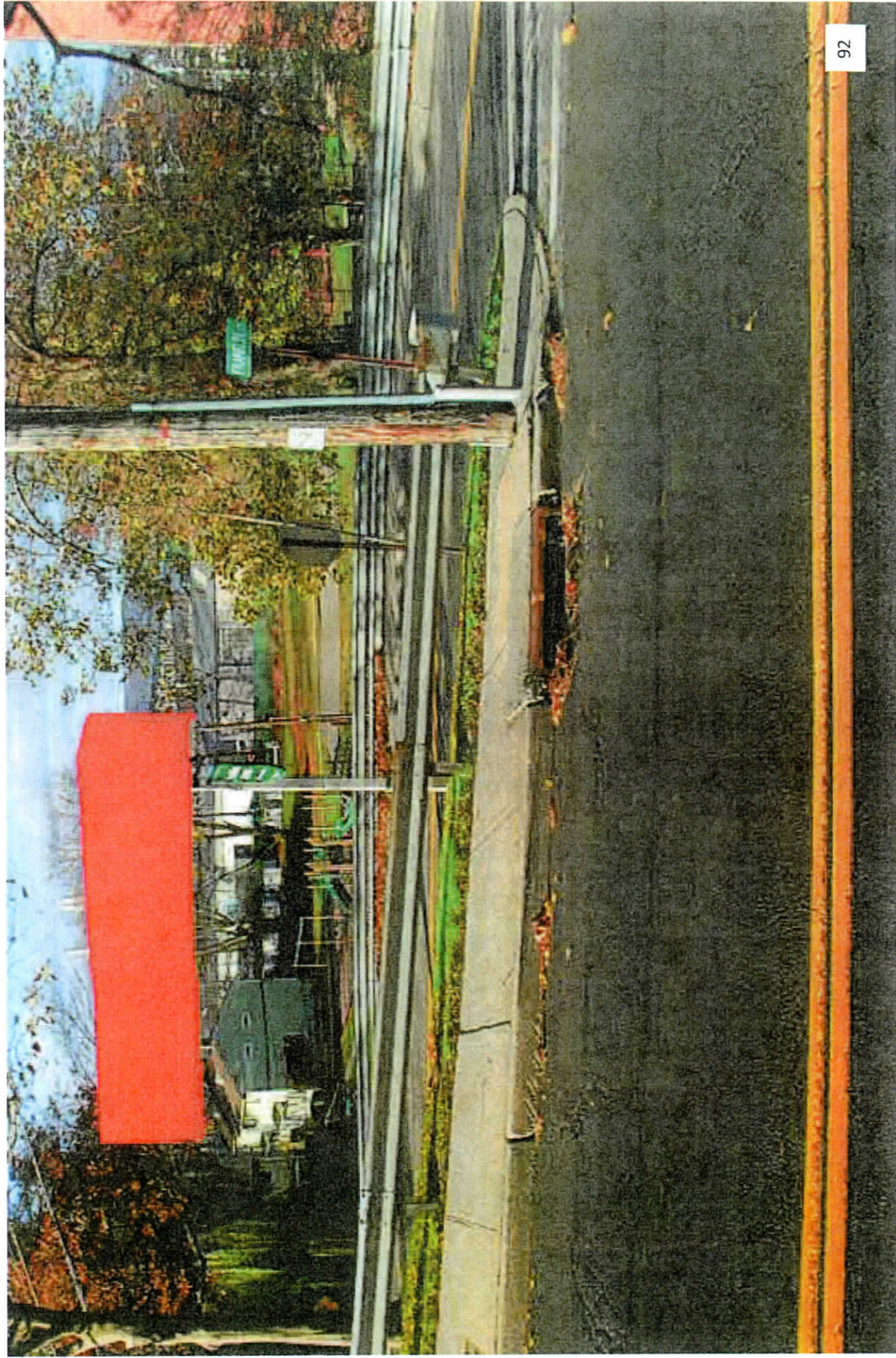
Mr. Elmo, of 20 Browning Lane, offered the use of his drone to map out the height.

Mr. Pennella said he is not sure how effective that may be but defers to the Board Members to make that decision. Mr. Birgy said the value of the balloons is that you can go from a distance and see what you are looking at. With a drone, there is limited sight ability to see at a distance. A video is not as good as seeing something you see in person. Mr. Birgy would strongly prefer going with the balloons and not the drone.

W. Franklin Current Public View



View Blocked by 60' Structure



6

Support Documentation for Drone Measurements



25' for Lot #37's Rooftop



61' at 29 SDP Corner



Backlit Drone at 29 SDP Corner

Significant Impact is 5% Public River View

305-67(G) Draft – 9/2/20

Illustrative example Tarrytown Visual Analysis Method (§ 305-67(G))

Page 5

To calculate the significance of the impact on this viewpoint divide the area of the Hudson River visible in the photosimulation by the area of the Hudson River visible in the existing conditions photograph

$$\frac{0.0491}{0.0567} = 0.866 \text{ or } 86.6\%$$

Since the quotient is less than 1.0 or 100% **there is an impact**

Since the quotient is less than 0.95 or 95% the photosimulation shows a **significant impact**

$$100\% - 95\% = 5\%$$

29 SDP Dates

<u>Date</u>	<u>Units</u>	<u>Stories</u>	<u>Height</u>	<u>Comment</u>
6/26/17	0	2	24	Self Storage Only
1/28/19	46	4	40	0, 1, & 2 BR / 430 - 1,200 SF
7/22/19	69	4	52	
12/16/19			60	BOT's 1st SAO Public Comment
2/24/20	88	5	60	
9/30/20				Neg Dec Draft to Public

Note: In 40' / 3 Story / in ID Zone

EXHIBIT "C"

**David Barnett - 104 Main Street
11-23-20 Presentation Documents**

David Barnett

Consistency with the Village Comprehensive Plan

Comprehensive Plan page 101



Sea Level Rise projections visualized relative to the MNR station

Tarrytown needs to recognize the current and future **impacts that climate change will have on the local community** and adapt to mitigate its effects.

Federal Emergency Management Agency maps show large portions of the station area within the 100-year flood zone...

Sea level rise must be accounted for especially in relation to how it threatens new developments along the waterfront area. **The alternative could prove costly and dangerous to both Village residents and businesses.**

295. Dept - Public Comment
David Bennett
11/23/20

Comprehensive Plan:

3 References to “Height” and “Stories”

1

Heading: Public Workshops, Economy/**Built Environment** - Session 1

- Unique sites
 - Anywhere there is one-story, make it two

Comprehensive Plan page 134

2

Heading: Public Workshops, Economy/**Built Environment** - Session 1

- If build up, how high?
 - 3 – 5 stories on Broadway/Main

Comprehensive Plan page 135

3

Heading: Economy

Goal / Policy	#	Action
2. Nurture an attractive and resilient business environment		
b. Promote dynamic office districts to attract and retain businesses	2.b.i	2. Restricted Retail (RR): evaluate the opportunity to support greater density utilizing increased height limitations for dwelling space above business uses, especially along N Broadway. Permit incubator spaces and pop-up uses, including temporary use of vacant storefronts; study and amend the range of permitted uses; study incentives to reduce long-term storefront vacancies

Comprehensive Plan page 118

EXHIBIT "D"

Planning Board Negative Declaration

29 South Depot Plaza Application

11-23-20 PB MINUTES

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

FILED 11/25/2020
VILLAGE CLERKS OFFICE

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

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

Reasons Supporting This Determination:

To complete this section:

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

Description of the Action

The proposed action consists of the: (i) development of a mixed-use building containing 2,000 square feet of retail and 20,757 square feet of self-storage on the ground floor with 88 residential units on four floors above on a 1.18 acre property located at 29 South Depot Plaza (Lot 38) with direct access to the train platform; (ii) development of landscaped pedestrian plaza adjacent to the proposed mixed-use building at the foot of the stairs to the train platform; (iii) Improvements and rehabilitation of adjacent parking areas, including improving and landscaping the MTA Employee Parking lot adjacent to Franklin Courts and improving and provide landscaping and LED dark-sky compliant lighting to the MTA commuter parking lots; and (iv) development of pedestrian sidewalks linking Franklin Courts to the train station, train platform and to the Village's waterfront and park.

In connection with the proposed development, the applicant seeks zoning text amendments to the Industrial District (ID) that would allow Transit-Oriented Development (TOD) as a permitted use in the ID zone for properties larger than one acre and located within 100 feet from direct access to the Tarrytown Metro North Train Station as well as a site plan approval for a proposed TOD development within the ID District. The applicant is proposing to use the foundation for the existing one-story metal warehouse building to construct the proposed mixed-use building. The subject property also abuts the Metro-North Hudson Line right of way as well as the Tarrytown Train Station, with access stairs for the train platform.

Modifications to Proposed Zoning Amendments - The Planning Board has reviewed the proposed zoning over several months which has resulted in the modifications to the Applicant's originally submitted zoning text amendments. The following revisions included: 1) First Floor Space - Minimum of 50% of first floor spaces shall be for non-residential uses (this allows for flexibility for live work units while still maintaining an active streetscape for pedestrians and pedestrian-oriented activities and businesses); 2) Proposed parking requirements (ratio of 1.05 spaces per residential unit, which exceeds the parking ratio recommended by the Chazen study for TOD of 0.95 spaces per unit); 3) Parking Agreement satisfactory to Village Attorney; required parking may be on-site or adjacent property subject to the parking agreement (this provides protection for the Village by ensuring Village legal review of any proposed agreement ensuring that parking will be available for project residents on an appropriate long term basis with protection against termination provisions); 4) Parking Space Width - Planning Board may reduce the width of parking space to 8 1/2' (this is the criteria used by MTA for their parking lots and exists in many Westchester communities especially for non-transient uses); 5) Non-Residential Parking - Parking requirement for non-residential uses may be provided through shared parking as approved by the Planning Board (this provision refers to an existing section of the code for shared parking (Section 305-83 (D) (3)); 6) Applicant must show that new sewer and water and traffic impacts can be mitigated to not negatively impact the existing network; 7) Efforts shall be made to incorporate Green infrastructure to reduce impacts (Applicant has provided a list of proposed green sustainable elements as part of their site plan); 8) Pedestrian Circulation and Connectivity - Applicant must show pedestrian circulation plan showing safe pedestrian access within the property and community connectivity. (Applicant has provided conceptual landscaping & pedestrian connectivity plan); 9) FEMA Regulations - Project shall comply with all applicable FEMA regulations. (this specifically calls out need to comply with FEMA requirements which is required by Building Department review).

(See attached for continuation of Long Form Environmental Assessment Part 3)

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☐ Type 1

☒ Unlisted

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

☒ Part 2

☒ Part 3

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

West Co. Planning GML, 8/2/19; PDA Socio-Economic & Fiscal Eval, 3/6/20; PDA Updated Fiscal, 6/17/20, 7/14/20; Chazen Limited Tech. Report, 6/11/20; Chazen Tech. Review #2, 7/8/20; PDA Viewshed Eval, 8/7/20; Parking Exhibit (PE-1), 6/19/20; JMC, Proposed Utility Serv, 3/6/20; PDA, TOD Parking Supplement, 3/8/20; JMC, Trip Generation, 8/10/20; L. Whitehead, Letters w/Supplemental Info, 6/18/20, 7/10/20, 8/18/20; Collins, Project Costs, 9/11/20

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

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

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

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

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

Name of Action: **South Depot Plaza TOD**

Name of Lead Agency: **Village of Tarrytown Planning Board**

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

Title of Responsible Officer: **Chairman**

Signature of Responsible Officer in Lead Agency: *Stanley L. Friedlander* Date: **11/23/20**

Signature of Preparer (if different from Responsible Officer) **Robert Galvin, AICP Consulting Village Planner** Date: **11/23/20**

For Further Information:

Contact Person: **Lizabeth Meszaros, Secretary to the Planning Board**

Address: **One Depot Plaza, Tarrytown, NY 10591**

Telephone Number: **(914) 631-1487**

E-mail: **lmesaros@tarrytowngov.com**

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

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

Other involved agencies (if any)

Applicant (if any)

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

Long Form Environmental Assessment
Part 3 – Continued

29 South Depot TOD Project

Modifications to Proposed Zoning Amendments (continued)

9) **Design Criteria** – no façade shall exceed 150' in length without architectural features designed to break up the visual effect of the building and avoid a box like appearance. Design features may include variations in height and with offsets, projections, balconies, setbacks, and other distinctive architectural elements. These design features need to be acceptable to the Planning Board. (Design Criteria have been added to the proposed zoning text to address massing concerns.)

10) **Sustainability Standards** – Project needs to comply with sound sustainability standards. Listing of examples are included in the text. (Applicant has provided a listing of potential sustainability measures which would be developed during the Planning Board's site plan review.)

11) **Maximum height of 60 and 5 stories** – Project needs to comply (and the proposed preliminary site plan complies) with the five-story maximum and the 60-foot maximum height for all protrusions, including rooftop parapets with no bulkheads for elevators or any rooftop amenity. Limiting protrusions is more protective of the viewshed.

Building Coverage/Setbacks – The underlying ID zone provides the standards for the building coverage and setbacks for the front yard and side yards. The proposed zoning overlay text provides for a zero rear yard setback if abutting the railroad tracks. **Building Coverage** in the underlying ID zone is 75%. The Village Engineer has reviewed this and determined that the project as constituted would have a building coverage of 47%. Even if the entire portion of South Depot Plaza were exempted from this calculation, the resulting building coverage would be 60% - still below the maximum coverage of 75%. **Side Yard Setbacks** in the underlying zone are 10' for each side yard. The Project's side yard on the north side of the building is 48' with the landscaped plaza. Project's side yard on the south side meets the 10' setback.

Front Yard Setback in the underlying zone is 10'.

Applicability: As proposed, the zoning amendment would limit TOD use to the subject property since this property is the only ID zoned parcel that would meet the criteria of eligibility regarding the minimum size of one acre with direct access to the train platform within 100' linear feet.

Consistency with the Village Comprehensive Plan

Tarrytown Connected is the Village's Comprehensive Plan adopted in 2018. With regard to the Station Area, the Plan states that the area, "represents a significant opportunity to leverage sustainable land use policies and expand transit-oriented development east of the railroad tracks. New spaces for working and living must be integrated with improved strategies for commuter parking that alleviate congestion around Depot Plaza." Based on the foregoing, the Plan supports the future development of transit-oriented development or mixed-used developments featuring increased residential density within the Station Area. Development of this type is described as a development type that will support sustainable

growth. It is noted that the development includes market rate apartment units, affordable housing units (as is required), 2,000 sf of retail and 20,000 sf of self-storage use. Transit-oriented development places a critical mass of new residents in close proximity to existing and future commercial uses thereby promoting pedestrian activity.

Tarrytown Connected included a 2009 residential density graphic that showed that the area immediately surrounding the proposed development site has a residential density of 5 - 15 units per acre in the area located immediately east (Franklin Courts). However, the parcel located to the northeast is developed with a residential density of greater than 75 units per acre (Franklin Tower). The proposed project would fall within this category with 75 units per acre or 88 units for the 1.18-acre parcel. Although not directly adjacent to the project site, the newer development within the waterfront, west of the railroad and north of Pierson Park, is developed with a residential density that ranges from 15 – 75 units per acre. Therefore, while the proposed project falls at the high end of the residential densities present within the Village it does not surpass the range and would present a project of the exact type desired in the Comprehensive Plan.

The Applicant's proposed zoning amendment would permit mixed-use residential buildings where they are not currently permitted. The Plan does not contain recommendations explicit to residential density, but the Plan's objectives were meant to, in part, "maximize the potential for the station area as a destination and a gateway to the greater Village." The proposed project, and in consideration of the proposed residential density, would be consistent with this Plan. (Chazen, *Limited Technical Review*, June 11, 2020, 13 – 15)

Subject Property – Site Plan

The subject property is a 1.18-acre flag lot located at 29 South Depot Plaza with access via a driveway that passes between a municipal parking lot and a vacant parcel owned by the Applicant, both located north of the site. South of the site is a paper recycling building which the warehouse building was previously associated with. This building would continue to be accessed by the subject parcel's driveway. The Applicant is proposing to use the foundation for the existing one-story metal warehouse building and build a mixed-use building containing 2,000 square feet of retail and 20,757 square feet of self-storage on the ground floor with 88 residential units on four floors above. The applicant has site plan approval for the conversion of the existing building into self-storage, but Applicant has revised the plans to include a retail and housing component to the project consistent with the goals of the Tarrytown Comprehensive Plan (*Tarrytown Connected*). The Project's unit mix is proposed to consist of 12 studios, 48 1-bedrooms and 28 2-bedroom units. The Project will include nine (9) affordable units consistent with Section 305-130 (*Affordable Housing*) with rents affordable for households whose incomes do not exceed 60% of the Area Median Income (AMI).

The Project will provide improvements and landscaping to the MTA Employee Parking lot adjacent to Franklin Courts and provide landscaping and LED dark-sky compliant lighting to the MTA commuter parking lots. The development will also provide pedestrian sidewalks linking Franklin Courts to the train station, train platform and to the Village's waterfront and park. A new 3,800 sf landscaped pedestrian plaza will be developed adjacent to the residential building and at the foot of the stairs to the train platform.

GML Review - The project was referred to Westchester County Planning on 7/23/19 . County Planning provided a GML review dated 8/2/19 which found the project to be consistent with the County's *Comprehensive Plan* because it would direct new residential development where public transportation can be provided efficiently, and where redevelopment can enhance economic vitality. Applicant has responded to County Planning's recommendation by providing a pedestrian circulation plan around the building and complete sidewalk connectivity between the site and the surrounding neighborhoods. Applicant has provided specifics of green building and other sustainable technologies. The Applicant has provided for recycling and bicycle parking.

Evaluation of Impacts and Mitigation Measures

MTA Parking Agreement – The MTA has agreed to provide the Applicant with a 49-year lease for the use of the parking lot with two 15-year options, for a total lease period of 79 years. The termination provision previously discussed has been eliminated. This term will be acceptable for financing purposes and should be acceptable for the Village. Previously, the proposed text was amended to read "*required parking can be provided on-site or on an adjacent property or alternative property within 1000 feet, provided that the applicant has a long-term agreement for parking satisfactory to the Village Attorney.*" This wording of "alternative parking within 1000 feet" is no longer needed and was deleted in the revised text. In order to obtain site plan approval, Applicant will have to be able to provide the written lease and the Village Attorney will need to be satisfied that the parking will be available for use by the tenants on a long-term basis. While other terms of the agreement with the MTA are still being finalized, the number of spaces and the term have been agreed to.

Parking Impacts - Parking for the development would be provided by 93 parking spaces designated for use by the residential tenants. There would be 14 on-site parking spaces with an additional 79 spaces provided in the adjacent MTA parking lots for the exclusive use of the project's residents. The 79 spaces are MTA spaces under Agreement for the Project's exclusive use. This results in a parking ratio of 1.05 spaces for the project. There are also two loading/parking spaces on the south side of the building for use by the self-storage facility. There are another 30 shared parking spaces in the MTA employee lot reserved for MTA employees between 5:00 am and 4:00 pm. These spaces are available for project residents in the remaining evening hours between 4:00 pm to 5:00 am and all time on the weekend. The Applicant also owns the adjacent Lot 37 which is 4,000 sf and has the potential of providing another 15 surface parking spaces if needed. The Parking Exhibit plan, dated, June 18, 2020 shows the configuration of the MTA commuter and employee parking lots and the number of spaces allocated to the project. Applicant proposes to reconfigure ingress/egress in the turnaround easement at the south end of South Depot Plaza for two-way traffic flow between the parking lot and South Depot Plaza.

The Chazen Report supported a parking ratio of 0.95 spaces for TOD residential units or 84 spaces. Applicant has increased its parking ratio to the 1.05 spaces per unit or 93 spaces exceeding the parking ratio in the Chazen Report. The consultant's shared parking analysis concluded that the Project's number of parking spaces available is more than the required parking spaces during peak parking demand.

Traffic Generation – the *JMC Trip Generation Analysis* shows that the transit-oriented development is projected to generate approximately 25 and 30 total vehicular trips during the peak weekday AM and PM hours. These projected vehicular trips represent one trip every 2.4 minutes during the peak weekday AM hour and one trip every 2.0 minutes during the peak weekday PM hour. The proposed TOD development's peak hour vehicular traffic represents 2-3% of the traffic volumes along Depot Plaza based on 2013 DOT traffic volume counts. The report concludes that the proposed TOD development is anticipated to generate a low amount of peak hour vehicular traffic due to the high level of transit utilization and will represent a very, small percentage of traffic which already exists on the area roadway network. Peak traffic in the station area is to the train station in the morning peak, and leaving the train station in the afternoon peak. Since residents will not be driving to the trains, there will be no addition to these peak movements. To the extent there is morning peak traffic, it will be away from the station area and in the afternoon peak, it will be to the area, the opposite of the peak traffic movements.

Green Technology – The proposed zoning code has added a provision indicating that the project shall comply with sound environmental sustainability standards. The Code provides guidance by including examples of such sustainable measures but does not limit the Applicant or the Board to these examples. The Code includes the following measures as examples for the Applicant including: 1) Use of solar panels for electric usage; 2) Use of geothermal sources to power heat pumps and air handlers; 3) Utilize *WaterSense* plumbing fixtures, drip irrigation and water submeters to reduce water usage; 4) Utilize energy star appliances, low VOC products, high efficiency filters, UV treatment for air handling units; 5) Utilize materials that have environmental product declaration as well as health product declaration and sound construction waste management; 6) project shall achieve an energy-efficient rating better than 15% of ASHRAE 90.1 standards.

Fiscal Analysis – The existing taxes for the subject property total \$65,704 annually. Of this total, the Village receives \$20, 446; the Tarrytown School District is provided with \$34,650 while the Town/County receive \$10,608. *The projected total yearly taxes* for the Project including the residential, retail, and self-storage is estimated to be \$562,090, an increase of \$496,386. The Village would realize \$134,902, an increase of \$114,456. The Tarrytown School District would receive \$354,117, an additional \$319, 467 in annual taxes while the Town/County receive additional annual taxes of \$68,085.

School Impacts - The TOD development is anticipated to result in a significant surplus to the Tarrytown School District. The Proposed Project is anticipated to provide a surplus to the School District ranging from \$96,839 to \$225,478, depending on the public-school age child generation rate used. It is anticipated that the contribution in taxes will be on the higher range because of the relatively few, if any, public school age children anticipated from the proposed project.

View Shed Analysis – *An Evaluation of Impact on Aesthetic Resources* was provided by Planning & Development Advisors (PDA) for the proposed project. This report reviewed impacts on the adjacent Franklin Courts community and upland properties. At the request of Village staff, Exhibit 5 in the report was prepared showing a relationship between the existing site and the surrounding topography. The yellow line on Exhibit 5 reflects elevation 65' which would be roughly equivalent to the top of a building that could be built under the proposed zoning (existing grade is 5', proposed building is 60' in height).

Staff also requested the view from MacArthur Lane. Evaluation indicated that there is extensive vegetation impeding the views looking west with no negative impacts on view sheds.

Environmental Constraints – Based on FEMA maps, the subject property is located in 0.2% annual chance Flood Hazard Area. The project will need to comply with FEMA flood hazard regulations. The site does not contain any wetlands nor any steep slopes or vegetation. The site also does not contain any reported spills in the NYSDEC Site Remediation Database. The Project is a redevelopment of an industrially zoned property.

Recreation Fees – The transit-oriented development will provide approximately \$900,000 in recreation fees to the Village Recreation Fund based on the 88 units proposed @ \$10,500 per unit.

SEQRA Determination of Significance – Based on the Planning Board's review of the LEAF, an analysis of Part 2 and a review of Applicant's submitted information including parking and traffic studies, information on other TOD Projects in Westchester County, fiscal analysis, view sheds, school children generation, green technologies, and density analysis, the *Chazen Technical Reviews* of Applicant's submissions including parking/traffic and density analyses and Westchester County Planning's GML review, the Planning Board has determined that the proposed action including the proposed zoning text and site plan for the proposed TOD redevelopment of the 29 South Depot property is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.