

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

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

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

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

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

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

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

CONCEPT DISCUSSION - Coco Management and Kaufman Tarrytown Company, LLC

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

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

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

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

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

NEW PUBLIC HEARING – Artis Senior Living, LLC – 153 White Plains Road

Mr. Tedesco read the Public Hearing notice:

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

Artis Senior Living
1651 Old Meadow Road- Ste 100
McClellan, VA 22102

For a zoning text amendment in order to create a floating/overlay zone to allow for Alzheimer /Dementia care facilities in the OB, LB and MU zones in the Village of Tarrytown within a certain proximity to Route 119 and for site plan approval for a proposed Alzheimer/Dementia facility at the property set forth below.

The property is located at 153 White Plains Road in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.201, Block 121, Lot 5.12 and is located in the OB Zone.

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

Additional approvals will be required by the Zoning Board of Appeals, the Architectural Review Board and the Board of Trustees.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: May 18, 2018

The mailing receipts were received and the signs were posted.

Mr. Tedesco read portions of a letter from the Westchester County Department of Planning dated May 11, 2018 in response to the Planning Board's Notice of Intent to be

Lead Agency under SEQRA. Mr. Tedesco would like this letter to be made part of the record for the application and the applicant should address these comments on the site plan.

Don Walsh, of Development Strategies, White Plains, NY, a planning and consulting firm for Leon Silverman of Crescent Associates, owner of 153 White Plains Road, introduced himself and Mr. Leon Silverman, principal of Crescent Associates, Max Ferentinos, of Artis Senior Living, who is responsible for the 6 Artis facilities in New York. Richard Williams, PE, of Insight Engineering, the project engineer, and John Kirkpatrick, Attorney for the application.

Mr. Walsh confirmed receipt of the letter from Westchester County and will address these items in the SEQRA process. They have the last piece of the property left to develop. The reason they are proposing a text amendment is because the text amendment was a process they went through when the village was looking at additional uses that might be permitted in the OB/MU zones. When Columbia wanted to come in, the Zoning Board of Appeals agreed that medical uses (not overnight) were permitted in this zone.

They would like to work with the Planning Board to establish what the Board will need in order to move forward with this process. He described the property and its boundaries, and gave a brief history of the site. The site has not been used since the last century. There was a Boy Scout camp in 1963 and a cleanup in 1980 when an oil tank was removed and reported. There is a contract for sale of this property to Artis Senior Living, conditional upon site plan approval. Artis Senior Living is the applicant for this project. They will be given full state licensing for this location. Artis is expanding; this is the 6th site in New York. They specialize in Alzheimer/ Dementia care. He introduced Richard Williams, the project engineer, to go over the plan.

Richard Williams presented the site plan and went over the approval history of the property. He referred to the site plan and environmental review for the 60,000 s.f. office building approved by Planning in 2006. In 2008, they came before the Board for a subdivision application to subdivide the property and in 2014 came back to do a lot line adjustment to allow for construction of the existing porous pavement parking lot for Columbia Doctors. There is a 4.6 acre piece of property left to develop.

Mr. Williams briefly presented and described the site and its boundaries. A 64 bed Alzheimer facility is proposed. As you enter, to the right is a parking lot, to the left is an area for parking and deliveries. The north of the building will be heavily planted. Green infrastructure with bioretention filters will be introduced allowing them to create aesthetically green space for the residents. To the west is the detention pond which was constructed for the porous pavement lot. They have provided a comparative analysis item by item through a previous findings statement, comparing it the current

development on site. The original statement included the porous pavement application as well. Mr. Williams briefly went through the items.

Land Use and Zoning: Improvement - more residential in feel rather than commercial, which fits in more with the Martling Avenue area.

Natural Features: Topography - previously 16,000 s.f. of steep slope was disturbed; 24,000 s.f. will now be disturbed, but can be mitigated through the new erosion control plan and landscaping.

Vegetation and Disturbance. Slightly more disturbance than before but can be mitigated by looking at additional landscaping. He noted there is 1 acre less of impervious surface.

Trees: More trees will be removed. They will look at a new survey to update it.

Stormwater: Will be updated to comply with today regulations to include green infrastructure, bioretention filters.

Erosion control: Will comply with new standard of erosion control.

Transportation: Traffic impact will be less than original plan for office building.

Utilities: Increase in wastewater demand but existing utilities are adequate. Reports will be provided.

Facilities: Police, Fire and EMS – low demand; no school children will impact the district.

John Kirkpatrick, the attorney for this application, feels the proposal makes good sense for the village. His client had an unfortunate experience in another village and after an expensive and time consuming review process, the citizens expressed alarm and the project did not move forward. He wants to avoid this situation, so they have proposed this text applicable to properties only along route 119. It is a transitional type, low impact use, especially for traffic. They have put together a proposal for a definition of Alzheimer/Dementia care housing and floating/overlay zone. The floating/overlay zone exists in addition to zoning already applicable to the property. There are qualifying conditions for properties to be re-zoned: The property would have to be in the OB/LB/MU and have frontage within 350 feet of route 119. It has to be an existing lot filed with the Westchester County Clerk. He gave a definition of Alzheimer/Dementia care housing and said it is a residential facility, operated by an entity that is licensed by the State of New York, licensed to operate a type of assisted living facility...and a 24 hour care for people suffering from Alzheimer, but not for people who need the services of a skilled nursing facility.

He went through the SEQRA process for the public to get a better understanding of the process and explained the steps necessary toward approval. Initially, the Planning Board needs to confirm Lead Agency. Then the Board decides if an impact statement should be prepared, followed by a public scoping session. After that, an EIS would be submitted and a Findings Statement could be adopted. At this point, the Planning Board could recommend the text amendment to the Board of Trustees to create the text amendment. If the Board of Trustees adopts the amendment, then they could come back to the Planning Board for a site plan application. This plan they have submitted is not detailed but it gives enough detail to go through the environmental analysis.

Mr. Kirkpatrick is requesting that the Board confirm lead agency, declare a positive declaration under SEQRA, authorize the preparation of a draft scope to be submitted for next work session and set a public scoping session at the next public meeting.

Mr. Aukland asked if the licensing from the state is explicitly for Alzheimer care or broader. Mr. Kirkpatrick said there is more than one license but the one the Board is interested in is for a special needs assisted living residence and is specific and limited to memory care; it is the enhanced license. Mr. Aukland is concerned if the license limits it to just that or if someone could claim the license allows more use than that.

Mr. Kirkpatrick said you start with an assisted living license, then there is special needs license, then the enhanced license for memory care.

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

Daniel Laub, Attorney for the firm of Cuddy & Feder, appeared on behalf of Montefiore. He said that they have no opposition to the proposal; however, they have a concern with how the changes in the Zoning will be made. About a year and a half ago, they raised their concerns about the zoning code and how the medical, institutional, senior housing, skilled nursing and dental uses are treated in the code. There are a lot of grey areas and conflicts with regard to permitted uses because of the way things have been amended over the years. While the scope of this project is narrowed and tailored, they think there are potential negative impacts for the way that the code can be amended to other uses, to other zones, and for making interpretations with regard to how they are related to other projects. They think it is a better idea to take a broader look at the code in general and to see ways it can be amended beyond the narrow scope that is proposed and would like the Board to keep this in mind going forward.

Mr. Birgy excused himself from the meeting at 9:30 p.m.

Mr. Tedesco noted for the record receipt of correspondence from the Westchester County Planning Department consenting to Planning Board acting as Lead Agency and their comments under GML, and the NYS DOT, also consenting to Planning Board acting as Lead Agency with comments.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare Lead Agency Status for this application. All in favor. Motion carried.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to issue a Positive Declaration on the basis that this site previously went through a SEQRA review. The Applicant is proposing material changes to the project and therefore, the submission of an SDEIS will be required as the action may include the potential for at least one or more significant adverse environmental impacts. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that a Draft Scope document be submitted by the applicant to the Planning Board by June 7, 2018; that the Planning Board secretary circulate the Draft Scope to all interested and involved agencies with a notice of a Public Scoping Session to be held on June 25, 2018 at 7 pm; and that this notice be posted on the Village website, at Village Hall and the Village Library. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a total escrow at \$20,000. All in favor. Motion carried.

PRELIMINARY PRESENTATION

C.M. Pateman Development & Consulting Corp. - 48 Sheldon Avenue

Charles Pateman, the applicant, is returning to amend his site plan to allow for a circular driveway which requires an additional curb cut, and for a parking area in the front of the property. He said, for the record, this was something that was always contemplated throughout the process. He read page 5 of the July 25, 2016 Planning Board resolution regarding the location of the utility pole and the possible future need to relocate the driveway. He referenced the letter of permit denial received from Mr. Pennella. There was a discussion about the actual location of the utility pole and a discrepancy of its location. Mr. Pennella said the applicant has changed the site plan to create a circular driveway and put in a second curb cut. A discussion took place regarding the need for a front yard variance for the parking area that is shown on the plan.

Mr. Pateman said they relocated the driveway to come around the pole. Originally there were 2 curb cuts on this property. It is a much safer condition rather than backing out onto Sheldon Avenue. He will come in with revised plan and he asked the Board to declare this a Type II action and set a date for the Public hearing for the next meeting.

Mr. Tedesco agrees that the revised plan is safer and eliminates the need to back out onto Sheldon Avenue. He suggested that landscaping be provided in the proposed parking area. Mr. Pateman said the Building inspector has determined the parking area

David Aukland said that he doubts the Board will oppose this expansion, but a site visit may make a big difference to get a better understanding of the issues on both sides. He asked that a site visit be scheduled. He would also like to see a streetscape to include an indication of the view difference from the neighboring property with current disposition of view angle and the difference.

The site visit was confirmed for Thursday, July 12th right after the work session sometime between 11 am and noon.

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

CONTINUATION OF PUBLIC HEARING - PUBLIC SCOPING SESSION

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

Mr. Tedesco read portions of a letter into the record from the Westchester County Planning Board in response to the Draft Scope Document that was circulated.

The County made reference to sewer impact, solid waste and recycling which should all be addressed in the final scope document.

John Kirkpatrick, attorney for the project, introduced the project engineer, Rich Williams and Mark Fry. He advised that the draft scope has been prepared, revised and presented. They have re-submitted everything but alternatives. They are proposing a no action alternative and will show the comparison of impacts to their proposed project vs. the commercial building.

Dr. Friedlander asked if anyone on the Board had any questions or comments.

Dr. Friedlander is concerned about traffic impacts with regard to new State Police Barracks which will change and the new Honda building which is now open. Mr. Galvin also mentioned the complete streets project along route 119 which may have impacts. This should all be addressed.

Carole Griffiths, a member of TEAC, who resides at 251 Martling Avenue, came up to comment. She noted that when the parking lot was put in, the vegetation was taken out and only a few trees were planted. It changed the entire feeling of this area along Martling. She would like the woodlands preserved and trees planted. She also stated that the scope does not address wildlife preservation. She would like to know exactly what will be taken down. She feels that the view from Martling should be shielded. She would like the applicant to present a 3-D view from Martling to show what it is going to look like when the project is completed and, in addition, further west there should be

wetlands protection. Mr. Tedesco informed Ms. Griffiths that the treatment of the existing retention pond will be addressed.

Dr. Friedlander also commented on the ramp access to the bridge on Broadway. Mr. Aukland added that with regard to traffic, the formal position of the Thruway Authority is that the ramp access will reopen on Broadway. They asked the applicant to consider this traffic impact as well.

Dr. Friedlander would also like to learn of the fiscal impacts if the property had remained an office building. He asked if anyone in the public had any comments.

Daniel Laub, attorney with firm of Cuddy & Feder, representing Montefiore commented that because the proposal is for a specific project and amendment to the code, perhaps the scope could address other ways instead of the proposed floating/overlay zone in order to get what the applicant needs. With that point, one proposal is to allow medical and dental offices. There was an interpretation by the Zoning Board at some point and it may be wise to define this as an allowed use in the code. Similarly, it is not clear whether the zoning provision is incumbent on the floating/overlay once it gets attached or if it actually becomes incumbent as part of the underlying OB zone, which continues to exist. This could be an alternative analysis that could be incorporated in the scope as well. In addition, perhaps the applicant can explore analysis and conformity with how it relates to the comp plan, specifically, the comp plan does not allow residential in the OB district.

John Fitzpatrick referred to page 2 of the draft scope which includes a provision to provide information to the village in a shape file format. Mr. Galvin said this is a GIS format and you need to have software to use it. It may be helpful for the village to have this. Mr. Williams said all of their maps are done in AutoCAD, not GIS, since this is universal software. After a brief discussion, it was decided to change the wording to provide information in a .pdf and/or shape file.

Mr. Tedesco inquired to Counsel regarding the public comment period. Mr. Galvin commented that there is a period of 10 days (until July 5, 2018) to receive comments to the Planning Board secretary. Counsel Zalantis asked the applicant to submit a redline version of the revised scope before the next work session incorporating the comments and discussion this evening. This can be reviewed at the next work session and it can be considered for approval at the next Planning Board meeting.

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

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn the meeting at 9:55 pm. All in favor. Motion carried.

Liz Meszaros- Secretary

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

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

CONTINUATION OF PUBLIC HEARING - PUBLIC SCOPING SESSION

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

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

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

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

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

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