

Planning Board  
Village of Tarrytown  
Regular Meeting  
December 28, 2020 6:00 pm

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Birgy, Raiselis,  
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.\*\*\*

Dr. Friedlander called the meeting to order at 6:03 p.m.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the November 23, 2020 meeting as submitted.

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 unanimously approved 5-0.

Dr. Friedlander announced the two 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.  
Construction of a 64 Bed Alzheimer/Dementia Care Facility.

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 – Artis Senior Living – 153 White Plains Road**  
**Construction of a 64 Bed Memory Care Facility**

Mr. Galvin advised that the applicant, the Planning Board and Counsel have come to an agreement on the recreation fee and Mr. Pennella has incorporated his comments into the Resolution with regard to the sewer issue.

Mr. Birgy asked Counsel Zalantis to go over the details of the recreation fee.

Counsel Zalantis said the applicant has agreed to pay 15 % of the recreation fee to be applied to the 64 memory care units or it will be reduced to 10% if the applicant agrees to a restrictive covenant for a portion of its property closest to the aqueduct to open space/and passive recreation use only. She noted the findings in the resolution which support this.

Mr. Pennella commented on the sewer and said that there three areas that need repair. The applicant has committed to doing this work prior to getting a building permit. In case they choose not to do this work, they the applicant would have to submit a plan to connect to Route 119 which is the other alternative. The details of the areas that need repairs are outlined in a memorandum between Mr. Pennella and Rich Williams, the applicant's engineer and will become part of the resolution.

Ms. Whitehead asked if the sewer work could be done in conjunction with the other site work as part of the project prior to getting the building permit. This would avoid having the contractor set up twice. A brief discussion took place. Mr. Birgy suggested a bond to protect the interests of the village.

A discussion took place and Mr. Birgy suggested a bond to protect the village. The Board agreed to add the language in the resolution so that a site work permit can be issued followed by the building permit. Mr. Pennella said this is not uncommon for this work to take place simultaneously and he will work with the applicant. The language was added in the resolution on page 3, Item number 2, to include "for the structure", as follows: *"In the absence of fully replacing the sewer line from manhole 5 to 8 as depicted in the Sewer Repair Sketch dated 9/28/2020 prepared by Insite Engineering attached hereto, prior to the issuance of a building permit "for the structure" the applicant will perform the scope of work as outlined in the December 14, 2020 email from Rich Williams, Insite Engineers to the Village Engineer attached hereto."*

A sentence was also removed further down in the same paragraph which stated, "The developer shall enter into an agreement with the Village to undertake all improvements necessary for increased sewage flows since the sewer the language for the sewer has been specifically addressed".

Mr. Aukland asked if anyone in the public had any comment.

Mr. Ringel advised that no one is raising their hand.

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

Member Birgy: Yes

Chair Friedlander: Yes

All in favor. Motion carried: 5-0

Mr. Aukland read through portions of the Resolution and advised that a copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting.

#### **RESOLUTION**

#### **VILLAGE OF TARRYTOWN PLANNING BOARD**

**(Adopted December 28, 2020)**

#### **Application of Artis Senior Living of Tarrytown**

**Property: 153 White Plains Road (Sheet 1.201, Block 121, Lots 5 and 12; and**

**A/D Floating/Overlay Zone in the OB District**

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

#### **Background**

1. The Applicant, Artis Senior Living of Tarrytown, requests site plan approval for the construction of a 64 bed Alzheimer/Dementia Care Facility at 153 White Plains Road in the A/D Floating/Overlay Zone in the OB District. The proposed facility will be a two-story, 35,656 sf building providing 45 parking spaces on a 4.6-acre site.

2. On November 14, 2017, Applicant submitted a zoning text amendment to the Board of Trustees to create a floating/overlay zone to allow for an Alzheimer/Dementia memory care facility in the OB, LB and MU zone within 350' distance from Route 119. This zoning text amendment was proposed to support the Applicant's plans to construct a 64-bed Alzheimer's/Dementia memory care facility located wholly on the 153 White Plains Road parcel. The Board of Trustees referred the petition for the zoning text and site plan to the Planning Board on April 26, 2018.

3. The Planning Board held a public hearing on the zoning text amendment and site plan on May 30, 2018. Planning Board declared its intent to be lead agency, declared the proposed action to be a Type I action, made a positive declaration and requested the Applicant prepare a Supplemental Draft Environmental Impact Statement (SDEIS).

4. The Planning Board conducted a detailed review of the Applicant's SDEIS and after closing the public hearings on the SDEIS, directed the Applicant to prepare an FSEIS. The Applicant submitted the FSEIS to the Planning Board on September 20, 2019. The Planning Board determined that the FSEIS adequately addressed the comments provided during the public hearing process on the SDEIS and was complete. The Planning Board made its Findings Statement on October 28, 2019 and closed the SEQRA process. The Planning Board provided a positive recommendation to the Board of Trustees on October 29, 2019.

5. On November 18, 2019, the Village Board adopted Local law No. 11 of 2019 amending the Village's Zoning Code to adopt the A/D Floating/Overlay Zone and applied the A/D Floating/Overlay Zone to the property located at 153 White Plains Road in the OB District.

6. The Planning Board opened a duly noticed public hearing on the Applicant's site plan application on January 27, 2020 and continued the public hearing on February 24, 2020, March 23, 2020, April 27, 2020, June 22, 2020, July 27, 2020, August 24, 2020, September 30, 2020, November 23, 2020, and December 28, 2020, at which time all those wishing to be heard were given the opportunity to be heard.

7. The Planning Board has carefully examined the Application including the Applicant Engineer's Cover Letters responding to Hahn Engineering's stormwater reviews dated March 5, 2020, June 4, 2020 and July 9, 2020, from Paul Folger, Project Architect with LK Architects, in a letter dated September 8, 2020 describing the schematic photovoltaic rooftop solar collectors input and the project's sustainable Design Elements, from the Consulting Village Planner in memoranda detailing site plan issues dated November 11, 2019 and June 12, 2020, and comments/recommendations in memoranda dated January 13, 2020, February 12, 2020, March 10, 2020, April 13, 2020, July 14, 2020, September 14, 2020, October 14, 2020, November 12, 2020 and December 15, 2020, from the Village Landscape Consultant in Landscape Reports dated January 29, 2020, June 15, 2020, September 29, 2020, and November 18, 2020, from Hahn Engineering's stormwater reviews dated February 11, 2020 and July 17, 2020, from Insite Engineering's responses to landscape reviews dated November 5, 2020, from the Tarrytown Fire Department review dated August 18, 2020, from Westchester County Planning's GML review dated May 11, 2018, and comments by the Village Engineer regarding sewer design and improvements which they have considered.

8. The Applicant has provided a *Steep Slopes Narrative* dated January 9, 2020 addressing the criteria in §305-67. The area to be occupied by the memory care facility, parking areas, driveways and related improvements covers approximately 6.7 percent or 13,564 square feet of the total site consisting 202,253 square feet or 4.6 acres. Approximately 37 percent of the steep slopes area of the property will be disturbed with 63 percent of the steep slope area remaining.

9. The Village Landscape Consultant with input from the Tree Warden provided a *Tree Valuation Report* dated October 15, 2020 in which costs were calculated for the trees to be removed on the site by the Applicant. The total compensation for tree removal was calculated at \$79,856 to be paid into the Village Tree Fund. The compensation was reduced by \$4,399 to account for tree loss and damage due to August storms. This results in a net compensation of \$75,457 to be paid into the Village Tree Fund prior to issuance of a building permit.

10. The Planning Board closed the public hearing on December 28, 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)(a) and (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 January 9, 2020 is made part of the findings of the Planning Board and described below:

The Narrative provided evaluates the proposed steep slopes disturbance associated with the subject project and addresses the criteria for granting a waiver for steep slope disturbance. The *Lead Agency's SEQRA Findings Statement, Village of Tarrytown, adopted by the Village of Tarrytown Planning board*, recognized the proposed development would not result in any adverse impacts related to topography and steep slopes because:

- a. The site area is 202,253 sf or 4.6 acres
- b. The project will result in the removal of natural vegetative cover material, disturb approximately 2.3 acres, and leave 2.3 acres undisturbed.
- c. The area of steep slopes (25% or greater) is 36,292 sf. or 17.9% of the total site.
- d. Area of steep slope disturbance is 13,564 sf. or 6.7% of the total site.
- e. Approximately 37% of the areas that are greater than 25% slope will be disturbed with 63 percent remaining undisturbed.
- f. An Erosion and Sediment Control Plan has been designed in accordance with the *New York Standards and Specifications for Erosion and Sediment Control* (Blue Book), November 2016. The

Erosion and Sediment Control Plan addresses temporary stabilization throughout construction and permanent stabilization through construction and permanent stabilization through the construction of engineered retaining walls thereafter.

In accordance with the Village of Tarrytown Code Section 305-67 (F) (1) (a) and (b), it is understood that the following items are to be addressed for granting a waiver for steep slope disturbance. Relative to 305-67 (F) (1) (a):

As recognized on Page 11 of the Finding Statement, the proposed development will serve an essential health or safety need of the municipality. Specifically, *“There is a demonstrable need for these facilities within the Village which are not currently permitted by the zoning code. The proposed A/s Floating/Overlay Zone will allow small facilities for Alzheimer’s Care to be built in the Village, subject to specific certain Conditions, which limit the location of such certain facilities to a certain appropriate area.*

Additionally, the Finding Statement indicates on page 20, *“Based on the foregoing, the Planning Board finds that as to Topography and Steep Slopes, The Project will not create any significant adverse environmental impacts and will avoid or minimize the adverse environmental impacts in this subject are to the maximum extent practicable.*

In accordance with 305-67 (F) (1) (a) [1], Artis Senior Living will serve an essential health need of the municipality such that the benefit of the proposed use overrides the importance of the protection of the slope area. This is based on the foregoing environmental review as well as the mitigation measures provided on the erosion and sediment control plan. These measures will protect the steep slopes both during and after construction to the maximum extent practicable.

Not only satisfying the criteria above, relative to 305-67 (F) (1) (b) the application meets the following criteria:

**Neighborhood Character:** Granting the waiver will not result in an undesirable change in the character of the neighborhood. As mentioned in the findings statement, the purpose of the proposed development is to provide an appropriately licensed residential facility that provides supportive services and 24-hour care for people suffering from Alzheimer’s disease or dementia. As the older population continues to increase, there is a growing need for facilities to care for those affected with such diseases. The proposed development would provide a method to address such necessity. The proposed project is surrounded by the commercial development along NYS Route 119 and Martling Avenue, as well as residential development on Martling Avenue. The proposed development is an ideal transition use in that is a commercial operation with residential architecture. Thus, it forms the ideal transitional use between commercial and residential uses. Therefore, the proposed development will not create a negative impact to the character of the neighborhood.

**Alternate Feasible Method to achieve benefit sought by applicant:** The Site Development plan tries to minimize the amount of disturbance on Steep slopes. As mentioned above, the subject property consists of approximately 4.6 acres and the area of steep slope disturbance is only approximately 0.3 acres (or 6.7% of the total site). Also, to the west of the property is the Old Croton Aqueduct Trail. The proposed building and site development have been moved as far

away from the trail (east) as possible to prevent any negative visual impacts. Finally, there is an existing micropool extended detention basin located on the westernmost portion of the project site adjacent to an existing wetland. All adjacent development is separated from the pond by a minimum of 100 feet and 200 feet from the existing wetland. Therefore, the existing site features and topography will not allow the applicant to pursue other methods that do not require a steep slopes waiver.

***Impact on Other Properties:*** As mentioned above the property is bound by an existing micropool extended detention basin. The basin has been designed for stormwater management and provides a stormwater buffer to the adjacent wetland and Old Croton aqueduct. Also, an Erosion and Sedimentation Control Plan has been designed in accordance with the Blue Book. The Erosion and Sedimentation Control Plan has been designed to minimize the extent of disturbance and minimize the amount of soil and stormwater runoff leaving the site during construction. However, if erosion issues do arise the basin provides protection of downstream property owners. The proposed development includes proposed post-construction stormwater practices to treat and attenuate runoff from the subject property. The proposed stormwater management practices include a bioretention filter, grassed swales, and porous pavement parking areas. Therefore, the waiver will not result in any damage or flooding to the surrounding properties or improvements in the area.

***Consistency of Project with Intent of the Steep Slopes Chapter:*** The intent of the Village of Tarrytown Code Section 305-67 has been specified to define and quantify environment and aesthetically sensitive characteristics of the Village of Tarrytown. The proposed development has made every effort to protect the surrounding environmental resources such as the existing wooded areas predominantly located on steep slopes to remain undisturbed, existing wetland and Old Croton Aqueduct. Also, the proposed development has utilized green infrastructure practices included a bioretention filter, bio-swales, and porous pavement to treat and attenuate stormwater onsite without providing any negative environmental impacts. Finally, the final landscape plans have been designed to mitigate the tree loss and are in accordance with the Village of Tarrytown regulations. The proposed landscaping will not only provide an aesthetic improvement but also an increase in shrub variety for wildlife, while removing invasive species deteriorating the viewshed of existing historic walls. Therefore, the proposed development will be consistent with the purposes, objectives, or general spirit of the Village of Tarrytown chapter.

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 extensively reviewed the Applicant's application. The subject property is a vacant site located at 153 White Plains Road with access along Marling Avenue. The Property consists of approximately 4.6 acres and is located in the recently zoned A/D Floating/Overlay zone. The underlying

zoning is OB (Office Business) along Route 119. The proposed facility will consist of a 64-bed memory care facility. The building will be a two-story, 35,656 sf building providing 45 parking spaces on a 4.6-acre site.

The Project Site contains 4.6-acres and is a moderately wooded lot with an asphalt pavement path bisecting the site, which the Applicant proposes to be used for construction of a 64-bed, two-story Alzheimer's and Dementia Care Housing facility consisting of 35,656 sf. The proposed project includes the construction of three retaining walls, stormwater management areas, trash enclosure, and associated new pavements, landscaping, enclosed garden area and utilities. The property, formerly the site of a private library demolished in about 1920, has remained undeveloped for nearly 100 years. The portion of the property proposed for development is approximately 2.3 acres. Of the 4.6 acres, approximately 2.3 acres shall be cleared leaving approximately 2.3 acres undisturbed.

The Project Site is located one quarter mile due east of the intersection with U.S. Route 9 (South Broadway). The Project Site has no frontage along Route 119 but is accessed from Route 119 via a shared driveway with the two existing medical office buildings located at 155 White Plains Road. Pedestrian connectivity will be provided from the Route 119 bus stop to the site via existing sidewalk access through the 155 White Plains property and crosswalks leading to a newly constructed sidewalk to the Artis facility. The Project Site has 462 feet of frontage along Martling Avenue, but no vehicular access from Martling Avenue will be permitted except for emergency vehicle access. And for this emergency access, the Applicant envisions utilizing a fob-controlled gate for the use of police, fire, and ambulance responders.

The proposed landscape plan shows the placement and size of the proposed planting of new replacement trees. The proposed planting has been placed to add screening along the south, west and north sides of the subject property. Specific attention has been taken to provide visual screening of the proposed project from Martling Avenue to the north, the Old Croton Aqueduct Trail to the west and the Marshall Cavendish property to the south. There is an existing micropool extended detention basin located on the westernmost portion of the Project Site adjacent to an existing wetland. The micropool has been designed for stormwater management and provides a natural transition from the wetland and woods adjacent to the old Croton Aqueduct to the developed areas to the north, south, and east. All adjacent development is separated from the pond by a minimum of 100 feet of horizontal distance. The wetland is a 1,200-sf area in the southwest corner of the site. The wetland is more than 200' distant from the nearest proposed soil disturbance.

The proposed building will be located towards the rear of the site. Parking will be to the east and south of the building. Primary vehicular access to the site would be through 155 White Plains Road to the east (via a new access easement with the owner and Artis). Secondary access for emergency purposes only will be provided from Martling Avenue. The primary entrance to the building will be via an entrance lobby on the south side of the building. Additional visitor and employee entrances would be located at the eastern and western sides. An enclosed garden for patients would be provided on the northern side of the building. To prevent any potential negative visual impact on the Old Croton Aqueduct Trail, the proposed building has been moved as far away from the Aqueduct Trail as possible. Due to this mitigation, the closest point of the proposed retaining wall will be located 246 feet from the Old Croton Aqueduct Trail.

The streetscape along Martling Avenue, including addition of new vegetation and removal of existing vegetation has been revised based on conversations with the Village and its Landscape



Consultant. Additional native planting has been added to this area to supplement the removal of some of the existing vegetation. Additional plantings are shown at the base of the terrace wall and the tree caliper has been increased. The planting has been modified to showcase the stone pillars and stone wall. Lawn is proposed between the Martling Avenue and the stone wall to create an uninterrupted view. Flowering dogwoods are planted around the pillars to highlight the area but maintain a line of sight to the pillars under the canopy. Notes have been added to address the treatment of the stone walls and pillars. Additional planting has been added between the emergency driveway and Martling Avenue to further screen the parking lot from the street. In addition, the existing trees between the existing porous parking lot and proposed porous parking lot will not survive the construction of the retaining wall and will be removed and replaced with a type of Tulip Tree. The primary evergreen proposed on the terrace wall is drought resistant and is placed to screen both the wall and the fence. Vines have been placed along the wall in locations where maintenance can easily occur in order to facilitate and control growth.

Applicant's architects provided a revised roof plan w/solar panels showing 400w commercial PV panels. The revised roof plan provided a total of 76 solar panels. The revised roof plan increases the percentage of power for the building from less than 5 percent to 9 percent. The architects provided a list of sustainable design elements including items such as an energy efficient building envelope, high albedo roofing membrane system to reflect solar heat and reduce the HVAC cooling demand, placement, and sizing of windows to maximize interior daylighting, LED lighting fixtures, interior finishes choosing low or zero VOC paints, stains, and varnishes, etc.

With respect to sewer impacts and capacity concerns, the applicant/developer performed internal televised sewer inspections for the 10" sewer line serving the Martling Avenue properties. The inspection revealed that improvements and/or modifications are required to permit any additional capacity to be added to the existing system. The Village Engineer has discussed the proposed improvements including among other items manhole rehabilitation at the intersection of Prospect Avenue and Broadway) and new pipe extension.

The Village's Comprehensive Plan (*Tarrytown Connected*, adopted November 2018) highlights that the continuing and equitable maintenance of parks and other open space assets represents a priority and challenge that requires ongoing management and creativity by the Village. It is important for the Village to consider how funding sources can better support and expand current maintenance efforts (*Tarrytown Connected*, p. 94). The record provided testimony from the Applicant that the unit's occupants are not constrained to the site and specific testimony was given about how visitors to these facilities take their relatives off-site to Village Parks and waterfront access. These activities are considered by the facility as beneficial for the facility's residents. Facility employees can also enjoy Village Parks and recreation areas during lunch hours or other break times from work. While the NYS OCA trailway is adjacent to the property, there are no other passive Village Parks or waterfront access in the immediate vicinity of the site. Based on the Village Comprehensive Plan which highlighted the need for support and expansion of current park maintenance efforts and the record established during the Board's review, the Planning Board has found that there will be some increase in recreational park usage by facility residents.

Artis provides daily programming including entertainment, music, exercise and activity rooms, common areas including living rooms, craft rooms, social programming activities including art, poetry, dance, book clubs, walking clubs, and games for the residents as well as a passive outdoor recreation landscaped area with benches and walking areas. In recognition of: (i) the existence of on-site recreation, including a self-contained garden area without access to other parts of property that will be utilized by the memory care residents and will be the primary on-site exterior recreation area for the memory care residents; (ii) the facility's use for only memory care residents with no other component including assisted living units, and (iii) the supporting record that there will be some limited use made of the Village Parks and waterfront access paths, the Planning Board finds it appropriate given the particular circumstances of this Application to reduce the recreation fee to 15 percent of the recreation fee to be applied to the facility's 64 memory care units or to 10 percent if Artis and the Village enter into a restrictive covenant in a form acceptable to the Village Attorney restricting a portion of its property closest to the Aqueduct to open space and passive recreation use only.

## 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 *Artis Senior Living of Tarrytown, 153 White Plains Road, Village of Tarrytown Westchester County, New York* prepared by Insite Engineering dated January 28, 2019 and last revised November 5, 2020 unless otherwise noted entitled:

- EX-1 *Existing Conditions Plan*
- OP-1 *Overall Site Plan*
- SP-1 *Layout Plan*
- SP-2.1 *Grading & Utilities Plan*
- SP-2.2 *Grading & Utilities Plan*
- SP-3.1 *Landscaping Plan*
- SP-3.2 *Landscaping Plan*
- SP-4 *Tree Removal Plan*
- SP-5 *Erosion and Sediment Control Plan*
- PR-1 *Stormwater Profiles*
- PR-2 *Sewer & Water Profiles*
- D-1 *Details*
- D-2 *Details*
- D-3 *Details*
- D-4 *Details*
- D-5 *Details*
- *Stormwater Pollution Prevention Plan (SWPPP), Artis Senior Living of Tarrytown, 153 White Plains Road, Village of Tarrytown, New York* prepared

by Insite Engineering, dated January 30, 2019 and revised March 5, 2020 and last revised July 9, 2020.  
(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 the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the Artis Senior Living Facility at 153 White Plains Road, 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.
- (2) In the absence of fully replacing the sewer line from manhole 5 to 8 as depicted in the Sewer Repair Sketch dated 9/28/2020 prepared by Insite Engineering attached hereto, prior to the issuance of a building permit for the structure, the applicant will perform the scope of work as outlined in the December 14, 2020 email from Rich Williams, Insite Engineers to the Village Engineer attached hereto. The scope of work including the three areas identified for repair and inspection and evaluation shall be performed to the satisfaction of the Village Engineer for establishing a new sewer connection to Martling Avenue. If the applicant does undertake the sewer repairs on Martling Avenue and desires to connect to the municipal sewer system on Route 119, approvals for such connection shall be made to the satisfaction of the Village Engineer/Building Inspector.
- (3) Based on the Planning Board's findings that in recognition of: (i) the existence of on-site recreation, including a self-contained garden area without access to other parts of property that will be utilized by the memory care residents and will be the primary on-site exterior recreation area for the memory care residents; (ii) the facility's use for only memory care residents with no other component including assisted living units, and (iii) the supporting record that there will be some limited use made of the Village Parks and waterfront access paths, the Planning Board finds it appropriate given the particular circumstances of this Application to reduce the recreation fee to 15 percent of the recreation fee to be applied to the facility's 64 memory care units or to 10 percent if Artis and the Village enter into a restrictive covenant in a form acceptable to the Village Attorney restricting a portion of its property closest to the Aqueduct to open space and passive recreation use only. The location for any conservation area shall be approved by the Planning Board. The recreation fee must be paid before the issuance of the building permit.

- (4) The Village Landscape Consultant with input from the Tree Warden prepared a *Tree Valuation Report* dated October 15, 2020 calculating the replacement costs for the trees to be removed on the site by the Applicant. The total compensation for tree removal was calculated at \$79,856. The compensation was reduced by \$4,399 to account for tree loss and damage due to August storms. This results in a net compensation of \$75,457 to be paid into the Village Tree Fund prior to issuance of a building permit.

Dr. Friedlander would like to define the actual size of the property that the applicant will be proposing as the restrictive covenant. Ms. Whitehead said it was not clearly defined but it would extend from the westerly property line adjacent to the aqueduct for a certain number of feet. A brief discussion took place, Ms. Whitehead showed the area in question, the retaining wall, and the pond area. Counsel Zalantis explained that this covenant runs with the land and it can only be used for passive recreation and stormwater as approved. Ms. Whitehead said they are happy to provide this to the Planning Board at a work session for their approval. The Board agreed and it was decided that the applicant would submit the area on a map to the Planning Board. Language will be added to the resolution to include, and area "to be approved by the Planning Board."

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

Dr. Friedlander asked for a roll call vote:

Member Raiselis: Yes

Member Aukland: Yes

Member Tedesco: Yes

Member Birgy: Yes

Chair Friedlander: Yes

The site plan application was approved: 5 -0

CONTINUATION OF PUBLIC HEARING—Sunrise Development Inc.- 99 White Plains Rd.  
Referral by Board of Trustees for review and recommendation of a Zoning Petition to permit "Service Enriched Assisted Living Housing" and 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.

Mr. Galvin reported that he has revised the Negative Declaration on page 5 to include findings for the reduction in the payment of the recreation fee. The recreation fee has been determined to be 20% of the units proposed and should be paid prior to the issuance of a building permit.

Counsel Zalantis advised that the applicant has made a request to the Board to consider breaking up the payment of the recreation fee to allow for 50% to be paid prior

to the issuance of the building permit and the remaining 50% prior to receiving a certificate of occupancy. If the Board agrees, this could be addressed in the context of the site plan and the language could be taken out of the Negative Declaration.

Mr. Birgy said that it will be 2 and a half years out before the project is completed and that is a long time without having money coming to the village. Mr. Pennella agreed and said from the Building Department perspective, administratively, paying these fees up front is the right way to do it. Mr. Galvin agreed and said that sometimes these fees get lost in the administrative process and advised Ms. Raiselis that this is the standard that the village uses for the payment of recreation fees.

Ms. Raiselis agreed and said that the applicant is already getting a reduced fee. Mr. Birgy would like to keep it clean and have the applicant pay the total fee up front.

Brad Schwartz, the applicant's attorney, respectfully said the reason for this is in light on the amount of the fee given the nature of the project. The village will still get \$85,000 up front, and in terms of tracking, it could be placed on the building permit so that it must be paid before they close out the project.

Mr. Birgy feels that based upon a \$25 MD project, this fee is a relatively small amount of money in terms of the construction. The village could use the money and this would be a show of good faith on the applicant's part, to move it along sooner than later.

Andy Coehlo said they will work with the village, but noted that their residents will not partake in recreation until they do move in.

Dr. Friedlander said the recreation fee has been reduced and he feels it is a fair settlement. He feels it is belittling to negotiate this in public. The Board does not want to treat anyone differently or set any precedent and he does not want to go down that path.

Mr. Schwartz agreed to the original terms to pay the recreation fee prior to the issuance of a building permit. Dr. Friedlander thanked Mr. Schwartz.

Dr. Friedlander asked if anyone in the public would like to speak.

Mr. Ringel announced the instructions to speak and noted that this is the 99 White Plains Road project.

Tom Coughlin tried to connect for public comment but was unsuccessful.

Ms. Raiselis asked Mr. Pennella to discuss the potential impact and mitigation of the sewer system. Dan Pennella said they could connect on Route 119 where there may have some capacity issues. They have the option to do an analysis and undertake repairs at this location. Another option, which is the preferred option for the village, would be to connect in the back of their property to Martling Avenue. This would require securing an easement from Artis Sr. Living and he noted that this sewer also requires some improvements. The less impactful option for the village would be to hook into Martling Avenue to mitigate the traffic impacts which would result from the construction on Route 9. This construction period could be as long as 2 months versus about 3 weeks for the Martling Area connection.

Dr. Friedlander inquired whether or not there was still some conversation with Artis about a joint sewer project.

Mr. Schwartz said they are working with Artis to come up with a joint solution and there is language in the Negative Declaration that this be studied as a preferred option. The Route 119 option is only if the Martling Avenue connection does not materialize.

Mr. Schwartz confirmed with Dr. Friedlander that they have extended the paths on each side of the retaining walls so that the residents can walk in this area.

A brief discussion took place about the services provided by the facility. Dr. Friedlander asked if the applicant if their residents have any input to make suggestions for improvements on site in their daily lives.

Mr. Coelho said that it is a rare occurrence that suggestions are made and there is no residence council or grounds committee. He also noted that they do not directly provide medical care to their residents but they do coordinate the care. Mr. Schwartz said the ample onsite recreation has been provided and if a request came up, they would certainly accommodate the resident or their family.

Mr. Ringel advised that Mr. Coughlin is connected and ready to comment.

Tom Coughlin, a resident of Sunnyside Avenue, asked if the site will have any vehicular access from Martling Avenue or any emergency access. Mr. Pennella said there will be no access at all from Martling Avenue; the only access will be from NYS Route 119.

Mr. Tedesco read through portions of this Negative Declaration, a copy has been provided to the applicant and the entire Negative Declaration will be provided as "Attachment A" to these minutes.

Mr. Tedesco moved, that it is the conclusion of this Board, as Lead Agency, that this project will not result in any significant adverse impacts on the environment and that a Negative Declaration be issued for this action, seconded by Mr. Aukland.

Dr. Friedlander asked for a roll call vote:

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

The Negative Declaration was approved: 5-0

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board recommend the adoption of the proposed zoning amendments to the existing AD/Floating Overlay Zone.

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. Motion carried: 5-0

Mr. Tedesco advised the public that the Board of Trustees will need to consider the adoption of the zoning text amendment and, if the zoning is adopted by the Board of Trustees, it will return to this Board for a full site plan review.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue this public hearing at the appropriate time.

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. Motion carried: 5-0



**NEW PUBLIC HEARING – Dennis Noskin/RA o/b/o YMCA - 100 Marymount Avenue**

Approval to relocate the YMCA Day Care Program to the E.F. School at Lugari Hall.

Dr. Friedlander read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Orders 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m. on Monday, December 28, 2020**, to hear and consider an application by:

Dennis Noskin, RA  
100 White Plains Road  
Tarrytown, NY 10591

For site plan approval to allow for the relocation of the YMCA Day Care Program to the E.F. School Campus – Lugari Hall Building.

The property is located at 100 Marymount Avenue is shown on the tax maps as Sheet 1.80, Block 43, Lot 1.1 and is in the R-20 Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/32741> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

**Public Written Comments** will be received in advance of the meeting no later than 12 Noon on Tuesday, December 22, 2020 by email to: [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com)

or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

**Documents** relating to applications will be provided in advance of the meeting by emailing [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

Additional approval will be required by the Board of Trustees.

Lizabeth Meszaros

Secretary to the Planning Board

December 18, 2020

The mailing receipts were received and the public hearing notice sign was posted.

Gerry Riera, Director of the YMCA, appeared before the Board and advised that the YMCA is engaged in selling their current location at 62 Main Street and need a relocation plan for the Day Care Program. The EF school became a viable option for them to relocate our childcare services, which includes infants, toddlers, preschoolers,

and in-school aged children. They have had an ongoing relationship with EF school dating back several years and they have been nice enough to engage with them and potentially provide one of their school buildings, Lugari Hall, as a location for their child care services. In order to gain licensure by the New York State Office of Children and Family Services, some interior modifications have to be made, namely, adding a bathroom so that they can accommodate the number of children served by this program. He introduced Dennis Noskin to briefly go over the interior modifications.

Dennis Noskin, RA, is before the Board to seek site plan approval to allow the YMCA Day Care Program to operate at the Lugari Hall building on the E.F. Campus. Looking from Marymount Avenue, the Lugari building is on the south side of the campus. Access to the site would be from the guard house and a either a sticker or device will be given to their staff and caregivers. The area that they will be using is considered the basement but the entire space is above grade. There is approximately 7,100 s.f. of usable space. In the back of the building there are 24 parking spaces with a drop-off area. The program will consist of toddlers, preschooler's and school age children. He noted the floor plan which he submitted which showed the different spaces for each group of children. They are proposing minor modifications to the space to include bathroom alterations and the installation of partitions for each group.

Dr. Friedlander asked how many children will be in the program. Mr. Riera said they have about 20 preschoolers and 30 school age children for a total of 50 children.

Dr. Friedlander asked if there were any health code or state education code requirements that have to be met.

Mr. Noskin said that the New York State Office of Family Services has specific guidelines to calculate the amount of square footage that they need to provide to each child based on their age. These calculations are on the plan. There are other considerations, including natural light, egress requirements, and that the building be sprinkled, which it is.

Dr. Friedlander asked about the specific COVID requirements. Mr. Riera said that masks are required by all staff and participants and staff is tested on a regular basis for COVID. They are not allowing any adults other than the staff and children into the area; there is a drop off and the children are being escorted in by the staff. There is a staggered start of the day and a staggered dismissal to lower the traffic flow and minimize the interaction between people. And again, they also have to provide the required square footage per child. They are currently operating at a 25% capacity of what the actual code is for our program in order to create greater social distancing.

Mr. Tedesco noted two letters received with regard to this application. The first one is from the applicant addressing the parking requirements on site. The second letter is a from the Vice President of the EF School, expressing their support for the relocation of the Day Care Center to the EF campus.

Mr. Noskin addressed the parking. The original area downstairs was classroom and office space and according to the zoning code, the allowance is one space for every 300 s.f., giving you 24 spaces. They are showing that 23 spaces will be required for the staff and they also have parking on the other side of the building, if they had to create additional visitor parking. So, there is a plethora of parking.

Mr. Aukland asked about the timeframe for pickup and drop-off of the 50 children. Mr. Riera said that there is a 3-hour window for pickup and drop-off. In the morning, drop-offs are between 7 am and 10 am and, in the evening, it is anywhere from 4 pm and 7 pm. Mr. Aukland thanked the applicant and wanted to clarify for the record that the additional traffic will not be a hazard to the area.

Ms. Raiselis asked how they intend to get the children up to the EF Campus if their parents don't drive. Mr. Riera said that some do walk to the current facility and frankly, they are not sure since they haven't shared this with their population just yet. They have been searching for the last several months for a possible space and they have not found any space in the inner village that will work based on the requirements that are needed. Parking and traffic are obviously a big part of this equation. EF school is really the only site that will work at this time. He does not know the answer and whether or not those children who now walk to their site would be able to continue to participate. There are a couple of kids in the neighborhood that do walk. The school aged children are bused by the Tarrytown Schools so they do have the transportation. There are about 20 preschoolers that are in question as to whether or not they will be able to have access to the school.

Ms. Raiselis said that is a large part of the population. Mr. Aukland suggested the possibility of utilizing the shuttle that EF used to have. Ms. Raiselis said that could work if a parent could accompany them and be shuttled back. It is worth asking EF if there could be some sort of arrangement. It would be a shame if those people who are having a very hard time now lose the daycare because they don't have the means to get them to the school. Mr. Riera noted that they did operate their facility at the Tappan School about 4 years ago without these transportation issues but they have a different population now and it is a different time. Currently, due to COVID, they have reduced the staff and their staff members do have transportation to the site. There are 23 employees needed for the program but Mr. Riera also noted that there are only 3 full time employees, the rest are all part time, and they are not all working at the same time.

With regard to the traffic impact, Mr. Pennella said that the site could handle over 22 cars on site so there will not be any stacking out to Marymount Avenue during drop-off or pickup. Mr. Aukland added that the window for pickup and drop-off is spread over 3 hours in the morning and the evening so there should not be a problem.

Dr. Friedlander is more interested in the peak load time. Mr. Aukland agreed that there are no details but did note that if 22 cars can be accommodated, then that is half of the population and there is that 3-hour window.

Mr. Riera said they currently have 14 spaces for the day care drop-off at 62 Main and they have never had any issues with parking.

Dr. Friedlander said we can all agree that this day care is a very important function for the community. If there are no problems, then we should try to move this forward.

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

Sister Maria Timoney, a member of the Sisters of Sacred Heart, the neighboring property owners at Marymount Convent, called in to express their support for this application. She said that it has already been indicated that this is a very important service in the community and they want to be on record to support this application.

Tom Coughlin, who lives at 60 Sunnyside Avenue, near the Lugari Hall said he is not opposed to the application. He noted that the project size, in terms of participating children and staff is lower than it could be when COVID restrictions are lifted. Right now, there are 50 children and about two dozen staff, although not all there at the same time, because many of them are part-time. He would like to know under the terms of this proposal and application, how large those numbers could be after COVID.

Mr. Riera said that this space could not gain licensing for greater than 70 children, maximum, based on the existing square footage. The other side of that is that this is a temporary arrangement due to the minimum size that we currently have. They are currently discussing a lease with EF that would go no further than June 2022. Essentially, they are looking at an 18-month timeframe at such time they assume that EF will resume their normal operations in terms of having their students back. At that point in time, we would have to find our permanent location.

Mr. Coughlin asked, in terms of staff parking on campus, when Fordham was operating the campus, they imposed rather stiff parking fees on the staff and students which drove them to park on local streets. He is assuming that their staff will be able to park without fees. Mr. Riera said they have not discussed this issue with EF but no parking fee was mentioned. Essentially, the parking spaces come with the rental of the space.

Mr. Coughlin wanted to confirm that there will be no vehicular access for the program through either the Union Avenue gate at the end of Highland Avenue, or the Irving Avenue driveway in the back of the campus.

Mr. Noskin confirmed that the Union Avenue gate will remain locked to the best of my knowledge and there is a gate across a driveway on Irving Avenue that is prohibiting any through traffic. The only access will be through the gate house.

Mr. Ringel advised that there is no more public comment.

Mr. Galvin advised that this is a Type II action and that a compatible use permit needs to be approved by the Board of Trustees before this Board can take action.

Mr. Pennella advised that the applicant has already made a request to the Board of Trustees for a compatible use permit to operate the day care at the EF School. The Board of Trustees will need a recommendation from this Board endorsing the project, and if approved, the applicant will return back for final site plan approval. Mr. Galvin will prepare a recommendation for the Board.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action, with no further environmental review required under SEQRA.

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. Motion carried: 5-0

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. Motion carried: 5-0

Counsel Zalantis asked the Board to vote to recommend a compatible use permit to the Board of Trustees.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board make a positive recommendation to the Board of Trustees to approve the needed compatible use permit to operate at the EF Campus – Lugari Hall location.

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. Motion carried: 5-0

Dr. Friedlander would like to stress the need for this to be approved as soon as possible so that this can be accomplished as fast as possible.

Mr. Tedesco asked Mr. Galvin to prepare a draft resolution for the January meeting. Secretary Meszaros will forward the applicant's request to the Board of Trustees for a compatible use permit. Mr. Riera noted that there is a sale date this March and asked if this could be approved at a work session. Mr. Birgy would also like to see this application move as fast as possible. A brief discussion took place and Counsel advised that this matter will be discussed at the Board of Trustees work session. The Board of Trustees will hold the public hearing prior to the January 25, 2021 Planning Board meeting and the applicant can then return to the Planning Board for consideration of site plan approval at its January 25, 2021 meeting.

NEW PUBLIC HEARING – Ferry Landings LLC – 41 Hudson View Way  
Additions and Alterations to the existing building to provide for 32,023 s.f. of office space and other related site improvements.

Dr. Friedlander read the following public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Orders 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m.** on **Monday, December 28, 2020**, to hear and consider an application by:

Ferry Landings, LLC  
485 West Putnam Avenue  
Greenwich, CT 06830

For site plan approval for additions and alterations to the existing building to provide for 32,023 s.f. of office space and other related site improvements.

The property is located at 41 Hudson View Way and is shown on the tax maps as Sheet 1.40, Block 4, Lot 13 and is in the WGBD Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/32741> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

**Public Written Comments** will be received in advance of the meeting no later than 12 Noon on Tuesday, December 22, 2020 by email to: [lmesaros@tarrytowngov.com](mailto:lmesaros@tarrytowngov.com) or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

**Documents** relating to applications will be provided in advance of the meeting by emailing [Imeszaros@tarrytowngov.com](mailto:Imeszaros@tarrytowngov.com) or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

Additional approval will be required by the Architectural Review Board.

Lizabeth Meszaros  
Secretary to the Planning Board  
December 18, 2020

The mailing receipts were received and the public hearing notice signs were posted.

Lynn Ward, Attorney, representing the applicant, appeared with her colleague, Lauren Calabria. She introduced Ulysses Montez, the project architect, with Lessard Design, the original architects of the entire Hudson Harbor Development. The applicant is seeking site plan approval for the renovation of an existing building, known as the Cooney Building, located at 41 Hudson View Way. The building has been in continuous occupation since 1969 when it was built as a combination of an office building and a storage building. The last occupant was the Tappan Zee Constructors who left in January 2020. She advised the Board that the drawings have been updated to show the building as a total of 30,000 square feet. This is a correction to the original plan submitted. She explained that there was a miscalculation in some of the measurements and they made an adjustment to the third level so that the total square footage is 30,000 square feet. Ms. Ward advised that they have an international media company as a prospective tenant who operates in the United Kingdom and the United States. The executive offices will occupy 20,000 square feet of the space and approximately 7,000 feet of storage will be used to their creative materials. It will all be used by the tenant. There is no third-party storage or anything else being contemplated. She introduced Ulysses Montez, the project architect, to go over the site plan.

Mr. Montez showed photos of existing building on the north side which will be used for office and storage. They are basically proposing a facelift to the building with interior improvements. He showed the aerial photo of the short side of the building that has a different height. They will be adding about 4,000 square feet on the short side of the building. They will be using materials predominantly made of brick, cedar shake, metal and glass for the exterior similar to the architecture that we see on buildings built in the last couple of years. The floor plans basically maintain same use so basically it is a simple interior and exterior renovation.

Ms. Ward noted that the finishes that are being proposed are to bring it to the standard of Hudson Harbor.

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

Mr. Ringel advised that there are some speakers and the public comment period began.

#### PUBLIC COMMENT PERIOD

David Correl (sp?), 45 Hudson View Way, appreciates all the work everybody here is doing tonight. He feels that the fact that this project is moving forward is something which the entire community wants to happen. It's been an eyesore for many years and clearly it is in everyone's interest that the building be completed. He is pleased with the design. He would like to know what the village can do to ensure that the building is built with the materials as shown and ensure that there are no variations or substitutions made on the future. He is glad to hear about the use of the building. He asked if there will be a lot of truck traffic in the area or are the materials that will be used will be kept on site. He also wanted to express his concern about the existing pocket park where there appears to be an exit from the walkway into the driveway, which will again include increased foot traffic through the property. He is concerned with the pocket park substantially being used for illicit tourists, drugs and people to relieve themselves. He thinks that it is so small and it will not be able to be protected and will only create problems for the village. He would like the village to take a look at this to ensure that the public will be protected.

Mr. Ringel suggested that the applicant respond after all comments have been heard.

Michael Cohen, 45 Hudson View Way, has been working with David Correl (sp?) on their Board. He wants to echo his sentiments, his broad support for the community for this project, and that they also have a petition signed by the residents showing support for this project, which will be submitted at the appropriate time.

Gary Friedland, lives at 135 West Main Street in Hudson Harbor, but not within the area entitled to receive a notice of public hearing. He prepared a detailed analysis of the application and the documents posted on the website for the Board's consideration including many questions and comments about the various documents. He noted that almost 15 years ago, the Board approved the Master Plan. The last 2 phases are Phase 4- the Cooney Building and Phase 5, the Gatehouse. On the surface, this application appears to be a simple request to alter and make modifications to an existing building. However, when one scratches the surface, the overall strategy becomes obvious. The applicant seeks to have the Board narrow its focus on the redevelopment in isolation. Yet, it is known, in connection with the impending development of the last phase, the Gatehouse, that he intends to seek a major amendment to the Master Plan to increase the overall residential unit count beyond the 20 units remaining under the Master Plan. The applicant has shown us plans prepared in February 2019, and sections of these plans happen to be included in the Cooney renderings. Mr. Cotter recognizes that the request for additional use is likely to trigger the Board to require the amended and restated EIS to evaluate all the potential



significant adverse environmental impacts, and there are many. He seeks to segment the environmental review of Gatehouse from Cooney because he wants to accelerate the approvals for Cooney. He is apparently stalling the submission plan for the Cooney Building underway. However, this would constitute impermissible segmentation under SEQRA. Furthermore, the EIS is prepared in 2006, is woefully outdated. It neither reflects the way Hudson Harbor has been actually developed, with the numerous changes made by Mr. Cotter over the years, nor the Tarrytown of 2020, especially the waterfront, with new impacts such as traffic schools, parking, viewsheds, climate change, and more. His written submission elaborates on this. Mr. Cotter and Miss Ward have a long history of committing flagrant building violations, allowing them to continue indefinitely without incurring meaningful penalties. They have dragged their feet in filing this site plan amendment, yet consistent with past practices, they have rushed to illegally perform substantial interior work in the Cooney Building without a building permit. They started the work nearly a year ago, stopped only when a stop work order was issued in May, and then resumed per a demolition permit. The interior of the building has been substantially completed. Are they continuing to perform interior work? Why continue to reward them? Their continuous reconfiguring of the Master Plan makes it extremely difficult to keep track of the development today. That was evidenced at the last work session. Mr. Friedland would like the Board to hold the developer's feet to the fire, make him finalize his plans for the entire site, and have him prepare an overlay that compares the project as approved versus the project as built and to be completed.

Sarah Gillespie, 18 River's Edge Drive, advised that she received notice of the public hearing either on December 21, 2020 or December 22, 2020 and it was dated by Mr. Cotter's postage machine on December 16<sup>th</sup> or 17<sup>th</sup>, which didn't give her time to do a written submission. She has proof of her neighbor's envelope showing the date it was put in the mail as opposed to the date it was stamped and she does not believe this is a valid meeting since there was no full community notice. The same problem occurred a couple of months ago when another application by Mr. Cotter was before the Board so she would like the Board to consider this. She would like to know what in this proposal says this will only be for the tenant that Miss Ward mentioned. Is the tenant buying the building and, if not, how long is the lease? What stops this from becoming a storage facility at a later date? Will that be codified in the approval? Will the developer's company continue to own this building? How do we have any security that this will only be this one company's building? What happens when the tenant leaves? She thinks there are way too many questions and strongly asks the Board to stop this. If the Board is going to ask for a public response, the public needs to know about it more than 2 days ahead of the meeting. There is no petition in her building, but she could get a petition together tomorrow saying that this process was done wrong and the meeting is unfair.

Allen Reichman, 6 Hudson View Way. His biggest concern is, if the building is going to be leased out, what protection do they have that it won't be subleased out? Unfortunately, Mr. Cotter has a history of saying one thing and doing another and taking a lot of shortcuts. He feels they need more time to look at the documentation and

compare this to the initial Master Plan and have more community involvement. Today is just not enough, especially during the holidays. He would ask that the Board consider his opinions and those of his neighbor's so that this can be done properly.

Kevin Degnan, 45 Hudson View Way, said as people have pointed out, calling this an eyesore would be a bit generous. The building is in transition and only partially used and it would be much more effective to have it completed, not only for it to be more attractive, but anytime you have something that is sort of in a state of transition, it is unclear exactly what it is used for, it has potential for it to be dangerous; kids could be climbing around and there are significant elevation changes. He has lived in Westchester for 25 years and Tarrytown is by far the favorite place he has lived. He doesn't think that the image of this building is something that should be promoted to the Tarrytown residents and visitors. He thinks the building can be improved and managed, relatively simply, and in a very attractive way as the architect and the planner have demonstrated. He would like to know, as a resident, what he can do to support these plans being approved as expeditiously as possible?

Craig Singer, who lives in one of the carriage houses on Hudson View Way, appreciates that the developer has brought the Lighthouse to completion. He just received the notice today (12/28/20), which was dated December 18<sup>th</sup>, but postmarked on December 16, 2020. He wanted to know where he could find what was contemplated when it started, what's been approved, and where the changes have been. It is very difficult, over a period of this time, to actually make an evaluation on a piece by piece basis, particularly when we are near the end. He thinks the Planning Board, the developer, and quite frankly, the Hudson Harbor community has a big responsibility to make sure that this is done right. He thanked the Board for their time and hopes that someone will steer him toward that information.

Gary Connelly, 45 Hudson View Way, President of the Board of Managers for the Lighthouse Condominium building, which consists of 39 families that sits across from the Cooney Building. His residents are very excited by the submitted plans. They are the ones that are the most affected by this project and the issues of it not being completed will be detrimental to all of them. This project will help to nearly complete the entire beautiful Hudson Harbor complex. Many residents of Hudson Harbor and the Lighthouse are in full favor and support this project as described.

Joyce Lannert, lives on West Main Street in Hudson Harbor. She also did not get a certified letter since they are outside of the notice area, but noted that Hudson Harbor is one community and what will happen on the north end affects all of them. She is aware that people who live closer to the Cooney Building are bothered terribly by the site but it is still no excuse to do something without following proper procedure. We haven't followed proper procedure here. The notifications were too short and inadequate. She has several questions here relating to the segmentation that Gary Friedland referred to. In addition to the Cooney Building, there is also the parking lot Gatehouse project, and no one has mentioned the Stable building which is a brick building that was considered to be used for barbecue pub restaurant. How are we going to fit all this? These things

should not be viewed step by step by step. They know Mr. Cotter has plans for the Gatehouse and she feels the impacts should be considered altogether with the entire build out of Hudson Harbor. It is not that the plans are not ready, but without submitting them all together, we don't get the total impact of parking, traffic, and density. Two members mentioned this at the Planning Board work session and she also agrees that it should be considered as one whole. Kathy's Zalantis referred to the summary document that was prepared and she hopes that it can be put on the website for the public. Also, if the proposed tenant goes away, what will we have in there? Dentist offices, lawyer's offices, other offices, or accountant's offices that require clients and therefore the whole parking necessity will change. There's no way to guarantee this and it is an issue since parking is very tight. When the Gatehouse is finished and the Stable building is built out and Edge is online, we are going to be in a pickle here with the traffic passing through. We want to change but we want it done right. Nobody wants to just change it for the sake of hurry up and change it.

Julieta McPherson, 18 Rivers Edge Drive, is concerned about the quality of the construction. Since they moved here in May, every day, for eight hours, they have had machines and equipment working to fix what was done wrong. She wants to a guarantee that there is a good quality material to avoid having the same issues.

Maria Morrison, 45 Hudson View Way, longtime resident, strongly feels that the Cooney Building is more than just an eyesore. She is in the public health field and she wrote and met with the Village Administrator about these concerns in June. People are relieving themselves right across from their lobby and teenagers have been hanging out in the area. They have had cars go onto the gravel pit, in the empty lot next to the Cooney Building and do all sorts of things in the parking lot, and the area is not safe. The police have been called. She has concerns about the safety for her grandkids and family. There are serious health issues. She is pleased that there will be a sidewalk which is seriously needed because since COVID has started children are home and there is increased pedestrian traffic. People have to walk by and she is not happy with the vacant lot that has standing water breeding mosquitoes and rodents. She said this is not just about the 45 Hudson View Way residents trying to get their way, she has to worry about the safety of her grandchildren who visit.

Todd Renn, 18 River's Edge Drive, said that there are differing views about the eyesore building and he agrees with a lot of the comments. He would like to know the timing of the construction if it goes through. How long is it going to take to finish? What is the village going to do to make sure things are done correctly to code since they have had a lot of problems in their building with things that had to be redone? The last thing they need is to have more bucket trucks running around all day disturbing the peace.

#### END OF PUBLIC COMMENT PERIOD

Dr. Friedlander thanked the public for their valuable comments and asked if staff or Board Members have any questions or comment.

Mr. Pennella advised that he has received the revised plans on December 24, 2020, and they revised the square footage to be under 30,000 square foot limit. He has not had an opportunity to review the plans and a review memo will be prepared which he feels will address a lot of questions raised tonight. He will reserve his comments until after he reviews the plans.

Mr. Galvin asked Counsel Zalantis to address the implications of SEQRA as it relates to the revised plans submitted proposing 30,000 s.f.

Counsel Zalantis advised that the original approvals contemplated a 30,000 square foot office building. Last July, she prepared a response to the applicant detailing the village's position of what approvals that are still in place. She also prepared a chart to make it easier to understand how the project changed over time due to approved amendments. The remaining portion is the 30,000 s.f. of the office space at the Cooney Building and 17 townhouses yet to be developed. She does not agree with the applicant's contention that there are 23 units remaining because they are not taking the amendments into consideration. In terms of this application, Mr. Pennella has to confirm the 30,000 square footage to determine if it is an approved project under the SEQRA amendment. If this is the case, no additional SEQRA review will be required. If they propose more than the 30,000 square footage, then they would have to do another SEQRA review.

Mr. Birgy thought they were not going to be considering this application as a segmented application. He thought they were going to look at the entire final phase of this project for some of the very reasons that Joyce Lannert and Gary Friedland outlined. He would like to put a hold on this. He thinks it is extremely important to see how this building interacts with the rest of the finished phase of the project to make an intelligent, informed decision on what this whole thing is going to end up as. There are a lot of questions that the public has rightly brought up. He thinks it would be remiss if the Board didn't follow through on what he had thought they committed to do and to reflect the public comment. He thinks we're wasting time on this.

Counsel Zalantis does not want to take any position that is legally improper. Just because the word segmentation is used does not mean it is segmentation. In the past, the applicant has presented us with different applications proposing things outside the scope of what was approved during the SEQRA review process. We have made it very clear to the applicant, on several prior occasions, when they submitted such plans or had concept discussions, that we were not going to be considering anything that was outside of what was approved and that they would need to do a brand new SEQRA review if they were proposing one thing different from what was approved in the original SEQRA determinations. If they propose anything other than 17 units on lot 5A and the 30,000 square feet of office space at the Cooney Building, then a new SEQRA review will be required.

Mr. Birgy also mentioned the Stable building that remains. He is not blaming the developer, but this project has languished and there is a great deal of tax money that has been delayed. We need to move this along as a package, not looking at one little section at a time.

Mr. Tedesco agrees with Mr. Birgy that the Board needs to communicate to the applicant that they would like a full proposal for the main building that is left and for the Stable building and for this project. It can be done in phases, but they need to see the whole picture to get an idea of what the potential impacts are going to be for the whole area in order to make an informed decision on the Cooney Building.

Ms. Raiselis asked Counsel Zalantis if there is a deadline for this project approval for the 2006 approval or any amendments.

Counsel Zalantis said this was a SEQRA approval, subject to getting land use approvals. If something changed in the SEQRA process and it's no longer appropriate that 17 units plus 30,000 s.f. are the least impactful, or don't create any adverse impacts, whatever you determined in the SEQRA process, then you have to reopen the whole entire SEQRA process. But legally, the SEQRA amendments covered 17 units plus the 30,000 square feet of office space.

Ms. Raiselis asked Counsel Zalantis if it is within their purview to ask for those two pieces to be presented simultaneously? Counsel said the Board could ask the applicant.

Ms. Raiselis asked Counsel if the Stable building is part of this project.

Counsel Advised that the Stable building was identified as a 2,500 square foot gallery; there has been no change to this in either of the amendments. It was labeled building N in the original approval.

Ms. Raiselis would like to see what is being proposed at lot 5A so that they can consider how it will be woven into this project.

Mr. Aukland was concerned that this proposal does not include any public benefit. In earlier proposals, there was a restaurant and the museum proposed but they are gone. He would like to see some public benefit and if it can't be in this building, bring in the parking parcel to show where the benefit is. He noted that there was an approval for the Stable building for a mixed use in 2015.

Chairman Friedlander said they are talking about 17 or 18 units to get to the 238 approved units which were proposed to be in the vacant parking lot. That has not changed and everyone agrees to that. The Cooney Building was an office building and it is not being changed, only cosmetically. The footprint or use has not changed. There was a possibility of a restaurant on the roof to draw some people into the area and there

was also a museum proposal that was not accepted by the village or the residents. So, the office building and the 17 townhouses have been approved by in the Master Plan that went through the SEQRA process. That is what has been approved and what everyone should understand. The only way that could change is if their proposal changes, which would require an amendment to the Master Plan and trigger a SEQRA review. There is no segmentation issue here. When the residents bought their homes, they were shown the Master Plan which included the office building and townhouses. There have been many changes in the location and types of buildings that have been put up. Someone in the audience asked about the changes, and it's worthwhile to know them, especially since they weren't here at the very beginning. But in no way, shape or form has the proposal added more than 238 units. In fact, the current proposal in front of us has taken away an option for the developer to add 12 units in the Cooney Building, which was another option that was approved, subject to them paying on 1 million dollars to the village for the 12 additional units in that building. That is no longer on the table. It has been withdrawn with this current application. He believes there is misinformation or confusion about what we have and what we're doing. Right now, what we are doing is considering approving an existing building, according to the plans that were submitted and are consistent with the Master Plan and SEQRA. If something changes, we could say we are not doing it, but it hasn't. The developer is asking for something that is as or right. The original plan is what we all agreed to. This project has been around for 15 years. It is important to accept the fact that the people live there are living in conditions that are unacceptable. They bought in good faith based on a Master Plan that has been delayed for five years. It is not fair to them. As soon as the Tappan Zee bridge people left, plans should have been filed. There are many comments tonight and he agrees with them and they are not wrong. The point is there are other people saying they want the project. They live next door and deserve to have the project done. There are competing or conflicting goals here. He agrees with everyone to get the project done and that it should have been done together, but in terms of what the applicant's rights are, we have to move forward. The people next door want sidewalks, a regular street, some landscaping, a better looking building, and a nicer environment, for their community and the entire village. Dr. Friedlander said the other issue that needs to be addressed is the parklet and the safety concerns. That area was a requirement that was supposed to be part of the 43-unit building facing the water. And that parklet was to be on the north east side of that building.

Dr. Friedlander said if this project is as of right, if it's existing, and it complies with SEQRA, he would like to know why we are not just considering this application. He would like the applicant to respond. He feels from the perspective of the people who live there, the Board can't delay this project forever and he would like it done as expeditiously as possible.

Ms. Ward thanked everyone for their time and the questions. They value the comments and intend to address every single one of them. She thanked the Chairman for trying to bring everyone back to clarity on this issue. There were many technical comments tonight and she has confidence in the building department and officials in addressing

them and feels there are simple resolutions. With regard to the parklet, she was shocked to hear about the behavior of some of the visitors to the site. These things are contained in the plan, and these improvements will come together. There is a divergence of opinion and the Chairman summed it up in the end. We can't basically punish one group of people to benefit another group of people who just want to carry this thing on for a long period of time. They have an existing building and an application that is completely in line with the Master Plan development. They will return to comment about the balance of the phases of this development. They do not agree about the number of units. They have a reconciliation of certificates of occupancy and believe they are at the 215 mark but that is a factual matter that can be addressed. One thing they cannot address right now is the problem that we have with COVID. Guessing what they are going to be able to do at this point in time is very difficult. What they can do is deal with something they have which is an as of right office development and then come back to the other things.

Mr. Birgy said, with all due respect to the developer, things have taken longer than everyone would have liked to have seen. There has been disagreement through this entire process. He thinks it is important for the village to see the entire final phase as one. Things have changed since 2010 when there was no Edge on Hudson. The longer the developer waits to complete this project, the longer the village can have a position that certain things should be reopened, because things have changed and traffic is an ongoing issue. The 30,000 square foot office building could have a very different impact than maybe it would have had 10 years ago, or seven years ago, or five years ago and these impacts should be considered. Maybe segmentation was the wrong word, but the Board needs to look at the total final package and wrap it up. Let's get it done. He is all for moving this along as quickly as possible, but we need cooperation from the developer to provide us with the final information.

Ms. Ward said they have an office building that has been in continuous use for 50 years. That is basically what we are set about considering. She appreciates the comments and will try to respond to many of the items and they will be very interested in receiving Mr. Pennella's report.

Mr. Tedesco agrees with Dr. Friedlander and would also like to move the project forward. He would like the developer to provide the Board with more information about the rest of the build out which will be useful and won't interfere with this phase.

Dr. Friedlander said by doing this we are encouraging the applicant to come up with a plan that's going to increase rather than decrease what he already has. Why else would he want to do anything any other way than what he already has a right to do? So, any plan that the Board is asking for is going to be an increase and he does not know why the Board would encourage that. It will also prolong the development of this project. He thinks there is a plan that was developed very carefully, very thoroughly after three or four or five years of study. And now we're opening up an invitation to say, well, maybe the office building isn't appropriate, and maybe the park the townhouses aren't

appropriate. Let's open the whole thing up and entertain it and have the developer come in with a Master Plan for the remaining property. And then we'll do a SEQRA. Dr. Friedlander does not want to go down that path. He wants to have done what was approved and studied. Hudson Harbor was a very good project with many public benefits. The park and the walkway have been a lifeline not only for Tarrytown residents, but for everyone, especially during this pandemic. We will have to adjust and recognize what Hudson Harbor is and what the public benefits were which he enumerated in his 29 S. Depot Plaza Minority Report, if anyone can read it. He does not feel that more public benefits are needed down here. What is needed is the completion of this project in a high quality way that meets the Master Plan standards. The developers agreed to that and they made their money and built a fine community. He would like to proceed as expeditiously as possible and to do the best possible project in the shortest period of time. He cannot deliberately extend this project thinking that we're going to do a better project now. He would like to move this forward, and the other portion forward, and have everything completed in two years.

Ms. Ward said they have a project that is ready to go here now. It is a great opportunity. They have their rights to this building and they would very much like to answer the questions that they have and proceed. They know it's in the best interest of the residents of this community.

Ms. Raiselis commented to the Chair that no one is asking for a new plan. She is asking to see the entire plan which is what they do for every application. She wants to see how everything is laid out and how things interweave and how the pedestrians move about, all of that. But in this situation, we are not allowed to see that, we're only allowed to see block by block. She agrees with the other members of the Board who also want to see the entire plan, including the 17 or whatever number of units and how the office building interweaves with this, how the pocket park is laid out, and how the Stable building happens. She doesn't think this is asking for anything more than what has already been approved to see how it works is a huge deal. Everything has changed so much from the beginning so let's see how it all lays out. She does not think it is going to delay anything for the applicant.

Dr. Friedlander said the plan exists. We do not have to re-invent it. The village can present the plan at the next meeting. We have to have a reason to change it. He agrees with the public comments but the residents saw the Master Plan when they bought the property and how many years are they going to wait for it to be finished? Unless you have some idea of how to change the whole thing, we should move on. We already have a Master Plan. We already lost 5 years and tax revenue due to the bridge construction, which was a public benefit. We lost out as a village. Let's not lose out another three years. Let's get everything finished.

Ms. Raiselis would like to see this proposal within the context of the whole Master Plan. The Board agreed. Mr. Tedesco suggested seeing the Master Plan at the work session to better prepare for the public hearing.



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. Motion carried: 5-0

NEW PUBLIC HEARING – Raining Threes, LLC – 3 & 5 Carriage Trail

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing **via Zoom Video Conference** in accordance with the NYS Governor's Executive Orders 202.1 and 202.79, which have been extended. The public hearing will begin at **6:00 p.m.** on **Monday, December 28, 2020**, to hear and consider an application by:

Raining Threes, LLC  
229 E. Main Street  
Huntington, NY 11743

For site plan approval for the construction of a single-family dwelling with a pool and tennis court.

The property is located at 3 and 5 Carriage Trail, Tarrytown, NY and is shown on the tax maps as Sheet 1.271, Block 138, Lots 1.3 and 1.4, located in the R 60 Zoning District.

Please visit <https://www.tarrytowngov.com/home/events/32741> for instructions and directions on how to join the meeting via Zoom, or call-in by phone.

**Public Written Comments** will be received in advance of the meeting no later than 12 Noon on Tuesday, December 22, 2020 by email to: [Imeszaros@tarrytowngov.com](mailto:Imeszaros@tarrytowngov.com) or regular mail to: Village of Tarrytown, Planning Department, 1 Depot Plaza, Tarrytown, NY 10591.

**Documents** relating to applications will be provided in advance of the meeting by emailing [Imeszaros@tarrytowngov.com](mailto:Imeszaros@tarrytowngov.com) or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

Additional approval will be required by the Architectural Review Board.

Lizabeth Meszaros

Secretary to the Planning Board

December 18, 2020

The mailing receipts were received and the sign was posted.

Mr. Galvin advised that this the applicant has provided a landscape plan that has been provided to Suzanne Nolan, the Village Landscape Architect, for her review and comment. He has also provided a new project narrative and will also address the status of the affordable unit at 25 Leroy Avenue.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II action with no further environmental review required under SEQRA.

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

Mr. Birgy excused himself from the meeting.

Andy Todd, the applicant, appeared before the Board and advised that they have contracted to sell 3 and 5 Carriage Trail which are the identified as lots 3 and 4 on the Greystone on Hudson Subdivision. The owner is proposing a pool, tennis court and house. The 2 lots combined are 4.73 acres. Since we're only proposing to build one house on the 4.73 acres which is 206,000 square feet, the impacts are considerably less. Storm water protection remains below calculated pre-developed conditions for all modeled storm events. The proposed plan is very good for the environment and saving trees compared to if it both lots were developed. An easement would be granted to 5 Carriage Trail from 3 Carriage Trail for the driveway. There are currently 164 trees on the two combined sites; we propose removing 48 trees and replacing them with 96 additional trees. All utilities are underground. There are no wetlands on the property nor is it located in a flood zone are a critical environmental environmental area. There are no variances needed. They are proposing a steep slope waiver to build part of the driveway on steep slopes and they are looking for a waiver to have the driveway enter from 3 Carriage Trail to 5 Carriage Trail. They are also proposing waiver for the tennis court to be in the backyard. He showed the site plan, the tree removal and

landscape plan. He feels that this project will be less impactful but it will create a lot of tax dollars for the village.

Dr. Friedlander asked about the view of the lot where the original Castle stood. Mr. Todd said the natural look of the carriage trail will be preserved. The owner will most likely plant a formal garden on the lot. He likes the idea of keeping it natural and was not so concerned with the views. He does agree that it would be great to put a house on that lot, but thinks that the way that it turned out is right, based on the history of the site.

Mr. Aukland noted for the record that Mr. Todd had indicated that the buyer did not want to merge the two lots, which suggests that at some point in the future he may want to sell it off and another house could be built. What is the plan for access to the lot to the house? Mr. Todd said there would just be access the way that he originally was going to be just off of Carriage Trail or he could take that easement since he would own both lots and do a two-lot subdivision and add that easement land into lot 5.

Mr. Pennella said that the house is not facing the roadway so essentially the backyard is the front of the property which he believes will require a variance. Similarly, you can't have an accessory structure in the front yard. In this case, the accessory structure is the pool and the tennis court, so we will require variances from the Zoning Board.

A brief discussion took place and it was determined that a variance would be required since the house is not facing the front which is required by code. Counsel advised the applicant that there is no waiver provision in the code for the Planning Board to grant a waiver for the tennis court. Other options would be merging the 2 lots or to amend the subdivision to make it a formal road, which would take longer than going to the Zoning Board. Counsel Zalantis advised that there could be an amended subdivision and site plan approval at the same time.

Mr. Tedesco agrees that the Zoning Board seems to be the most reasonable solution, unless you could talk a potential owner, instead of doing a tennis court set up a badminton court on the lawn, which will not involve a court area at all.

Mr. Todd said he was going to put the tennis court on 3 Carriage Trail and that would theoretically solve it because then the tennis court is not on so you can do that. But then there is going to be more disturbance since the tennis court is big and a lot of trees will need to be taken down. Mr. Pennella said this still doesn't solve the issue. We should continue this discussion offline with the applicant to figure out which direction to go.

Mr. Todd thanked everyone for trying to brainstorm. With regard to the Leroy Avenue site, he forwarded emails to this Board of correspondence between himself and the County for over a year, indicating that the county has been unresponsive. With some help from the village, he actually has a meeting on Wednesday with County representatives and hopefully that will light a fire and move it forward. He has been

wanting to list this property and has no interest in holding onto it since it is costly. They have been trying to get a family in there for a while, which is illustrated in the emails. Mr. Tedesco asked if the listing for the size of the home has been resolved. Mr. Todd said he is hoping to resolve it on Wednesday.

Mr. Ringel advised that there is no public comment at this time.

Dr. Friedlander thanked the staff for coming through heroically in this very difficult year. We have been able to have all our meetings and have gotten a lot accomplished. He thanked his colleagues as well and wished everyone a healthy New Year and hopes that the Board will convene in person next year.

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

Adjournment:

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 9:40 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

SUNRISE DEVELOPMENT  
99 WHITE PLAINS ROAD  
NEGATIVE DECLARATION  
12-28-20

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

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

**Description of Proposed Action**

The proposed action is a referral from the Village of Tarrytown Board of Trustees for review of a zoning petition to amend the existing A/D Floating/Overlay zone with a new definition for Service Enhanced Assisted Living Housing (SEAL) and site plan for the development of a total of 85 units including 53 units of assisted living and 32 units of memory care housing for property located at 99 White Plains Road (Marshall Cavendish property).

**Proposed Amendments to A/D Floating/Overlay zone**

The Applicant is using the existing A/D Floating/Overlay zone which limits development to eligible properties zoned OB, LB or MU along the Route 119 corridor. Under the proposed text amendments, the eligible properties remain the same. The development potential of the eligible properties were evaluated previously by the Planning Board during the Artis SEQRA review. Only the subject property for the Sunrise Project, and the Artis site, appear to remain suitable candidates for application of the proposed AD and SEAL Floating/Overlay zone. In addition to the new definition for the SEAL housing, the Applicant has proposed additional standards to include a new density requirement for SEAL housing of no more than 25 units per acre and no more than 115 beds; increase in maximum coverage from 13% to 18%; the maximum height for A/D and SEAL housing needs to comply with the underlying district, except in the case of any facility that adaptively re-uses an existing historic structure shall be a maximum of 3 stories or otherwise determined as appropriate by the Planning Board. The proposed text amendment also includes language that the current sustainability requirements may be achieved by demonstrating that a facility would be considered sustainable by an industry standard such as LEED or other appropriate programs. None of the proposed text amendments negatively impacts the current Artis project.

**Parking Requirements**

The proposed Zoning Amendment utilizes the same parking requirement of 0.5 parking spaces per bed as required in the existing A/D Floating/Overlay Zone\* for the Artis property. Applying this parking requirement (0.5 spaces/bed) to the 85 unit, 108 bed Sunrise proposal, will require 54 parking spaces. This exceeds the parking supply Sunrise would typically provide if calculated on a per unit basis 0.5 to 0.8 spaces per unit for 85 units or 43 to 51 spaces. Therefore, the 54 proposed parking spaces will be more than adequate to meet the anticipated needs of the community. JMC has reviewed five existing comparable Sunrise properties on Long Island, Rockland County and in the Fleetwood section of Mount Vernon. The Sunrise properties reviewed range from 76 units to 90 units with parking ratios of 0.44 to 0.60 spaces per unit. The parking ratio at Sunrise at Tarrytown would be 0.64 spaces per unit. JMC's parking analysis concludes that the proposed 54 parking spaces for the proposed Tarrytown Senior Living Community would readily accommodate the projected parking demand based on Sunrise's actual experiences at its other communities. In addition, the proposed 54 parking spaces exceeds ITE recommendations for Assisted Living uses by 20 at its peak utilization. JMC notes that the existing floating/overlay zone requires parking on a per-bed basis (0.5 spaces per bed) which is a conservative when compared to the industry-standard per-unit basis. (See attached for continuation of Long Form 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 County Planning GML Letter, 7/6/20; Village Landscape Consultant Staff Report, 11/11/20; Expanded EAF, JMC, 9/11/20; Traffic/Parking Report, JMC, 9/1/20; NYSOPRHP, SEQRA Review, 11/19/20; Evans Associates, Wetlands Assessment, 9/4/20; Sunrise Reduced Rental Program, 9/17/20; SWPPP, JMC, 9/9/20; Geotech Rpt., Whitestone Assoc, 7/27; Historical Rpt., S. Tilly Arch; Phase 1A Archeological Report, Eugene Boesch, PH.d, 9/8/20

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: Sunrise Senior Living - Tarrytown

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: 1/8/21

Signature of Preparer (if different from Responsible Officer) Robert Galvin, AICP Consulting Village Planner

Date: 11/20/20

**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**

**Sunrise of Tarrytown Project – Site Plan**

**Description of Project**

The 4.6-acre subject property is located at 99 White Plains Road. The site is located on the north side of White Plains Road and west of the New York State Thruway westbound Exit 9 ramps. The property is in the LB zoning district. The property is an eligible parcel covered by the recently enacted A/D Floating/Overlay zone. The project site is bordered by the old croton aqueduct trail and CVS Pharmacy to the west, apartments to the northwest, DaVita Hudson Valley Dialysis Center to the east, and a wooded area and wetland to the north where the Artis project is being proposed.

The proposed Sunrise of Tarrytown Project will have a mix of Assisted Living and Memory Care units. It will not include any Independent Living or skilled nursing units. All Project residents will receive daily supportive services known as “Activities of Daily Living.” The Project will include 85 units (approximately 53 Units for Assisted Living, and approximately 32 units for Memory Care), with approximately 108 beds. The size and configuration of the project is based on Sunrise’s established operating model, as well as site characteristics, including the existing landmark Goebel building. This Project falls within the typical range of a Sunrise community of 75 to 100 units. This range is a function of efficiently and appropriately staffing facilities to provide services and care for residents while having a critical mass of resident population for social activities.

The front elevation of the existing structure on the property (Goebel Collector’s Club) was designated as a Village Historic Landmark by the Village of Tarrytown Board of Trustees on January 28, 1980. The Applicant will preserve and integrate the front southerly portion of the pre-existing structure through adaptive reuse techniques. Stephen Tilly, AIA, has been retained by the Applicant as the Project’s historic preservation architect to work with SHPO on the adaptive reuse of the building.

The existing building in the front consists of approximately 17,000 sf. The first-floor space that would be enjoyed by the Project residents amounts to approximately 7,000 sf. The upper floors of the existing structure are approximately 10,000 sf which are anticipated to be used as ancillary office and/or storage space for Sunrise. The recently constructed rear addition to the existing structure would be taken down. A total of 73,900 sf of new space would be built in the new building. The new building would be comparable in height to the existing structure to ensure that the Goebel building remains a visual focal point on the Property, and is not obscured by the new building.

The 73,900 sf of new construction essentially replaces the existing 74,00 sf rear building addition. The adaptive reuse of the front building will repurpose the existing building and does



not expand the existing building's footprint. The facility would also contain a variety of indoor amenities for its residents, including sitting rooms, a library, dining areas, salon/spa, and entertainment and activity rooms. These amenities would be situated throughout the facility, including on the first floor of the existing structure to allow the residents to enjoy the grand staircase and views towards the Hudson River. The facility would also contain outdoor amenities, such as a porch, patio, wellness garden, and walking paths.

The resident rooms vary in size from 14 feet x 24 feet up to 24 feet x 24 feet, or between 350 square feet to 550 square feet. The Assisted Living resident rooms will each have their own bathrooms and a small kitchenette area, with only a sink and refrigerator. There will no heating or cooking surfaces within the units. The Memory Care resident rooms will also have their own bathrooms, but no kitchenette area. The common area sizes for all floors vary depending on the use, or intended ambiance. The dining areas, for example, are much larger (roughly 35 feet x 45 feet), as they need to accommodate more residents with tables and seating, while the Bistro (roughly 28 feet x 33 feet) is meant for more intimate social gatherings. The entertainment and activity spaces (roughly 25 feet x 25 feet) are designed for programs and opportunities to engage residents based on their preferences. Activities include art, poetry, dance, music therapy, walking groups, and games, all to promote activity for both the body and mind.

Access to the Project would remain off NYS Route 119. Approximately 54 parking spaces would be provided to service residents, staff, and visitors (for comparison, there are currently 65 striped parking spaces at the Property). The parking spaces will be set back from Route 119 to minimize any potential visual impacts from Route 119. Additionally, the existing stone walls along the Property's southerly boundary on Route 119, on both sides of the driveway entrance, would remain in place. The proposed parking spaces are clustered in bays of 5 to 7 spaces separated by landscaped islands and are primarily placed to the side of the building. This design is meant to minimize the overall visual impact of the parking and pavement and creates a more residential feeling than commercial.

#### **Open Space**

A total of approximately 65.91% of the overall site is open space. This is comprised of Wooded/Landscaped Area (60.74%), and Hardscape Area (5.17%). The Open Space is consistent with, or exceeds, the typical amount of open space provided by Sunrise. Walkways for residents and guests will encourage general movements around the site. Patios and grade level covered porches are adjacent to several common areas. The patio on the north side of the building is adjacent to the dining rooms and bistro and will provide residents the opportunity to enjoy outdoor seating and dining. This patio will be attractively screened from the adjacent property to the north with a two-tiered, decorative landscape block retaining wall, with area for plantings above and between, along the west side of this terrace. The landscape centerpiece of the property will be the patio and garden area that will complete the open courtyard space. This space will feature a covered porch at grade, a patio sitting area and walking paths meandering through the garden space. A central perennial garden with decorative gravel paths will be the focal point.

### **Recreation Fees**

The Village's Comprehensive Plan (*Tarrytown Connected*, adopted November 2018) highlights that the continuing and equitable maintenance of parks and other open space assets represents a priority and challenge that requires ongoing management and creativity by the Village. It is important for the Village to consider how funding sources can better support and expand current maintenance efforts (*Tarrytown Connected*, p. 94). The record provided testimony from the Applicant that the unit's occupants are not constrained to the site and specific testimony was given about how visitors to these facilities take their relatives off-site to Village parks and waterfront access. These activities are considered by the facility as beneficial for the facility's residents. Facility employees can also enjoy Village parks and recreation areas during lunch hours or other break times from work. While the NYS OCA trailway is adjacent to the property, there are no other passive Village parks or waterfront access in the immediate vicinity of the site. Based on the Village Comprehensive Plan which highlighted the need for support and expansion of current park maintenance efforts and the record established during the Board's review, the Planning Board has found that there will be some increase in recreational park usage by facility residents.

Sunrise provides approximately 20,000 sf of passive outdoor recreation area including covered porches and balconies, outdoor patios, sitting areas with benches, walking paths, gardens, and courtyard area. Additionally, the facility provides Indoor recreation consisting of entertainment and activity rooms, common areas including living rooms, craft rooms, wellness/exercise room, bistro, library/reading room, social programming activities including art, poetry, dance, music therapy, walking groups, and games. In recognition of the extent of on-site recreation amenities available to both assisted living and memory care residents provided by Sunrise and the supporting record that there will be use made of the Village Parks and waterfront access paths, the Planning Board finds it appropriate given the particular circumstances of this Application to reduce the recreation fee to 20 percent of the recreation fee and the Applicant has consented to such fee and agreed that it is reasonable and appropriate for the Village to impose a reduced recreation fee of 20 percent of the Village's recreation fee to be applied to the facility's 53 assisted living units and 32 memory care units. Sunrise would pay the total recreation fee into the Village Recreation Fund prior to the issuance of a building permit.

### **Lighting**

The lighting fixtures including bollards, path lights, pole lights and sconces, all of which have been carefully selected based on lighting objectives, fixture style, scale, and color. Energy efficient fixtures are selected to complement the comprehensive approach to an overall sustainable and efficient design. Pole lights will be 11 ft and used to provide lighting in the parking and drive aisles. Bollard lights will provide accent and safety for pedestrians along the walkways in the landscape in select locations. Applicant has provided a photometric analysis demonstrating that light spillage at the property lines is eliminated.

### **GML Review**

The project was referred to Westchester County Planning on 6/24/20. County Planning provided a GML review dated 7/6/20 which among other items commented on the need for

affordable housing based on Westchester County's *Housing Needs Study*. The County encouraged the Village to work with the applicant to provide a solution where a portion of these units can be set aside as affordable affirmatively furthering fair housing. The Planning Board provided several examples of such reduced rents in the County including the Ambassador in Scarsdale. The Applicant was referred to the former Scarsdale Village Director of Planning, who discussed the reduced rental program used for the Ambassador project. The Ambassador is a similar assisted living and memory care facility. Based on the Ambassador experience, the Applicant provided a Sunrise Reduced Rental program to rent 4 assisted living units at a reduced rate that is 20% below the full rental rates and available for households at 60% to 80% of County Area Median Income (AMI). The rental price does not just cover housing but also essential daily supportive services including cable/internet, food (3 meals/day + snacks, laundry/housekeeping, transportation, activities/exercise classes, and staff support.

Applicant also addressed stormwater management indicating that stormwater runoff will receive water quality treatment through a combination of green, standard, and alternative practices. Although this Project is a redevelopment project and the Green Infrastructure requirements of the General Permit are not typically required, the Applicant has incorporated green practices into the Project's proposed stormwater management design.

Applicant has responded to County Planning by adding an additional sidewalk to the site's driveway so that there are sidewalks on both sides of the driveway and has included bicycle parking and recycling areas to the site plan. The Sunrise project will be designed and built to be LEED certifiable based on LEED v4 for Building Design and Construction. A draft LEED has scorecard has been provided to the Planning Board as a tool to guide and achieve overall sustainability of the project.

#### **Impacts on Land Use and Zoning**

The Property is located within an area of transitional uses along White Plains Road leading to the Route 9 intersection and the Village. There are a variety of land uses, architectural styles, and building heights and scales along the corridor, including contemporary office buildings. The surrounding land uses include: the Old Croton Aqueduct Trail immediately to the west; farther west along White Plains Road, there are a mixture of uses, including retail/restaurants (in the CVS shopping center), and gas stations; to the south, across White Plains Road, uses include office and professional buildings of varying scales and architectural styles such as the Complus Data Innovations building directly across the street at approximately 8 stories, and the Westchester Psychiatric Associates building at 5 stories); directly adjacent to the east is Columbia Doctors medical/medical offices use; and directly north is a vacant property proposed for an Alzheimer's/Dementia Care Facility.

#### **Zoning**

The proposed zoning amendments to the existing A/D Floating/Overlay zone have been described on the first page. The use of the existing Floating/Overlay zone limits development to eligible properties zoned OB, LB or MU along the Route 119 corridor. Under the proposed text amendments, the eligible properties remain the same. The development potential of the

eligible properties was evaluated previously by the Planning Board during the Artis SEQRA review. Only the subject property for the Sunrise Project, and the Artis site, appear to remain suitable candidates for application of the proposed AD and SEAL Floating/Overlay zone. In addition to the new definition for the SEAL housing, the Applicant has proposed additional standards for the proposed SEAL housing facility.

#### **Comprehensive Plan Compatibility**

The Project's Service Enriched Assisted Living Housing facility would further the Comprehensive Plan's objective to ensure that there is adequate housing for seniors in the Village.

The Comprehensive Plan recommends, for example, that *"new housing for seniors can offer a way for long-time residents to remain a part of the community without continuing to occupy and maintain a single-family property."* (Comp. Plan at 70). The Project would help satisfy the growing demand for senior housing in the Rivertowns, and allow seniors to age-in-place near family and friends in a modern and senior friendly housing product that meets all their care needs.

The Comprehensive Plan also recommends that through a range of zoning strategies, *"the Village and its housing can help create places that service a wider range of residents while preserving the balance of built and open space."* (Comp. Plan at 71). The Comprehensive Plan further recognizes that the Route 119 corridor, in particular, presents *"an opportunity to imagine a variety of new developments."* (Comp. Plan at 71). The Project has been designed to be an attractive addition to the Route 119 mixed-use corridor. It would provide significant open space on the Property, including a substantial buffer to the Old Croton Aqueduct. As mentioned, a total of approximately 65.91% of the overall site would be preserved as open space. The Project strikes a proper balance between new housing development for seniors and open space.

The Project's adaptive re-use of the existing Goebel building would fulfill the Comprehensive Plan's goal to preserve and enhance the Village's historical resources.

The Project would be designed and built with a holistic approach to sustainability, consistent with the Comprehensive Plan's sustainability goals and initiatives.

Finally, the Project would also be consistent with the Village's apparent policy objective for additional senior housing in the Village, as embodied in the existing A/D Floating/Overlay zone recently adopted in connection with the Artis Senior Living project. This zoning initiative recognizes that the Comprehensive Plan supports new senior housing, with all the latest amenities and services in modern facilities.

#### **Historical Resources**

### **Summary of Building History**

Sunrise determined early in the Project design stage to include a local historic preservation architect, Stephen Tilly, on the Project team. Mr. Tilly and his firm conducted extensive research to provide the following summary of the history of the building. The complete *Historical Report* for 99 White Plains Road dated August 31, 2020 prepared by Stephen Tilly Architect has been provided to the Planning Board. Mr. Tilly has also advised on incorporating the Goebel building into the Project.

A large mansion has been a presence along this main thoroughfare since the mid-nineteenth century. The original house, constructed prior to 1868, was located in the same vicinity as the current building, but on a 24-acre site that stretched farther east along the street.

After this structure burned in the early twentieth century it was replaced by a stone Colonial- Revival style mansion. This 1906 mansion continued to serve as a home for patrons of society. By 1952 the property was being used for commercial purposes when Simmonds Laboratories / Aero accessories / Precision operated here. In 1964 a fire destroyed most of the interior of the structure, but it continued to be used as offices until approximately 1969. In the early 1960s the property was reduced in size to the 4.6 acres it remains today. The eastern portion sold, and the outbuildings demolished to allow construction of the Olivetti Educational Center in 1963. The interior was redesigned, and the building became the headquarters for the Goebel Collectors' Club from 1977-1989. Other professional offices have resided in the building since the departure of Goebel, although it is now unoccupied.

### **Historic Landmark Eligibility**

The New York State Historic Preservation Office determined that 99 White Plains Road was eligible for listing on the National Register of Historic Places in an inventory completed in 2011 and accepted by the commissioner in 2018. The building and site were determined eligible under Criterion C for architectural significance as "an excellent example of a Colonial Revival-style building in Tarrytown" and because the parcel "retains a high degree of integrity of location, design, setting, materials, workmanship, and association." Exterior architectural elements including the roof, cornice, chimneys, stone belt course, quoins, pediment, windows sash, keystone lintels and sills, and entry door of the historic 1906 residence are identified as character-defining features.

For SEQRA purposes, a site that is determined to be "eligible" for the National Register of Historic Places will be treated by the New York State Historic Preservation Office as one that is formally "listed." 99 White Plains Road (former Martin Rumsey Miller Estate/aka Goebel Collectors Club Building) was designated a Historic Landmark in the Village of Tarrytown on January 28, 1980.

### **Potential Impacts and Mitigation**

Given the adaptive reuse and preservation of the front portion of the Goebel building, the Project would not cause any adverse significant historical impacts. The Applicant would take

photographs of the rear portion of the existing building prior to taking it down. The Applicant also plans to include informational displays about the history of the site and the Goebel building inside the facility.

The Project will require consultation and review under Section 14.09 of the New York State Historic Preservation Act. Applicant has posted information about the Project and the site history on the NYS Cultural Resource Information System (CRIS). SHPO has provided a preliminary review dated November 19, 2020 and responded with several concerns regarding 1) the new addition and recommends reducing the height of the proposed addition and setting the east wing further back, so that it does not extend beyond the primary facade of the historic building; and 2) the proposed Porte Cochere on the primary facade of the historic colonial revival building would not be appropriate for this building style and recommends that it not be constructed on the Goebel Building.

The Applicant's Historic Preservation Architect has responded to the Planning Board in a letter dated November 20, 2020 updating the Board on his positive conversations with the Village Historian. Mr. Tilly indicated that he would continue to refine the design details of the Project and work with SHPO to address their specific comments regarding the new addition and east wing as well as the Porte Cochere. Mr. Tilly will also provide a detailed description of the proposed project scope of work, including drawings and specifications for all proposed work on the building, exterior and interior.

Before final approval, the Project will need a determination of no adverse impact or similar determination from SHPO.

The Project will also require a Certificate of Appropriateness under Chapter 191 of the Village of Tarrytown Code titled "Historic District and Landmarks."

The Applicant and Stephan Tilly, Applicant's Historic Preservation Architect, will coordinate with these two agencies to obtain their approvals of the adaptive reuse of the existing building.

#### **Archaeological Survey – Phase 1A**

A Phase 1A archaeological report was prepared by Eugene Boesch which is located in Appendix J. The Historic Preservation Director at Stephen Tilly Architects has resubmitted the archaeology survey and completed the separate online submission, as requested by the Archaeology Unit of SHPO.

#### **Existing Condition**

The project's approximately 4.6-acre Area of Potential Effect (APE) contains the National Register eligible 1905 Colonial Revival style Goebel Mansion (USN Number:11950.000463). Much of the pre-development terrain of the APE has been altered by grading and filling as a result of construction and landscaping during the mid-19th through 20th centuries to create estates on the property. Prior to development, the Property sloped down from the north to

relatively level land before continuing to slope again similar to what currently can be seen from terrain to the immediate north and west outside of the APE. Much of the western portion of the APE has been raised by the deposition of as much as 5 feet to raise and level the terrain's slope.

#### **Proposed Condition**

Proposed Project related impacts mainly will be confined to the center and eastern portions of the APE where a new building, driveways and parking area will be constructed along with the installation of new utilities and landscaping.

#### **Potential Impacts and Mitigation**

Although past Native American sites have not been reported within the APE, seven sites have been recorded within about a mile of it. Information about the sites is limited but what can be ascertained is that the preferred environmental settings for past Native American occupation in Tarrytown are raised, well drained ground in proximity to a fresh water source along terrace or bench-like terrain, knolls, and other high ground in proximity to the Hudson River. Use of the property by past Native Americans would not be surprising given that its central and eastern parts formerly possessed topographic and physiographic characteristics similar to that of the known sites. Although portions of the APE formerly may have been sensitive for Pre-Contact or Contact period occupations, past development associated with construction of mid-19th to 20th century mansion estates would have disturbed or destroyed any archaeological sites possibly present. Accordingly, the current APE is not considered to be sensitive for undisturbed or intact Pre-Contact and/or Contact period archaeological sites due to prior disturbance.

In addition to the NR eligible Goebel's Mansion within the APE, a National Historic Landmark, a NR listed Historic District, a NR eligible Historic District, and five individually NR eligible properties are located within a half mile of the APE. Project construction will not adversely impact the historic properties outside of the APE.

Due to its lack of archaeological sensitivity, the Project would not cause any significant adverse archeological impacts, and no additional archaeological investigations of the project APE are anticipated. Further evaluations of Project impacts on significant Historic properties located outside of the APE also are not warranted.

#### **Green Technology and Sustainability**

Like in its other communities, Sunrise is committed to implementing a holistic, multi-faceted approach to green building and sustainability objectives for this Project by using a range of techniques, practices, and operational mandates.

#### **LEED Certifiable**

Sunrise of Tarrytown will be designed and built to be LEED certifiable, reaching an equivalent of "LEED Certified" Standard. LEED is a nationally recognized standard, developed by the US

Green Building Council. The LEED Scorecard is used as a tool to guide and achieve overall sustainability of the project.

#### **Green Systems and Technologies**

Sunrise of Tarrytown will incorporate green systems and technologies, such as: reuse & incorporate existing building structure into new building design,

- stormwater quality enhancement,
- energy efficient design and operations,
- maximize use of natural lighting instead of artificial lighting,
- environmentally friendly building materials,
- implement enhanced indoor air quality strategies, and
- low flow plumbing fixtures, among others.

#### **Energy Star Certification program**

Sunrise enters all of its US buildings into the EPA's "*Energy Star Certification*" program. Each month, the gas, water, and electric bills are uploaded, and each building is compared with all others in the Senior Housing category. To date, 40+ Sunrise buildings have been granted the Energy Star certification, signifying that these buildings perform in the top 25 percent of similar buildings nationwide for energy efficiency and that they meet strict performance levels set by the EPA. These buildings use an average of 35 percent less energy and release 35 percent less carbon dioxide than other typical communities.

#### **Operations and Training**

Sunrise provides education, training, and reinforcement of sustainable housekeeping and maintenance practices and behaviors, such as:

- Keeping walk-in refrigerator doors and ice boxes closed to conserve energy and costs.
- Washing only full loads of dishes and clothing and maintain standard temperatures to save on cost per load and energy consumption.
- Having dryer ducts professionally cleaned and clear lint screens regularly to maximize dryer efficiency.
- Minimize drying times to conserve energy and minimize costs.
- Setting back thermostats whenever possible to reduce energy usage during the evening
- Ensuring that windows and doors have the proper weather stripping
- Specifying and replacing computers and appliances with Energy Star rated products
- Using green housekeeping chemical formularies and green housekeeping paper products
- Using smart irrigation controllers which gathers local weather data and regulates the amount of water that goes out to the heads.
- This reduces water use as well as prevent over-watering and the damage that occurs to the hardscape.

#### **Soil, Topography, Steep Slopes and Geology**



### **General**

Whitestone Associates, Inc. (Whitestone) completed a preliminary geotechnical investigation and preliminary stormwater management (SWM) area evaluation at the site in March 2020. The purpose of the investigation was to evaluate the existing subsurface conditions and provide initial geotechnical recommendations in support of the proposed development. These investigations included performing test borings and soil profile pits across the subject site, evaluating the conditions encountered, performing laboratory infiltration testing, and documenting estimated seasonal high groundwater levels within the proposed SWM area, and developing geotechnical recommendations for the proposed foundations and related earthwork. (See Figure 9-Boring Location Figure). The full report by prepared by Whitestone, with findings and specific recommendations, is included in Appendix H of this report.

The subsurface soil conditions encountered within the subsurface tests consisted of the following generalized strata in order of increasing depth:

**Surface Materials:** The subsurface tests were performed within either existing paved areas or grass covered areas across the subject site. The tests performed within the pavement areas encountered approximately two inches of asphalt underlain by up to two inches of gravel base. The subsurface tests performed within the grass-covered areas encountered approximately seven inches to 12 inches of topsoil at the surface.

**Glacial Deposits:** Underlying the surface cover, the subsurface tests performed encountered glacial deposits generally consisting of silty sand (USCS: SM) and silt (USCS: ML). The soil profile pits and soil borings performed as part of the investigation encountered the glacial deposits to depths ranging from six fbgs to 13 fbgs. SPT N-values within this stratum ranged between five blows per foot (bpf) to refusal (defined as more than 50 blows per six inches of split spoon sampler advancement), generally indicating loose to very dense relative densities and averaging approximately 27 bpf.

**Weathered Rock:** Beneath the residual deposits, weathered rock materials were encountered within the subsurface tests consisting of highly weathered schist. With the exception of boring B-2, the soil borings and profile pits were terminated at the weathered rock/bedrock interface at depths ranging from eight fbgs to 20.5 fbgs. The SPT N-values within the weathered rock materials consistently were in the refusal range, generally indicating a very dense relative density.

**Bedrock:** Beneath the weathered rock stratum, in-tact bedrock was encountered within the subsurface tests. An approximately five-foot rock core of the schist bedrock was collected within boring B-2 using NX rock-coring techniques. Rock core recovery was measured as 100 percent and RQD was measured as 50.8 percent.

**Groundwater:** Static groundwater was not encountered within the borings performed; however, perched groundwater conditions were encountered as shallow as six fbgs.

Groundwater levels should be expected to fluctuate seasonally and following periods of precipitation.

The Geotechnical Report includes detailed recommendations and data relating to the earthwork for the Project. These recommendations include requirements for site preparation and proof rolling, weather considerations for earthwork, subgrade protection and inspection, dense soil / rock excavation requirements, groundwater control, filling and backfilling, settlement, frost considerations and seismic considerations.

Therefore, with proper execution of excavation and filling activities in accordance with the recommendations of this Geotechnical Report, the project's earthwork activities are not expected to have a significant adverse impact on the Property nor its adjacent properties.

### **Steep Slopes**

#### **Existing Condition**

The areas on the site with slopes of 25% and greater were identified and mapped on a slope map. There is approximately 16,648 square feet of area or 8.3 % of the overall site which would be classified as steep slopes. The steep slope area is concentrated in a band running north/south on the western side of the site.

#### **Proposed Condition**

The proposed site design seeks to minimize encroachment and impacts to the steep slopes. Site grading techniques utilizing retaining walls and stabilized, planted, slopes will be implemented as part of the strategy. The proposed disturbances on steep slopes total 4,660 sf. Approximately 500 sf of steep slopes will be permanently removed due to the construction of the west portion of the building addition and nearby site improvements. The remaining 4,160 sf of steep slopes disturbance is for grading, and will be restored with erosion resistant vegetation.

#### **Potential Impacts and Mitigation**

Most of the existing steep slopes area to be impacted by the proposed site development will be restored at the completion of the project. These areas will be seeded and stabilized and maintained by the applicant going forward. The Project's grading and drainage design will reduce runoff over these steep slope areas thereby reducing the potential for erosion. With these measures in place, the Project would not result in any significant adverse impacts relating to steep slopes, and no further mitigation is required.

### **Wetlands**

#### **Existing Condition**

Evans Associates, Environmental Consultant, was engaged to perform a wetland identification and delineation for the site. The *Wetlands Delineation and Impact Assessment Report* prepared by Evan Associates dated September 4, 2020 has been provided to the Planning Board.

Wetlands on the property were field delineated in accordance with Chapter 302, Wetlands and Watercourses, of the Code of the Village of Tarrytown, and the technical criteria in the 1987 Army Corps of Engineers (ACOE) Wetland Delineation Manual (TR-Y-87-1) as modified by the 2012 Regional Supplement for the Northcentral and Northeast Region (TR-12-1).

There are no New York State Department of Environmental Conservation (DEC) wetlands nor locally regulated wetlands on the property. The field delineation was conducted on January 30, 2020 by a Professional Wetland Scientist from Evans Associates Environmental Consulting, Inc.

Although no wetlands were identified on the site, there are wetlands noted on the adjacent property to the north. The requisite 150' adjacent area / buffer for those wetlands as required by the Village of Tarrytown as well as the pertinent surveyed wetland flag locations are indicated on the existing conditions plan. The total wetland adjacent area on the Property totals 33,625 sf (0.77 acres).

#### **Proposed Condition**

The proposed site design minimizes additional intrusion of structures into those adjacent areas. A small portion, approximately 11,065 sf (0.25 acres) of the overall wetland adjacent area, will be encroached upon for the construction of the building and surrounding grades. A portion of the existing building to be removed presently encroaches in this buffer.

Therefore, the permanent wetland buffer impact is 7,125 SF (0.16 acres) in size. The remaining 3,940 sf will be temporarily disturbed and reestablished as part of the Project's improvements. The area to be reestablished includes a bio-filter stormwater management area which will provide water quality enhancement for a small contributing area of the Property. The majority of the stormwater detention system will be beneath the parking lot. This system will discharge to the existing storm system in White Plains Road and will not be directed towards the wetlands. Treated discharge from the biofilter basin will be piped to the existing catch basin in the western portion of the property, which in turn discharges into Wetland B. The remainder of the wetland buffer will remain undisturbed and will function as it currently does to convey both surface and groundwater to the wetland.

#### **Potential Impacts and Mitigation**

With input and guidance from the Environmental Consultant, there will be mitigation measures proposed which will complement the proposed landscape. An integral feature is the proposed bio-filter area which will be incorporated into the stormwater management system for the site. In addition, the bio-filter area also contributes to the green building and sustainability aspects of the project. Evans Associates recommended no additional wetlands mitigation as the Project would not cause a significant adverse wetland or wetland buffer impacts.

#### **Vegetation and Tree Removal**

#### **Existing Condition**

A field inventory of existing trees was performed and mapped by JMC surveyors. The trees are identified on the *Tree Removal Plan* by number with a table indicating the trees species, caliper, and remain/remove status. There is a total of 191 trees of various species identified on the Property which are in excess of 6" dbh. These include a mixture of native and non-native species of cedar, cherry, pine, maple, ash, spruce, boxelder, beech, black locust, dogwood, hemlock, larch, oak, cottonwood, horse chestnut, mulberry and tree of heaven.

When appraising the value of existing trees (§281-14) the following trees are further protected and shall be double value for appraisal purposes; American beech, European beech, Eastern white pine, American elm, Ginko (male), Canadian hemlock, American sycamore, Littleleaf linden, Larch, Red oak, White oak, Shagbark hickory.

On September 3, 2020, a field inspection was performed by a Senior Landscape Architect from JMC, PLLC who noted that the general condition of much of the existing vegetation appeared to be in decline from overgrowth/age, invasive species, deferred maintenance, and storm damage. In addition, as the plant material has aged there is crowding due to the locations and spacing of the original plantings.

There are some existing trees which are well located and may be considered "specimen trees" (by town species designation) and of specimen quality. Of note, there is a Japanese maple in the large circular entry island which will be evaluated for possible relocation. There is a large oak tree in the front lawn area proposed to be removed for design reason, which is also in poor condition, as exhibited by a lot of dead wood/branches and decay at the base of the tree as evidenced by fungus growth.

There are several larger trees along the property line perimeter and along the existing parking areas, that are either dead and/or in poor condition and should be removed for aesthetic and safety reasons. There is a row of mature pines adjacent to the existing parking area which are spaced about 12' from one another, and are in poor condition, with no lower branches, several of which are covered with invasive vines.

Collectively the property has a stand of invasive Bamboo, Japanese Knot Weed, Chinese Wisteria, English Ivy, and various understory saplings such as tree of heaven and black locust. The most southern property has a tremendous amount of poor and declining trees, with extensive storm damage and debris from the most recent August 2020 storm.

#### **Proposed Condition**

The proposed Project includes extensive garden plantings and landscaping for screening, shade, and overall visual enhancement. To accomplish the site and building improvements, it is anticipated that 41 of the 191 existing trees will be removed which include approximately 8 dead or compromised trees discussed above that will be evaluated for removal during the site plan approval process.

The proposed Project incorporates several of the significant and notable existing trees that are in good condition into the landscape and site plans. The area along the western boundary of

the site, adjacent to the Old Croton Aqueduct, has a significant area of mature trees and existing vegetation which will remain. Along the frontage of the property there are several existing trees which will remain and be complimented with proposed trees.

The proposed landscape will include a variety of plantings including large deciduous trees adjoining the parking areas and drives, ornamental/flowering trees in strategically selected places, and evergreen screen plantings to help with backdrop and privacy. Species will be selected, and the materials will be generously sized to compliment the high-quality landscape.

#### **Potential Impacts and Mitigation**

Although there will be 41 trees selectively removed (which include approximately 8 dead trees as discussed above), based on the current site plan, there is a significant amount of proposed vegetation. Mitigation of potential impacts, which may be caused by the select removal of trees, will include a substantial proposal for new landscape materials. The current landscape plan proposes 16 new Deciduous trees (4" min), 35 new Ornamental trees, and 45 new evergreen trees. Extensive shrubs, grasses and perennial plantings will be installed for the enjoyment of the residents and to provide environmental enhancement.

The proposed plant material will provide healthy, new trees which will benefit the aesthetics of the property and improve potential safety concerns which may result from trees in decline. In addition, the overall improvements to the landscape will be a mitigating factor. The adequacy of the proposed plantings as mitigation for tree removals will be determined during site plan review after review of the final planting plan. With these mitigation plantings, the Project would not result in a significant adverse impact on the site's trees.

#### **Stormwater Management**

##### **Existing Conditions**

The Project's Stormwater Pollution Prevention Plan (SWPPP) has been designed in accordance with Chapter 258 "Stormwater Management" of the Village of Tarrytown Code and the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit No. GP-0-20-001 for Stormwater Discharges from Construction Activity, effective January 29, 2020.

The SWPPP includes stormwater management practices from *New York State Stormwater Management Design Manual* last revised January 2015. Eligibility under the General Permit will also require the issuance of a Letter of No Impact, a Letter of No Adverse Impact or a Letter of Resolution by the State Historic Preservation Office (SHPO) and / or the NYS Office of Parks, Recreation and Historic Preservation (OPRHP).

The SWPPP involves conveyance of runoff from newly developed and redeveloped areas of the site to proposed stormwater management practices. Stormwater runoff will receive water quality treatment through a combination of green, standard, and alternative practices. Although this Project is a redevelopment project and the Green Infrastructure requirements of the General Permit are not typically required, the Applicant has incorporated green practices

into the Project's proposed stormwater management design. The 1, 10, 25, and 100-year storm recurrence intervals were reviewed in the design of the stormwater management facilities.

The site in its current state does not include any stormwater quality or quantity management practices. Therefore, all runoff from existing impervious and developed areas discharges directly from the site or to the existing stormwater infrastructure as described below.

#### **Potential Impacts and Mitigation**

The Project's proposed stormwater management plan includes a variety of green practices to mitigate the Project's moderate increase of impervious area of 0.5 acres. These practices include an underground infiltration system and a biofiltration area.

The majority of the existing building, the proposed building addition and the proposed parking areas will be directed to water quality device as pre-treatment before the proposed infiltration system. Small portions of the building's mansard roofs in the rear of the property will be directed to a proposed bio-retention area to the west of the building addition. Both of these systems will provide water quality enhancements prior to discharging runoff from the site. The infiltration system will also provide detention to mitigate potential increases in the rates of stormwater discharge from the project.

The proposed stormwater facilities have been designed such that the quantity and quality of stormwater runoff during and after construction will be significantly enhanced as a result of the Project. The peak rates of stormwater runoff will be reduced to each of the three design points considered in the SWPPP. In addition, due to the Project's proposed infiltration system, runoff volumes will be also be decreased when compared to existing conditions as a result of the proposed infiltration system.

In addition to the post-development stormwater quality and quantity enhancements, the project will also include a sediment and erosion control plan which is described in the SWPPP. This sediment and erosion control plan will be prepared during the site plan approval process in accordance with the requirements of the NYSDEC / SPDES General Permit, the Westchester County Soil and Water Conservation District and the Village of Tarrytown. The parameters of the design of the Sediment and Erosion Control Plan are included in the project's SWPPP. Accordingly, upon the implementation of the SWPPP, no additional stormwater measures are required.

#### **Traffic, and Parking**

A complete Traffic & Parking Study was prepared by JMC to assess existing conditions as well as future traffic operations and parking conditions in association with the proposed senior living.

Traffic volumes and parking requirements generated by assisted living communities are typically low compared to other types of residential and commercial uses. The residents do not have

cars (other than the rare exception). Visitor traffic volumes are typically low, approximately not more than 5 at any given time.

#### **Existing Condition**

JMC performed field reconnaissance at the site and adjoining roadway network in order to gather existing conditions data. The field work included a determination of lane widths, striping, horizontal and vertical alignments, signs, speed limits, pedestrian activities, traffic flows, on street parking, sidewalks, curbing, etc. Due to the timing of the COVID-19 virus pandemic, current traffic counts in the field were not able to be conducted. In lieu of current field counts, data from available recent studies (i.e. Artis Property) and references to industry standard sources (ITE) were utilized for this analysis, as is typical practice by Traffic and Transportation Engineers during this unprecedented time.

NY 119 is known as White Plains Road within the study area and is under the jurisdiction of the New York State Department of Transportation (NYSDOT). It originates at US 9 (South Broadway) to the west and terminates at NY 22 to the east. NY 119 generally provides two travel lanes in each direction and widens to provide dedicated turn lanes in the vicinity of the site. On-street parking is generally prohibited along the roadway and NY 119 has a posted speed limit of 30 mph within the study area.

US 9 is known as South Broadway within the study area and connects to Ossining in the north and Yonkers in the south. The roadway is under the jurisdiction of NYSDOT and generally provides two travel lanes in each direction within the study area widening at several intersections to provide dedicated turn lanes. In the vicinity of the site, the posted speed limit is 30 mph and parking are prohibited on both sides of the street.

In order to evaluate the changes in traffic associated with the proposed community, the Traffic Consultant analyzed the following intersections: US 9 & Interstate 87/287 Eastbound Ramps/Hotel Driveway; NY 119 & US 9/Jughandle; NY 119 & Site Driveway; and NY 119 & Interstate 87/287 Westbound Ramps/Office Driveway. The Traffic Study provides a detailed analysis of levels of service in existing conditions for each movement at the study intersections.

#### **Traffic - No Build/Proposed Conditions**

The No-Build Condition considered other developments in the planning or construction phase in the Village and also includes a growth rate of 1% per year to the 2022 Design Year. Based on discussions with Village of Tarrytown staff, the study incorporated traffic volumes for the planned redevelopment of 200 White Plains Road, the Edge on Hudson development, Hudson Harbor development, Artis Senior Living project, re-occupancy of the vacant office at 155 White Plains Road, and the reopening of Ramp E (from southbound Route 9 to the Governor Mario M. Cuomo Bridge) which are the same developments incorporated in the Artis Senior Living Facility Traffic Study.

The Traffic Consultant's analysis shows that the proposed redevelopment results in a net reduction of approximately 3 trips during the peak weekday morning hour and a net increase of approximately 2 trips during the peak weekday afternoon hour when compared to re-

occupancy of the vacant uses. To provide a conservative analysis, this study does not consider the re-occupancy of the vacant office and warehouse use on the property. The proposed redevelopment results in approximately 21 and 28 trips during the peak weekday AM and PM hours, respectively.

#### **Traffic - Potential Impacts and Mitigation**

At the intersection of NY 119 & Interstate 87/287 Westbound Ramps during the peak weekday morning hour, the southbound office approach is projected to increase in delay by 0.1 seconds from a level of service D under no-build conditions to a level of service E under build conditions. The projected 0.1 second delay increase is a minor increase which would not be perceptible to drivers on the roadway.

At the site driveway intersection, the NY 119 left turn movement into the site is projected to operate at a level of service B under build conditions while the site driveway exiting movements are projected to operate at a level of service C under build conditions during the peak weekday AM hour. During the peak weekday PM hour, the NY 119 left turn movement into the site is projected to operate at a level of service A under build conditions while the site driveway exiting movements are projected to operate at a level of service B under build conditions.

Based on this, it is the professional opinion of JMC that the project will not have a significant adverse impact on traffic operations in the area. Therefore, traffic mitigation measures are not proposed as part of the Project since the use is a low traffic generator which replaces a former office / warehouse use on the Property.

#### **Parking**

The proposed parking requirements and parking ratio of similar Sunrise properties were briefly described in the first page. It is anticipated that the residents and staff of the proposed Sunrise of Tarrytown will be a similar demographic to the many other Assisted Living communities which Sunrise has built and is operating. From experience, Sunrise knows that its residents are typically around 85 years of age, or even older, and no longer drive or have their own cars.

All meals and a variety of recreational, social, and convenience activities (e.g. hair salon) are provided on-site. Local transportation to errands, doctor appointments and places of worship is provided by a Sunrise Jitney as needed.

Sunrise is mindful of selecting sites located in close proximity to public transportation. Refer to Figure 7 for the location of bus routes and stops. This criterion helps to meet the transportation needs of 50% of employees, reducing the number of parking spaces required. In addition, this practice of selecting sites well located for access to public transportation contributes to increasing the overall and broader sustainability aspects of a property.

The anticipated parking demand for Assisted Living Facilities has been studied for many years in numerous locations by a variety of professionals, consultants, property owners and organizations including the Institute of Transportation Engineers (ITE). The analysis of the data from these sources



forms the basis for understanding and recommending parking requirements. Municipalities often refer to these recommendations when formulating their local codes versus relying on individual assumptions. In general, Sunrise provides a parking ratio of 0.4 to 0.6 parking spaces per unit (versus per bed) which has repeatedly proven to adequately meet their parking needs. The parking supply ratio of 0.64 spaces per unit for the proposed Sunrise of Tarrytown is greater than the peak parking demand ratio of 0.40 spaces per unit on a on ITE data.

The proposed Zoning Amendment utilizes the same parking requirement of 0.5 parking spaces per bed as required in the existing "A/D Floating Overlay Zone" for the Artis property. Applying this parking requirement (0.5 spaces/bed) to the 85-unit, 108 bed Sunrise proposal, will require 54 parking spaces.

This exceeds the parking supply Sunrise would typically provide if calculated on a per unit basis 0.5 to 0.6 spaces per unit for 85 units or 43 to 51 spaces. Therefore, the 54 proposed parking spaces will be more than adequate to meet the anticipated needs of the community. The Sunrise properties reviewed. The five Sunrise facilities reviewed in the New York Metro Area ranged in size from 76 units to 90 units with parking ratios of 0.44 to 0.60 spaces per unit. The parking ratio at Sunrise at Tarrytown would be 0.64 spaces per unit.

Based on the above, the proposed 54 parking spaces for the proposed Senior Living Community would readily accommodate the projected parking demand based on Sunrise's actual experiences at its other communities. In addition, the proposed 54 parking spaces exceeds ITE recommendations for Assisted Living uses by 20 at its peak utilization.

### **Visual Impacts/Neighborhood Character**

#### **Existing Condition**

An analysis of the visual impacts of the project was requested by the Village. In consultation with the Village Planner, four (4) locations were selected to be the viewpoints for the studies. The locations of these viewpoints are depicted in Figure 13.

Location #1 is located on White Plain Road near the Property's southwest corner. This view looks towards the existing Goebel Building as viewed from White Plains Road / NYS Route 119. White Plains Road is a five (5) lane New York State highway with commercial properties along the corridor within the Village.

Location #2 is located along the Old Croton Aqueduct approximately 100 feet from the Property's southwest corner. This view looks towards the existing Goebel Building from the aqueduct through a wooded area which will remain as part of the Project. Location #2 is adjacent to an existing shopping center located west of the Property.

Location #3 is located along the Old Croton Aqueduct near the Property's northwest corner. This view looks towards the existing warehouse addition to the Goebel Building. This

warehouse will be removed as part of the Project. Location #3 is adjacent to an existing shopping center and an apartment / condo complex located west of the Property.

Location #4 is located along Martling Avenue where it bends from south to east, north of the property. There is an existing stormwater management basin between the site and this viewpoint on the property to be developed by Artis Senior Living. There are large deciduous trees on the Artis site which will remain based on the Applicant's review of the site plans included in the SEQR documents prepared for the Artis project.

#### **Proposed Condition**

The visual studies represent the views from the four selected vantage points. Perspective View #1 shows the proposed building from Route 119. This view demonstrates that the proposed building, including the adaptive reuse of the Goebel building, will fit nicely onto the site with a scale and visual character consistent with and complimentary to the existing Goebel building and other surrounding properties. This View also shows the proposed Porte cochere, circular driveway, stone walls, flagpole, and other prominent features of the site design.

Perspective Views #2, #3 and #4 show by a white outline the location of the proposed building *behind* existing dense vegetation, which would provide significant screening from these three vantage points. The Applicant's architect utilized this "ghosting" technique because the proposed building would be largely screened by this vegetation. While more of the building would be seen during leaf-off conditions, there are ample existing tree trunks and understory to provide screening during the winter months, together with the additional landscaping proposed as part of this Project. With respect to Perspective View #4, the proposed building would be approximately 350 feet from Martling Avenue. This separation distance also ensures that there would not be a significant visual impact from this vantage point.

#### **Potential Impacts and Mitigation**

The design of the proposed building addition will reflect the existing Goebel house on the Property and will include high-quality architecture and building materials typical of a Sunrise Senior Living Community.

The height and scale of the proposed building have been kept similar to the existing Goebel building on the Property, and consistent with the existing buildings along the Route 119 corridor. The existing and proposed vegetation, as well as the existing Goebel Building, will screen the building as viewed from the four locations studies herein.

Based on the above, the Project as designed will not have a significant adverse impact on the visual character of the Property and its surrounding neighborhood.

#### **Infrastructure and Utilities**

##### **Water Supply**

### **Existing Conditions**

The property is served by the Village of Tarrytown Water Distribution system. The Village of Tarrytown presently provides a 6-inch watermain in White Plains Road as service to the property as well as other adjacent properties on White Plains Road. The site's existing building is current served from the existing 6" water main in White Plains Road via an existing 2" water service.

### **Proposed Conditions**

A connection permit will need to be obtained from the Village of Tarrytown Department of Public Works to permit Sunrise to connect to the existing 6" watermain in White Plains Road, and a Highway Work Permit for Utility Work will need to be obtained from the NYSDOT to permit the connection work within the NY 119 right-of-way.

The proposed project consists of 85 units with a potential bed total of 108. Utilizing the "New York State Design Standards for Intermediate Sized Wastewater Treatment Systems," March 5, 2014, by the NYSDEC, estimated water demand of 110 gpd per bedroom plus 15 gpd for each of the approximately 60 employees yields a total estimated daily water demand of 13,770 gpd (excluding irrigation which may require an additional 7,760 gpd at peak seasonal demand).

The building will utilize a 3" domestic water and 6" fire service which enter the water room, which is located at the south side of the building. Backflow preventers will be provided on the fire service line and domestic water service to meet code requirements and the requirements of the Westchester County Department of Health. A flow test will be conducted at the time of filing for a building permit to determine if a fire pump or booster pumps are required to serve the fire service and domestic water systems, respectively.

The domestic water will be connected to all plumbing fixtures in the building and will provide domestic water to high efficiency water heaters, which are located in the water room adjacent to the kitchen. The water serving all fixtures will be tempered, except for those connected to the kitchen equipment, which require higher temperature water. The fire service will be piped to all levels to provide fire suppression. All fire service valves will be supervised, and flow switches provided, which are all tied into the fire alarm system.

Ultralow-flow plumbing fixtures will be provided as part of the sustainability and Green Building initiative for the site. Water conservation measures will be considered as indicated in "Green Building and Sustainability Aspects of the Project."

### **Potential Impacts and Mitigation**

The Applicant has committed to having Woodward & Curran, the Village's engineer for water related projects including modeling use their model to evaluate the capacity of the Village's existing water mains in the vicinity of the site. This would provide the Village Engineer the ability to determine what, if any, improvements, or repairs may be required to potentially mitigate the additional water demand associated with the project. The Applicant has agreed to pay the costs associated with the W&C modeling work which is estimated to be between approximately \$3,000 to \$4,000. To the extent any improvements or repairs are required to

service the Project's increased demand on the system, no significant environmental impacts are expected to result.

### **Sanitary Sewer**

#### **Existing Conditions**

The Village of Tarrytown maintains an 8-inch sanitary line beneath White Plains Road. An 8" sanitary sewer service currently serves the existing building on the property from the Village's existing 8" line in White Plains Road. The Village's main flows in a westerly direction towards South Broadway (NYS Route 9).

The Village has an existing 8" sewer main on Martling Avenue. The Rte. 119 route would require a longer pipe run than the Martling Avenue sewer service connection and would require NYSDOT permitting and construction within the NYS Route 119 right of way. It would also result in larger traffic disruption on the heavily traveled Rte. 119 as opposed to Martling Avenue, a local road less traveled. The Village has indicated offsite improvements would be necessary in order to pursue the Martling Avenue Connection (such as the repairing of a manhole at the intersection of Prospect Avenue and Broadway).

#### **Potential Impacts and Mitigation**

While the Rte. 119 connection to the sanitary sewer provides a viable option, the Planning Board preferred route is to the sanitary sewer in Martling Avenue. This preferred route provides significantly less traffic disruption since Rte. 119 is a very, heavily traveled road and would require a highway permit from NYSDOT for work in the Rte. 119 right of way. It also entails significantly more work and time extending the sewer lines and completing other improvements. Martling Avenue would entail extending a sewer line for approximately 100' with other related improvements at a significantly lower cost. Sunrise and Artis engineers have been in discussions regarding the possibility of joining together to develop the connection to Martling Avenue for both developments. Sunrise would require a sewer easement from Artis to cross the Artis property. This joint proposal would result in cost sharing with a lower cost. Sunrise has committed to conducting necessary studies including a flow study, video scope, and/or utility survey as determined in consultation with the Village Engineer to evaluate whether any reasonable infrastructure improvements are required to mitigate the new sewer flows directly associated with the Project, and the Applicant shall implement any such reasonable improvements identified by the studies. If this route is not a viable option, the applicant may replace the existing sanitary sewer service with a new service that is connected to the existing 8" sewer main on Rte. 119. Any additional sewerage flows introduced into this segment will impact the already at capacity sewers on Rte. 9 stemming from 330 South Broadway to Prospect Avenue. The introduction of any additional flows will necessitate a full evaluation and undertaking of the necessary improvements on Rte. 9 in order to achieve a maximum of 2/3 pipe flow capacity by the applicant as acceptable to the Village Engineer.

### **Electric and Gas Service**

### **Existing Condition**

The site is served with electricity and gas by Con Edison. With the current moratorium on gas service in the region, no new service connections are permitted which result in an increase in the gas load for the service. Therefore, the building will be designed to utilize electric service for the majority of its demands and propane for the kitchen appliances and the emergency generator.

### **Proposed Condition**

The estimated peak electric demand, without natural gas service due to the Con Ed moratorium, is estimated to be approximately 1,700 KVA. With a natural gas service serving the heating demand for the building, the estimated peak electrical load would be reduced to approximately 800 kVA (Source: GPI Engineers – MEP Consultant for Sunrise).

Existing utility poles which serve the site are located on the south side of White Plains Road. Based on JMC's preliminary conversations with Con Ed, the proposed electrical service will consist of an overhead service over White Plains Road to a proposed utility pole on the property. The service will then be underground to the building's electrical room located in the southeast corner of the new building addition.

Con Edison provides a gas main beneath White Plains Road. The applicant will coordinate with Con Edison to permit and construct a connection to the gas main once / if the service moratorium is lifted for this area.

All code required ventilation, air heating and domestic water heating, will be designed for electric power. A propane gas tank is planned for kitchen cooking appliances until such time that natural gas is available.

An emergency generator will be included in the design and will be fueled by either diesel or liquid propane. The generator will be provided for backup power to serve life safety loads including: exit and egress lighting, fire alarm system, selected common area lighting, security and telephone systems, HVAC equipment serving public areas (areas of refuge; heating and ventilation only), and selected receptacle circuits (including receptacles in the kitchen).

The emergency generator will be within a sound attenuating enclosure, and will be located on the roof of the proposed addition if a natural gas or propane generator is used. If a diesel generator is required, it will be located on the ground due to fuel storage and delivery requirements. This will be decided by the applicant during the project's site plan approval phase.

### **Potential Impacts and Mitigation**

Energy conservation measures will be considered as indicated in "Green Building and Sustainability Aspects of the Project " provided to the Planning Board.

## **Community Facilities – Police, Fire and Ambulance Services**

### **Police Protection**

Sunrise communities are staffed with front office personnel. Front doors are locked from 8pm to 8am, after hours and anyone attempting to access would need to contact staff on shift through intercom at front door. The doors have programmable security, so at any time, they can be changed to locked 24/7 and require staff to grant access at all times. It should be noted that the memory care units/floor is fully secure 24/7 and residents cannot leave without being accompanied by staff or family.

### **Fire Services**

Plans showing the accommodation of fire truck turning movements and roof access points, prepared by JMC, are included on the Site Plan drawings. The layout of the plan includes a turnaround/pullout at the southeast corner of the parking area which is sized and situated to facilitate a 3 point turn around by fire trucks and service vehicles for deliveries etc. The fire equipment access plan indicates 3 positions from which an aerial fire apparatus can gain access to the roof of the building if needed.

The building will be fully sprinklered and outfitted with state-of-the-art fire safety equipment. Prior to issuance of a building permit the detailed architectural plans with fire safety measures will be reviewed by the Fire Marshall for compliance with Fire Safety Codes

JMC will meet with the Village of Tarrytown Fire Chief to review the proposed site plan and its relationship with the proposed building. The objective will be to discuss the underlying rationale behind the site plan, the way it functions in terms of access and vehicular flow and receive fire safety input and recommendations.

### **Ambulance - Emergency Medical Services**

Sunrise will contract with a private ambulance provider to assist with emergency calls. The service provides emergency transportation as well as routine medical transportation as needed. Emergency calls are placed by managers on duty, which may include executive director, nurse, or trained staff. Sunrise will have a nurse on call 24 hours a day to handle resident emergencies/questions/concerns.

There is typically an average of 2-3 calls per week, with the majority of calls in the daytime. The exiting Sunrise Fleetwood and Crestwood communities had totals of 8-12 calls (monthly averages) over the past year.

The use of private ambulance provider will eliminate or significantly minimize the need for calls to the Villages EMS services (TVAC). Sunrise requires that sirens be silence at and near the property so as not to disturb residents and the neighbors.

### **Fiscal Analysis**

**Property Taxes**

The site currently generates approximately \$120,000 annually in tax revenues for the Village and other taxing jurisdictions. Future taxes once the property is redeveloped with the Project are estimated to be approximately \$425,000 annually. The Applicant may pursue a PILOT and other financial assistance from the County IDA. Furthermore, while the School District would receive its pro rata share of the tax revenues, the Project will not generate any new school-age children. Therefore, the proposed Project will provide a complete net tax benefit to the Public Schools of Tarrytown.

**Permanent Employment**

Once open and operating at full capacity, the community will create approximately 100 full and part time jobs (once fully leased) spanning over 3 shifts. A standard operating model carries over to each community, and adjustments are then made to account for the number of residents and how that impacts variable positions (e.g. cooks, housekeeping, care managers). Approximately 50 to 60% of employees work the first shift, then 30 to 40% work the evening shift and finally 10% work night shift. Sunrise provides training programs for its employees as well as on going learning opportunities. Additionally, when open, the communities hire other local contractors, such as, landscapers, entertainers, fresh produce etc.

**Construction Jobs**

An estimated 100-150 construction/trade jobs will be needed during the 18 months of construction for this site. Sunrise hires local subject matter experts and has worked with many local general contractors in NY.

**Environmental Constraints**

The subject property is not located within a flood plain. While the site does not contain any wetlands, there is a wetland and buffer on the adjacent Artis property. Evans Associates has provided a Wetlands Assessment Report for the Project. The Project is a redevelopment of a property using adaptive reuse techniques on the existing historic landmark building on the site. Two DEC remediation sites were noted in the DEC environmental database search - 360084: 124-134 Wildey St.; and C360064: 129 Main St. The DEC remediation at both sites has been completed and environmental easements provided.

**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 provided information including the Enhanced EAF Part 3 with parking and traffic studies, fiscal analysis, development potential analysis, historic assessment of the historic landmark building on the site, green technologies and sustainability, and agency reviews including Westchester County Planning and SHPO, the Planning Board has determined that the proposed action including the proposed zoning text and site plan for the proposed Sunrise redevelopment of the subject 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.