

Planning Board  
Village of Tarrytown  
Regular Meeting 7 pm  
March 25, 2024

PRESENT: Members Gaito, Friedlander and Mendez- Boyer; Counsel Zalantis;  
Building Inspector Valvano, Village Planner Galvin; Secretary Meszaros

ABSENT: Chair Raiselis, Member Aukland, Alternate Member Marte, Village  
Engineer Pennella

Mr. Gaito chaired the meeting in Ms. Raiselis' absence and opened the meeting at 7:10 p.m. He announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed to the Board and the applicant in advance of the meeting.

#### ADJOURNMENTS:

Mr. Gaito announced the following three adjournments:

1. Gotham Design Planning and Development - 25 South Washington Street  
Site plan approval for the redevelopment of the property to include the razing of the existing two-story single-family home and 1½ story detached garage in order to construct a new three-story primary structure with 3 dwelling units.
2. Gabrielle Salman, RA – 81 N Washington Street  
Change of use and legalization of a non-conforming four-family multi-family dwelling documented as a two-family dwelling
3. Nicole Doniger Strom - 68 Leroy Avenue  
Site plan approval for the construction of a two-story addition to a single-family residence.

APPROVAL OF MINUTES -December 28, 2023 – There was no quorum of the Board to approve these minutes; they will be considered at the next regular meeting.

APPROVAL OF MINUTES – February 26, 2024 – There was no quorum of the Board to approve these minutes; they will be considered at the next regular meeting.

CONTINUATION OF PUBLIC HEARING

Catalyze Tarrytown White Plains Road Microgrid, LLC – 120 White Plains Road

Dr. Friedlander moved, seconded by Mr. Gaito, to declare this Board the Lead Agency for the environmental review for this project in accordance with SEQRA.

The secretary recorded the vote.

Ms. Mendez-Boyer: Yes

Dr. Friedlander: Yes

Mr. Gaito: Yes

All in favor. Motion carried. 3 – 0

Doug Warden, partner with the law firm of Snyder & Snyder, appeared, representing the applicant. Robert Stickney, with Catalyze Tarrytown White Plains Road Microgrid, LLC, and Jeremy Smith, the project engineer, were also present. Mr. Warden noted that Catalyze is seeking approval to construct a BESS facility just a few buildings down from their law offices at 94 White Plains Road. The property consists of a large multi-story office building with a large parking lot in the rear. The facility is proposed in the rear parking lot closer to the I-87 thruway. The parcel is 7.8 acres, and the proposed facility is .17 acres. The proposed storage containers will be screened and buffered. He advised the Board that battery storage technology is not emergent, it is here, and has become a more and more important part of the grid. The 2019 NYS Climate Leadership and Community Protection Act, mandates 6000 megawatts of battery energy storage to be installed across New York State by 2023. He went through the history and moving parts of this application so the Board could get a sense of the task before them. First, they appeared before this Board in November and presented the project as an electrical substation. It was subsequently determined by the Building Inspector, that this was not an electrical substation, and after further review of the history of the village code, electrical substations were removed from the code back in 2008. Secondly, they appeared before the Zoning Board on March 11, 2024 seeking a use variance and an interpretation of the Building Inspector’s determination that the facility is not permitted either as a principal or accessory use. At that meeting, the Zoning Board referred the SEQRA portion of this matter to this Board for review. Lastly, they have petitioned the Board of Trustees to adopt a law to permit the proposed facility at the proposed location, which the Board of Trustees has also referred to this Board for a SEQRA review.

Jeremy Smith, the project engineer, with Waldron Engineering, presented the site plan and showed the main structure in the rear of the lot which consists of five (5) Tesla Megawatt battery cabinets that will provide 5 megawatts of energy out for 4 hours. This could feed a substantial portion of electricity to the local community. Each cabinet is 23 feet long by 5 feet wide by 9 feet tall, surrounded by a fence. The cabinets are only connected to the Con Ed grid; they do not touch the commercial building on the property.

This facility will resolve the voltage and frequency fluctuating issues that have been identified and have been negatively affecting the community during high peak evening hours. Some residents may have experienced these issues with their high-end electronics. This facility will stabilize the grid and allow them to put power into this system between midnight to 4 a.m. (low peak) and withdraw it back out to the grid from 3 p.m. to 7 p.m. (high peak), when people are using more power, eliminating the need to draw energy from gas and coal plants in the west using the grid system. He showed the elevations; and noted that the battery cabinets are 9 feet tall and will sit on a concrete foundation.

With regard to distances from the residential homes, 28 Summit Street and 39 Tarry Place were identified as the closest homes to proposed facility. When determining sites for these facilities, they look for a minimum setback from a property line of about 10 feet, and taking into consideration concerns with combustibles, they look for a setback anywhere from about 15 feet to 25 feet. This proposed site is within hundreds of feet to the residences. Mr. Smith showed examples of a BESS facility in Armonk and a picture of a “cabinet” for a project in the Bronx.

Mr. Gaito asked is they a visual for the facility proposed in Tarrytown. Mr. Smith said they tend to do a visual when requested by the Board. This facility is so far back that a rendering from the street would only show the building. Mr. Gaito asked if there is any other equipment besides the cabinets. Mr. Smith showed where the metering cabinet will be placed. It is closer to the front of the structure since it needs to be within 25 feet of the pole on NYS Route 119, as required by Con Ed.

Dr. Friedlander asked what the distance is between the facility and the main building. Mr. Smith said it was about 200 feet. Ms. Mendez Boyer confirmed with Mr. Smith that 28 Summit Street is 398 feet and 39 Tarry Place is 487 feet from the facility.

Dr. Friedlander asked about air quality emissions. Mr. Smith advised that these batteries are sealed solid state batteries, not lead acid batteries, and they do not leak out. During a breakdown, they shut themselves off. In the unlikely event of a thermal runaway, like a fire, as with all electronics, gases are released, and you would want to make sure that you are not near any intakes to any other structures. This facility is not near any intakes to any structures.

Ms. Mendez-Boyer asked if they have had contact with the Tarrytown Fire Department.

Mr. Smith said they have reached out with repeated calls and have been unable to connect with them to date. Mr. Galvin noted that a fire management system plan will be a requirement of the proposed code, along with a decommissioning plan; and there are many other requirements. Counsel advised that the Board has not had the opportunity to review the law yet since it was referred after the work session. It will be given to the Board for their review.

Ms. Mendez-Boyer is pleased that they are getting away from fossil fuels but they have to be concerned with the impact to the neighbors. She asked about the benefits of the battery storage and how it works. Mr. Smith explained that the evening hours when people get home, between 7 and 9 p.m., usage spikes, especially on a hot summer night. In order to get the extra needed power at this time, they draw energy from ISO's in the Midwest. These batteries will allow Con Ed to draw energy and charge the batteries from the grid and store it, between midnight and 5 a.m., and then release it back out into the grid at peak demand between 5 p.m. and 9 p.m. The battery system essentially replaces the fossil fuel plant and reduces the need for peaker plants, which are the least efficient and most expensive plants to operate. On a good solar day, they can also catch some solar.

Mr. Galvin asked Mr. Smith to explain the NYS rationale for going into this BESS technology. Mr. Smith advised that the state no longer wishes to authorize peaker plants, they want to move away from fossil fuel emissions, and they are looking for alternative solutions. Wind is one solution, but it is highly variable. Hydro is also good, but it is seasonal. These battery storage facilities are a part of the overall solution. As less and less power is generated, and requirements for more power increase, the state needs to find alternative solutions.

Mr. Gaito asked about the financial public benefit. Robert Stickney with Catalyze came up and said they will be delivering energy through a community benefit program. A part of the energy that goes out will appear on end user bills and credits the users. They will use a marketing firm who will set up a subscription service for end users to join and participate. Mr. Galvin noted that the village has signed onto a similar program.

Mr. Stickney confirmed with Mr. Galvin that they will be paying taxes to the village.

Ms. Mendez-Boyer asked why they decided on this location. Mr. Stickney advised that the site is a buildable site, it is flat and dry and easily accessible to connect to the Con Ed grid, and the capacity is needed in this area as identified by Con Edison.

Mr. Galvin advised that Con Ed has weak points in grid and they reach out to companies through RFP's, to install these facilities. The locations are not random; they are based on weaknesses in the grid which are mapped out.

Mr. Gaito asked about the loss of parking to the building and how it affects the current site plan. Mr. Smith advised that a parking plan was submitted and approved with the building permit application confirming that there was enough parking. They will provide the exact numbers, but the site will still have about 8 extra spaces available to accommodate the building after their facility is installed.

Mr. Gaito asked if they have addressed the concerns of the neighboring property owner, Dennis Noskin. Mr. Smith advised that they will work with the owner to match the grass species and will be happy to do that to prevent any lawn burn.

Mr. Gaito asked if anyone in the public wished to speak on this matter. No one appeared.

Mr. Galvin noted that there is a fence around the facility with buffering from the thruway. Mr. Gaito asked about the fencing. Mr. Smith said that Fire Department personnel like chain link fencing for easy access. They could also do a slat fence. They will show a slat fence, which is what they did in Armonk.

Mr. Galvin also noted that overhead wires connecting to the facility are not permitted.

Ms. Mendez asked how close the vehicles are from the facility. Mr. Smith noted that the facility is close to the I-87 ramp. If a unit experiences an issue, it would be similar to a car fire in the same spot. Mr. Gaito asked about the distance from the facility to the on ramp of I-87. Mr. Smith said they will provide these distances to the Board.

Dr. Friedlander asked if this building were to become residential, what would happen. Counsel said the applicant would have to go through a code change to allow that to happen. Only certain systems are allowed in residential zones. The facility proposed with this application is a Tier 2 facility, allowed as an accessory use, in the OB zone within 200 feet from the Thruway. Dr. Friedlander is concerned since it could possibly impact future tax rolls. Counsel Zalantis said that these concerns are all hypotheticals and she suggested that we concentrate on the application/zoning petition before this Board.

Mr. Gaito looks forward to reviewing the proposed text. Counsel Zalantis requested that an updated EAF be provided by the applicant listing all of the requested approvals that they have applied for.

Mr. Warden would like guidance on how to contact the fire department. Mr. Valvano asked Mr. Smith to contact the office to arrange for a meeting. Mr. Warden asked if they should attend work sessions. Mr. Gaito advised that work sessions are open to the public and if they wish to attend. The Board may, from time to time, have a question for the applicant.

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

The secretary recorded the vote.

Ms. Mendez-Boyer: Yes

Dr. Friedlander: Yes

Mr. Gaito: Yes

All in favor. Motion carried. 3 – 0

NEW PUBLIC HEARING – Elite Land Design LLC – 33 Gracemere

Mr. Gaito 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 on **Monday, March 25, 2024 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York to consider an application by:

Elite Land Design LLC  
17 Saw Mill River Road  
Hawthorne, NY 10532

For site plan approval for the construction of a single-family residence.

The property is located at 33 Gracemere (Lot 9 of the Jardim Estates East Subdivision) and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 115, Lot 47.9 and is located in the R-60 Zoning District.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required by the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board  
Dated: March 15, 2024

The mailing receipts were received and the signs were posted.

Brandon Zappi, PE, appeared on behalf of Elite Land Design, LLC, also the property owner. Brian Zappi, PE, was also present. Brandon Zappi reminded the Board of the Jardim Estates East Subdivision which recently received an amended Subdivision Planning Board approval. With regard to the conditions of this Resolution that needed to be satisfied, he advised the Board that they have since received approval from the Department of Health for the water main to be installed in the subdivision. A SWPPP was also completed, a SPDES permit has been obtained, and all of the required easements have been filed. There are some bonds that need to be posted prior to getting building permits for the subsequent lots. All that remains is the completion of the infrastructure which they hope to start immediately. Otherwise, they have hit the ground running and are before this Board for site plan approval for Lot 9 of the subdivision. He

showed the site plan and the new to be built road. Lot 9 is the first vacant lot on the left as you come up the road, just passed the stone building on the left, which is currently on the market. They are proposing a single-family residence conforming to the approved cluster zoning. It is 2,700 s.f. with a finished basement and garage and open stormwater basin. The proposed water and sewer will connect the mains that they will be extending for this development. He showed the trail way on the plan which was approved as part of the original subdivision in 2014, which is located near the sewer main. He showed the existing bamboo grove on the property which takes up a third of the backyard. He advised that they are in contract, and the contract vendee would like the bamboo to remain as a visual barrier for lot 3, but he will remove it, if that is what the Board wants.

Brandon Zappi said the proposed structure is 40-feet wide x 30-feet deep with a 23-foot x 22-foot garage. The footprint is about 1,500 s.f., including the garage. The total square footage is about 3,800 s.f., which includes the finished basement. They are proposing screening and landscaping and have used similar plantings recommended by Ms. Nolan for the 23 Browning Lane site plan application approved last fall. He showed the pines that will screen the trail from the property for privacy, and the street trees that were approved on the amended subdivision plan. They will add additional trees by the driveway in addition to foundation plants. They are excited to get moving. They have another property which is sold and have active interest in the rest of the lots, so more applications will be coming. He asked the Board if they have any questions.

Dr. Friedlander asked if there were any plantings proposed to shield the stone house. Brandon Zappi showed the plans and said there is not much room to provide screening. He said that the bamboo will help. Only a small portion will be visible; mostly the garage will face that structure, due to the way they have sited the house.

Dr. Friedlander asked if Ms. Nolan has reviewed this plan. Secretary Meszaros advised that it has been sent to Ms. Nolan but she has not reviewed it yet.

Mr. Gaito asked about the trail way. Brandon Zappi showed page 3 of the amended subdivision plan and noted that this trail way was approved back in 2014. He showed the route of the trail along Woodlawn Street which comes down into lot 3 and over and up through lot 9 to the new road. It also tees down to Gracemere Hall for access off of Gracemere and the area leading to Taxter Road Park. They are proposing to put wood chips down on the trail along with various site signage to direct people.

Mr. Gaito asked who will maintain the trail. Brandon Zappi advised that the HOA is responsible to maintain the trail. He is not sure about the village property portion and would defer to Counsel Zalantis. The utility and pedestrian easements have been filed.

Ms. Mendez Boyer asked if they know where the rock locations are on the site. Brandon Zappi said he does not know if there is ledge rock but they do anticipate that there will be some rock removal needed. They are very familiar with rock removal procedures. Chipping is their preferred method, but sometimes they do have to blast as a backup option. They have all the necessary equipment. They will follow the protocol, as required by the village code, which would involve pre-blast inspections and surveys to ensure that post-blast conditions are the same as pre-blast conditions. Again, chipping is their preferred method and they try that first. Ms. Mendez-Boyer asked if they have examined the area to determine where the rock is so they can site the building appropriately which would save money. Brandon Zappi advised that his project engineer has determined that there is rock throughout the site, so it is not like they can just move the house. They also have the utilities to deal with.

Mr. Galvin asked them if they have gotten any geotechnical reports. Brandon Zappi said they have not gotten them since they are typically done for larger commercial buildings, not single-family homes. Typically, test holes are done. There is a lot of rock in the back and it is something they are going to have to deal with. Mr. Gaito believes that doing a couple of test pits may go a long way to save some money and cut down on the chipping. Ms. Mendez-Boyer commented that they would hate for them to site the house where most of the rock is when there is space with no rock which would be more environmentally friendly, less noisy and costly.

Dr. Friedlander asked about the setbacks. Brandon Zappi said the house is 42 feet from the front of the property; 59 feet from the both sides of the property. In the rear there is 88 feet from the corner of the deck to the rear property line. They try to site houses in the same spot on each lot to make them look uniform. In this case, they would not be able to move the house over too much due to the setback. They would rather chip to make everything look nicer. Regardless of where the house goes, there will be chipping involved.

Mr. Gaito advised that they will wait to receive comments back from Suzanne Nolan. They would like the applicant to keep the Board updated on the test pits for the site which they have recommended. The application should also be referred to Hahn Engineering for review. Counsel Zalantis said that most of the conditions of the amended site plan need to be completed before the issuance of a building permit and/or certificate of occupancy, which would not affect this site plan approval, but they will be reviewed.

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, to set the escrow at \$5,000.00 and noted that \$2,500 has been paid with the application.

The secretary recorded the vote.

Ms. Mendez-Boyer: Yes

Dr. Friedlander: Yes

Mr. Gaito: Yes

All in favor. Motion carried. 3 – 0

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

Public Comment:

Greg Nilsson, lives at 30 Woodlawn Street. His property borders Lots 8, 9 and 3 of this subdivision. He reviewed the plan and is concerned that the stormwater from this lot is getting pushed toward his home. They already get a lot of water already from this area since it is all downhill. This property is about 20 feet higher than their first level and this specific lot actually increases in height by 14 feet as you go toward the center of the lot. All the water is going into the basin directed right near their fence. There is not a lot of dirt or plantings in this area. There are some trees; but many have fallen or died, so if they get at 2-inch rain storm, the water finds its way into their basement and their neighbor's basement. For these reasons, he would like the stormwater plan to be reviewed further. With regard to the pedestrian easement, they have a fence installed on the property line. He wants to make sure that when the applicant is working in this area, that their fence is protected, and, if there is damage, he wants to make sure that it is properly prepared by their fence contractor, and they would be compensated by the applicant for the repairs. The landscape plan provides screening of this trail way for Lot 9, but not for his property on the opposite side. This is an issue for Lot 9 currently before the Board, and also for Lot 3, whenever that construction begins. They would like the applicant to provide screening along the fence and the entire south side of their property and around the east side until it turns toward the cul-de-sac. They would like additional plantings added along this area. He would like the village landscape consultant to look at this. With regard to the applicant's schedule, the applicant said they have multiple applications in now. He wants to make sure that the conditions of the subdivision resolution are followed and that no certificates of occupancy are issued and no more than 3 building permits are issued until all the infrastructure is in. He would like more information or some sort of schedule or timeline. Mr. Nilsson advised that the pedestrian and sewer easement also goes through Lot 3. He asked if they are able to begin work on Lot 3 now or do they need site plan approval first? He noted that the applicant had an excavator out on Lot 9 today, and sometime last week, there was an excavator on Lot 3. They called the building department and someone came out and they stopped working. He is concerned about the timeline of construction and that the proper approvals are in place.

Dr. Friedlander asked Mr. Valvano about the stormwater. Mr. Valvano advised that Hahn Engineering will be reviewing this application. There is a swale with some culverts that will need review. Dr. Friedlander would like staff to ask Ms. Nolan to address Mr. Nilsson's comments to see if there are any other mitigation measures that can be taken.

Mr. Gaito said there are natural ways and the use of culvert systems to mitigate stormwater, the combination is what most people do, but the natural can be more beneficial than just for beauty and screening.

Brandon Zappi said the stormwater system is engineered by a third party and was reviewed and approved by Hahn Engineering as part of the SWPPP. This is the same basin that Hahn had reviewed, but with a smaller home, so there is less impervious surface with this proposal. The idea is not to capture all of the stormwater, it is to make sure that there is no additional water running off the property in the post construction phase versus the pre-construction phase. So, if there is water running off of the property now, the applicant has to make sure that there is not more stormwater runoff after the home is built, which is how the code is written. They will channel and capture what they can and percolate it into a controlled system. They prefer open basins for better maintenance versus using underground culverts which require cleaning. The trail easement was proposed back in 2014, which is why it was left, and it has been approved by the Department of Health. The reason that there is no screening proposed along this trail is because there is an underground sewer main and any plantings in this area with a root system could impact the sewer line.

Ms. Mendez-Boyer asked if the sewer has been installed yet. Brandon Zappi said it has not but it has been approved by the Department of Health. They will be having a pre-construction meeting with the Department of Public Works and the Building Department this week to lock down the next steps to get going on these utilities. They will submit for site plans as they sell the homes and know what the customer wants to build. They want to get started on the roadway and infrastructure immediately. As part of the timeline of events, in the resolution, they had a machine on site for sediment and erosion control measures, which is what has to be done before construction. They were stopped by the village last week and are not sure why that happened. They would like to complete that process and start taking down trees as well, and they will be meeting with the Village Tree Commission this Thursday. It is in everyone's best interest to get the road and utilities in as soon as possible. The ducks are all lined up and they are ready to go.

Mr. Valvano advised that they were not stopped last week. Part of the conditions of the Resolution require that the applicant notify the Building Department of any work and provide a schedule with staging etc., which was not received.

Dr. Friedlander asked if there was a tree schedule and removal plan. Brandon Zappi said a tree plan for the roadway and utilities was presented back in the fall. He referred to page 2 of the plans for this Lot 9 which show a tree removal plan and planting plan. An arborist came out and verified the condition, size and species, of the trees sometime in January.

Ms. Mendez asked about tree replacement. Brandon Zappi said they have a schedule of tree replacements in accordance with the code and referred to page 6 of the submitted plans. They will wait to hear back from Ms. Nolan on this matter.

Brian Zappi, PE, also representing the application, came up and commented that the stormwater plan for this site was designed and approved and is oversized and will handle more than what is needed to slow down the water. The machines were on site for test holes, pre-emptive to this meeting, based on the last work session. There is bedrock throughout the site and no matter where they move the house, they will encounter it. They hope they do not have to blast, and that the chipping will work.

Additional Public Comment:

Ashley Nilsson, also of 30 Woodlawn Street, advised the Board that this subdivision was approved in 2014, before they bought their home in 2018, and did not have an opportunity to appear back then. They were told at the meeting last fall, when the subdivision approval was before this Board, that these issues would be addressed at site plan approval for each of the lots. It feels like they are not being given the opportunity to address these concerns. Mr. Gaito advised Ms. Nilsson that now is the time to be heard. Ms. Nilsson is also concerned about the stormwater runoff and she believes that there needs to be plantings to screen their property as well. They are talking about moving the walkway right next to their fence. It may be nice for the new homeowners who will get their privacy but she also wants privacy so people can't look into their property. Dr. Friedlander asked her what she would like. Ms. Nilsson would like plants and landscaping so that they also have privacy. Dr. Friedlander asked if there is room to plant trees on their property line. He commented that this path was created as a public benefit which leads to the Taxter Ridge Park for the community. Ms. Nilsson commented that when this was all approved, the former owner was retiring and moving to Florida so she was not concerned at that time. Dr. Friedlander said that he is sympathetic to water problems, but if there was runoff before onto this property, that should have been taken care of in another way. He does not believe that this Board can force a property owner to do something that is not required by the code.

Greg Nilsson returned to comment that the applicant is supposed to manage the stormwater on their property. There is a lot of water coming down. Mr. Gaito said the consultant will review this matter and his concerns will be taken into consideration. The Board is listening.

Ms. Mendez Boyer commented that there has been a 71% increase in rainfall in the last 20 to 30 years. The issues are real. Once a property is developed, the applicant has to mitigate the stormwater, but not before it is developed. There is a balance here. The Board has to protect owner’s rights to develop, but they also have to consider impacts to the neighbors, and they are not there yet.

Additional Public Comment:

Greg Nilsson suggested that if there is something can be done naturally to divert the water into the pond, just west to the left of Lot 3, that would be great. Their neighbors across Woodlawn, on Walnut Street, have also had an increase in the amount of water in their backyards. He is not sure of the cause but their yards are flooding more. He also noted that they would like the “pretty” side of the fence with the benefit of privacy.

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

The secretary recorded the vote.

Ms. Mendez-Boyer: Yes  
Dr. Friedlander: Yes  
Mr. Gaito: Yes  
All in favor. Motion carried. 3 – 0

NEW PUBLIC HEARING - Anne Denenberg and Adam Weissman - 121 Neperan Road

Mr. Gaito 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 on **Monday, March 25, 2024 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York to consider an application by:

Anne Denenberg and Adam Weissman  
121 Neperan Road  
Tarrytown, NY 10591

For site plan approval for the construction of retaining walls and patios in the rear of the property with related stormwater improvements.

The property is located at 121 Neperan Road and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.50, Block 22, Lot 2 and is located in the R-10 Zoning District.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

**By Order of the Planning Board**

Lizabeth Meszaros, Secretary to the Planning Board

Dated: March 15, 2024

Shea Graham, the project engineer, with Hudson Engineering, appeared, representing the applicants, also present. He presented the site plan which proposes the construction of retaining walls in the rear of the home with patios in order to provide usable flat space for the residents. They will be disturbing 1,200 s.f. of steep slopes for this construction and will be bringing in a generous amount of fill. They have submitted an erosion control plan, a tree protection plan, a tree removal plan, a planting plan and a stormwater plan for the proposed patios and walls. Two cultec systems are proposed to mitigate the patio runoff.

Mr. Gaito asked to see some sections to understand the relationship between the properties in the rear and on each side. Mr. Graham showed the existing retaining wall and the fence that runs along the rear property line. There is a 4-foot retaining wall along the property line which separates the high ground on their property from the low ground on the neighboring property. After a discussion of the contour lines provided on the plan, it was determined that the total drop in elevation in the rear of the property would be about 12 feet, from to 218 to 205.

Ms. Mendez Boyer commented that this plan, as submitted, is not just impacting the steep slope, it is changing the character of the entire back yard by bringing in the fill. Mr. Gaito also believes that it is quite a transformation that is being proposed. It is radically changing the existing site. He is also concerned about bringing in a generous amount of fill and the elevation drop between the neighboring property. Stormwater mitigation is also a concern. He asked Mr. Graham if there was another way the goals of his client can be achieved.

Mr. Graham advised that, as a follow up to the Planning Board site visit that took place on March 21, 2024, they have looked at an alternative plan. He did not have the proposed plan on paper, but he explained using the existing plan that they could preserve the existing retaining wall and steps adjacent to that wall and add a patio to the right. They could dig out the area to the right side of the property and donate that fill to the rest of the site to create flat space which would greatly reduce the amount of fill brought in to the site. Ms. Mendez Boyer asked if any trees would be impacted with this alternate proposal. Mr. Graham said if they keep the existing retaining wall, then they will be able to preserve the trees and plantings along that wall.

Mr. Gaito said that the applicants spoke about creating grassy space for the kids to play at the site visit, but he sees a lot of paved surfaces and pathways being created at the same time, so he is not sure if this has been achieved. Mr. Graham said that the alternate plan will create more open space by cutting out a chunk of the hill on the right-hand side and

adding a retaining wall, while keeping the existing rear retaining wall with plantings. This will reduce the amount of fill coming into the site. The slope disturbance would also be reduced from 1,200 s.f. to 400 s.f.

Mr. Gaito is happy to see that the fill will be reduced. It is a very narrow site. They will need to see site sections and visuals of the neighboring properties to determine the impacts of the alternate plan. Mr. Graham acknowledged receipt of the Village Landscape Consultant’s report. Mr. Graham said it is a tight space and they are doing the best they can to work with the Board.

Ms. Mendez Boyer referred to the alternate plan, which will impact the neighbor to the right. She noted that there is an elevation drop of almost 10 feet there. It goes from 224 to 214. Mr. Graham said it seems like a big drop but they are only dropping down 4 feet and that area will be gently sloped, it will not be flat. Ms. Mendez said this alternate plan seems like a better option but they will need to see the plan with the visual impact to the neighbors. She appreciates the alternate plan and that they will be keeping the trees.

There were no questions from the staff. Mr. Gaito asked for public comment.

Adam Weissman, the property owner came up and appreciates the Board’s feedback. They want to be as environmentally friendly and keep the natural state of the land as much as they can.

Mr. Graham will call Secretary Meszaros to follow up on submission dates for the next meeting in April.

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

The secretary recorded the vote.

Ms. Mendez-Boyer: Yes

Dr. Friedlander: Yes

Mr. Gaito: Yes

All in favor. Motion carried. 3 – 0

ADJOURNMENT

Dr. Friedlander moved, seconded by Ms. Mendez-Boyer, to adjourn the meeting at 8:55 p.m. All in favor. Motion carried. 3-0

Liz Meszaros, Secretary