

Planning Board  
Village of Tarrytown  
Regular Meeting  
Village Hall – 1 Depot Plaza  
February 27, 2023 7 pm

PRESENT: Chair Raiselis, Members Aukland, Gaito, Mendez-Boyer; Counsel Zalantis; Village Engineer Pennella; Secretary Meszaros

ABSENT: Dr. Friedlander, Alternate Member Mezey; Village Planner Galvin

Ms. Raiselis called the meeting to order at 7:00 p.m. She 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 in advance of the meeting.

APPROVAL OF MINUTES - December 27, 2022

The December 27, 2022 minutes will be considered when there is a quorum of members present.

APPROVAL OF MINUTES - January 23, 2023

Mr. Aukland moved, seconded by Mr. Gaito, to approve the minutes of the January 23, 2023 meeting, as submitted.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	4-0

CONTINUATION OF PUBLIC HEARING – First Korean Methodist Church – 500 S. Broadway

Joseph Riina, RA, the project architect, appeared on behalf of his client. He presented the most recent plan which concentrates the parking in the northwest corner of the property. The plan falls in line with was discussed at the work session and he hopes the Board will support this plan. There are 13 parking spaces proposed with screening and vegetation to be determined to shield the headlights and vehicles from Broadway. They are proposing an ADA ramp on the right side of the main part of the church. He showed

the existing condition which requires anyone that needs assistance to be carried or hoisted up the stairs. The new proposed walkway will connect from the parking area to the existing asphalt path which will lead to a new wooden structure that will be elevated so the footings will only penetrate the ground. There is an existing concrete apron and steps with a platform into the door so the access would be to the same location. He referred to Mr. Pennella's recent Letter of Denial which will require the approval of variances for parking in the front yard and a special setback from the Zoning Board. He would like to know if the Board is in agreement with this plan so that they can move forward with their Zoning Board Application.

Ms. Raiselis thanked the applicant and asked the Board Members if they had any questions or comments.

Mr. Aukland had no questions.

Mr. Gaito was concerned if there was enough space to maneuver in and out of the most southerly parking space opposite the handicapped spot. Mr. Riina showed the space on the plan and said they have provided the required feet for a backup lane; it may take 2 maneuvers, but it can be done. Ms. Raiselis noted the area behind the handicapped spot could also be used. Mr. Riina agreed and noted that area is not included in the parking count. Ms. Raiselis is pleased that this plan decreases the curb cut and restricts the egress and ingress which is safer for Walter Street. She confirmed with Mr. Riina that there would be no parking on either side of that new entrance. Mr. Riina confirmed with Mr. Gaito that they are not taking away any street parking.

Ms. Mendez-Boyer would like the existing curb cut for the service drive behind the church shown on the plans and asked if the concrete sidewalk in front of the property is being removed since it is not used. Mr. Pennella advised that the next set of plans will include the sidewalk and the curb cuts will be delineated and a complete plan review will be done. He confirmed that the applicant will not be closing off the driveway. He agrees that the walkway in the front of the church should be removed since it is not used and is essentially a sidewalk to nowhere.

Ms. Raiselis is pleased with the plan since it is not intruding on the wetland or buffer which was a concern of the neighbors. The Board Members all agreed and have no objection to the applicant moving forward to the Zoning Board.

Ms. Raiselis asked if anyone in the public wished to comment.

Public Comment Period

Vinny Delmastro, who lives next to the Church property on Glenwolde, asked how many spots the church will gain with this plan. Ms. Raiselis said the Board looked at many options, and with this plan, the applicant will gain an additional spot in the same area while improving the lot. Mr. Delmastro was pleased to hear this. He was under the impression that it was going to be a much bigger lot.

Adam Miller, who lives at 22 Glenwolde, directly behind the church, wanted to know why the original project was not approved about a decade ago. Mr. Pennella advised that the application presented back then was completely different and the applicant withdrew their application. This proposed project will modify an existing location that is not in the wetlands. Mr. Miller asked why they are doing all this work for just one additional spot. Mr. Pennella said the stormwater and curbing will be improved and at the same time it will provide the much needed ADA access for the church. It will be a benefit to the community. Mr. Miller advised that there is always a pool of water behind that curb cut in the existing parking lot area. Ms. Raiselis said that the new stormwater system should collect the water and it will absorb into the ground more slowly. Mr. Miller hopes that is the case and reminded the Board that they approved his property, and a year later, his basement flooded. He believes this is the best proposal submitted so far, but any modification in this area should require some sort of an environmental study. He will send in photos. Mr. Miller also noted that there is plenty of parking on Lakeview Avenue and no one parks there on Sundays during the church services; they park all the way down on Sheldon. He understands the importance of the ADA access but he does not think the curb will help with the water. He cares about water encroaching on his property, which will get worse with climate change, and he would like a study done.

Ms. Raiselis said the applicant will be going to Zoning and will return back to the Board. They have not seen the stormwater plan yet but are sensitive to the concerns of the neighborhood in terms of water. Mr. Pennella asked Mr. Miller if he realizes that the parking lot that is going to be improved is in the front where the vans are parked. Mr. Miller said yes, he understands, but he doesn't think it is a good idea to add any more asphalt.

Mr. Gaito said this is a chance to improve the parking in the front with proper collection of water and curbing which will be an improvement to the area. Qualified professionals will design the plans and provide a stormwater analysis for the parking lot to mitigate the drainage problem. Mr. Miller hopes this is the case. He still thinks it looks fine as is and he appreciates the Board listening to him.

Mrs. Mendez-Boyer said the sidewalk improvement benefits the entire community. Mr. Miller said the sidewalk ends at his property and he sees no benefit. Ms. Raiselis said the sidewalk is in bad shape and is not safe for someone in a wheelchair. Ms. Mendez-Boyer

said it will be safer for children as well. Mr. Gaito added that it will improve walkability and the new landscaping to make it look nicer.

Mr. Pennella added that the existing ponding condition could be related to a catch basin on Route 9 that may not be working properly which will be looked at when the State widens the roadway. This will also benefit the community. Ms. Raiselis asked Mr. Miller to be patient during the Board's review and his concerns will be addressed. Lastly, Mr. Miller is concerned about beautification in the area of the parking lot so that it looks nice.

Linda Topping, who lives at 6 Glenwolde, is mostly concerned about the drainage. She would like to know if the public will have access to the drawings that will show where the water will go. Ms. Raiselis advised that the plans will all be made available online. The public will see what is presented to the Board. This plan has not been submitted yet. If there is a concern about where the water is going, the Board will work through it. The Board will not approve a plan if they do not think it will work.

#### End of Public Comment

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	4-0

#### CONTINUATION OF PUBLIC HEARING – JCC on the Hudson, Inc.– 425 South Broadway

Brad Schwartz, Attorney with the law firm of Zarin & Steinmetz, appeared before the Board, representing the applicant, JCC on the Hudson, Inc.

Mr. Schwartz advised that they have submitted the updated information that was requested at the last meeting along with a Land Banking Plan in response to Mr. Pennella's updated Denial Letters. John Canning, their project traffic consultant, with Kimley Horn, is present to answer any questions. They have also submitted applications for the March 13, 2023 Zoning Board meeting and the March 15, 2023 Architectural Review Board meeting. They are seeking a parking variance for 83 spaces, in addition to the special 100-foot setback on South Broadway and approval from the ARB for the playground equipment that can be seen from the street. Assuming that the variances are approved, Mr. Schwartz respectfully requests that the Board draft a Resolution of site plan approval for consideration at their March 27, 2023 Planning Board Meeting.

Ms. Raiselis asked the Board if they had any questions or comments.

Mr. Aukland asked Mr. Pennella about the zoning code requirements for tree plantings (islands) in parking lots and he wants to be sure this proposal will accommodate the appropriate number of tree plantings. Mr. Pennella advised that this plan does not include the islands. It was prepared to show that the applicant can fit the 68 spaces for Land Banking purposes. Mr. Aukland said that he thinks that the plan should be revised to accommodate for the tree plantings. Mr. Pennella advised that they have enough room to pull the lot further to the south to get the planting areas in and there is still some space between the property line and driveway. Mr. Aukland asked Mr. Pennella if the Board will be able to respect the code with regard to the tree plantings and still maintain the required parking count. Mr. Pennella said yes, the applicant will need two islands in each row and there is 15 feet between the parking area and property line which gives them room to fit the landscaped islands.

Mr. Schwartz said it is their hope that they will not have a need to construct these spaces; the plan was prepared to show the Board that they do have the area to accommodate the parking spaces if needed as a precautionary layer. They also are working on an agreement with Montefiore for parking as another precautionary layer.

There were no further comments from the Board.

Ms. Raiselis read the entire draft resolution below memorializing the parking calculation and waiver for the Board's consideration and noted that a copy will be provided to the applicant.

#### RESOLUTION

##### VILLAGE OF TARRYTOWN PLANNING BOARD

(Adopted February 27, 2023)

Application of Jewish Community Center on the Hudson, Inc.

Property: 425 South Broadway (Tax ID 1.40-88-4 and Zone LB)

#### Resolution of Parking Calculation and Waiver

##### **Background**

1. The Jewish Community Center on the Hudson, Inc. (the "Applicant") submitted a site plan application received by the Village Building Department on January 5, 2023 and last revised February 10, 2023 (the "Application") for the renovation of the east end portion of the existing building previously used for a training center to include a lounge, kitchen, bathrooms and theater room on the property located at 425 South Broadway (Tax ID 1.40-88-4) (the "Property"); and

2. The Applicant's use of the Property is legal, nonconforming as to parking with 181 parking spaces accommodating all existing uses on the Property; and

3. The Application included an Updated Parking Analysis by Kimley Horn dated February 10, 2023 that addresses shared parking and the unused parking that currently exists on the site;

and Parking Data on the Amended Site Plan (Sheet A010) that broke down the proposed uses based upon square footage and the amount of parking required for each use; and

4. Under the Zoning Code, the Applicant's proposed improvements would require an additional 131 parking spaces; and

5. The Planning Board has certain authority under the Zoning Code to modify the required parking as follows:

**§305-63 D. (2)** Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined by the Planning Board and established in site plan review and approval.

**§305-63 D. (3)** If the applicant can provide a parking study which can show that the use in question can adequately provide parking at a lesser standard, or, because of multiple uses, a shared parking analysis shows that fewer spaces are needed to provide adequate parking, the Planning Board may reduce the amount of required parking that must be built by up to 20%. The Planning Board shall reserve the right to require the area that would have been used for parking to be land-banked for landscaping and screening, so that such area is reserved for future additional parking, if required.

### **Determination**

NOW THEREFORE,

BE IT RESOLVED, this is a Type II action under the State Environmental Quality Review Act and therefore no further environmental review is required; and

BE IT FURTHER RESOLVED, the Planning Board, by the authority granted to it under Zoning Code § 305-63(D)(2), hereby determines to eliminate from the parking requirement calculation those areas of the proposed improvements not specifically provided for in the Zoning Code that would not be used independently of another use that is included in the parking calculations, which elimination reduces the amount of required parking for the Application to 103 parking spaces, specifically:

- Storage/Closets (Assembly Use) – 1,295 square feet, 13 parking spaces
- Public Areas (Corridors, Vestibules) – 868 square feet, 9 parking spaces
- Toilet Rooms – 585 square feet, 6 parking spaces.

BE IT FURTHER RESOLVED, the Planning Board, by the authority granted to it under Zoning Code § 305-63(D)(3), based upon the parking analysis and parking data provided by the Applicant and its representatives, hereby further reduces the amount of required parking by 20% for a total of 83 parking spaces; and

BE IT FURTHER RESOLVED, the Planning Board makes this determination in order to allow the Applicant to make an application to the Zoning Board for the 83-parking spaces area variance (as well as the setback variance required for the playground improvements), but in no way is this resolution determinative or conclusive as to the Planning Board's site plan review generally, or specifically with respect to parking, traffic or internal circulation on the Property, which reviews remain ongoing subject to a final decision by the Board at a later date and the Planning Board expressly reserves the right to put reasonable conditions on any site plan approval granted, including but not limited to related to Land Banking of parking spaces.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve this Resolution.

The secretary recorded the vote:

Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
Member Mendez-Boyer	Yes
All in favor. Motion carried.	4-0

Mr. Schwartz respectfully requested that the Board authorize the drafting a Resolution at their March 16, 2023 work session for the March 27, 2023 meeting so that they can meet their April deadline to pull a permit for the playground improvements. Ms. Raiselis said it is a reasonable request that will be taken into consideration.

Ms. Raiselis asked if there was anyone in the public who would like to comment on this application. No one appeared.

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	4-0

#### ADJOURNMENT

Ms. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 7:38 p.m.

All in favor. Motion carried. 4-0

Liz Meszaros, Secretary