

Planning Board
Village of Tarrytown
Regular Meeting
Via Zoom Video Conference
and in Person at Village Hall
March 28 2022 7 pm

PRESENT: Chair Raiselis, Members Gaito, Mendez-Boyer; Counsel Zalantis; Village Engineer Pennella; Secretary Meszaros; Ms. Fasman (moderator)

Zoom Participants: Board Members Friedlander and Aukland, Village Planner Galvin

APPROVAL OF MINUTES – February 28, 2022

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, with Dr. Friedlander abstaining, to approve the minutes of the February 28, 2022 meeting, as submitted.

Ms. Raiselis asked for a roll call vote:

Member Aukland:	Yes
Member Mendez-Boyer:	Yes
Member Gaito:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING - Hackley School - 293 Benedict Avenue

Mark Weingarten, ESQ., partner with the Law Firm of DelBello Donnellan Weingarten Wise & Wiederkehr LLP, representing Hackley School, appeared before the Board and introduced Peter McAndrew and Robert Aldrich, both from the Hackley School, and their project engineer, Michael Junghans, PE, who is with Kimley-Horn.

Mr. Weingarten explained that the primary purpose for this hearing is to discuss the water storage tank proposal on the property for fire protection, which is part of the site plan review. The secondary issue pertains to Hackley's request to have this Board send a communication to the Town Board of the Town of Greenburgh, as Lead Agency for this project, indicating that this Board has no objection to the issuance of a negative declaration under SEQRA.

With regard to the water storage tank, Mr. Weingarten noted Mr. Pennella's concerns for the necessity of this tank to provide adequate fire protection to their buildings. They have responded with a plan to install a water storage tank near the existing pump house. In the event of a major fire on campus, this tank would allow Hackley to avoid the requirement of having the village turn on its pump system. The reason for the added

storage tank is due to Hackley's inability to be able to draw their water supply from the Town of Greenburgh. Mr. Weingarten explained that his client pursued this possibility for a number of months and, unfortunately, they were recently informed by the Westchester County Department of Health that current regulations would not allow the transfer unless the Town of Greenburgh agreed to take over the ownership and maintenance of certain infrastructure in the system, which is privately owned by Hackley. The Town advised that they would not take over this system, so the alternative solution was to install a water storage tank. Mr. Weingarten advised that the Town Board of the Town of Greenburgh, as Lead Agency, has closed their public hearing and will be considering a SEQRA determination for this project at their April 13, 2022 meeting. It is their hope that they will be in a position for the Town Board to adopt a negative declaration at that time. As part of this process, Hackley is requesting that this Board send final comments in the form of a memorandum to the Greenburgh Town Board prior to this meeting. He has reviewed the draft of this memo and, as it is currently written, this Board is asking Hackley to wait for any permits for demolition, prior to installing the tank, which would extend their project by 12 months. He would like the village to consider the possibility of giving them a 12-month period from village site plan approval to install the tank as they are eager to begin the demolition and not lose any time on this project. Mr. Weingarten suggested the possibility of requiring Hackley to submit status reports during this period to update the village of their progress with the tank installation and, in addition, they would also agree to have this Board condition the issuance of the certificate of occupancy for the building until the water tank is installed.

Ms. Raiselis asked Mr. Weingarten how long the construction should last. Mr. Weingarten estimated about 18 to 22 months, but it is their hope to finish up with approvals with the Town and Village by May and start the demolition shortly thereafter.

Michael Junghans, P.E., the project engineer, briefly provided the 12-month timeline for the tank installation. He estimated that it will take two months to conduct additional survey work and finalize the plans which will include what the tank will look like. Then the process to procure the tank will take at least six months since there will be different vendors to select from and the tank will need to be insulated and engineered to certain specifications. He noted that getting tanks fabricated and delivered is taking much longer than it used to. Once the tank is delivered on site, it will take about two months to install it, and then one more month to prove it out and test it.

Mr. Weingarten is open to any other suggestions from the Board. He is not asking for extra time. He noted that deliveries are taking longer for many of his projects and the construction may even take longer. He is hoping things will improve with deliveries, but he is asking the Board to consider granting Hackley this 12-month period in good faith, and if an extension is needed they would come back for that. With regard to the negative declaration, the Town of Greenburgh will make the ultimate decision, but Mr.

Weingarten would like to be in a position where he is fine with the language in the memorandum that the Board will provide to the Town Board.

Ms. Raiselis stated that this storage tank issue is a critical piece for Tarrytown as well as for fire safety issues. She asked Mr. Pennella to comment.

Mr. Pennella is concerned about the fire protection currently on site. The memorandum currently states that the tank be erected before construction or at the same time as demolition of the existing structures occur. Mr. Weingarten stated that he was hoping to start demolition in May and also believes that they are in a position to get site plan approval from this Board by May. Counsel Zalantis said that normally this Board conditions certificates of occupancy on the building, but this building is not within their jurisdiction. She suggested a compromise to this memo by adding in language to the effect that will require the applicant to erect the tank *“within 12 months, but in no event later than the issuance of a certificate of occupancy”*.

Mr. Pennella asked the applicant if they would object to having a water tank truck (s) on site until the tank is installed for fire protection. Mr. Junghans said each truck would only hold 8,000 gallons so that would require many trucks. Mr. McAndrew came up and asked for clarification since he believes that the system in place has worked and the trucks would take longer to hook up into their system. Mr. Pennella advised that fire trucks would be able to pump water from the water trucks which is faster than the village's ability to turn on a switch, especially during evening hours. Mr. McAndrew acknowledged this clarification and expressed his frustration that additional requests are brought up each time they appear which makes it difficult for them to move forward. He feels that the system in place has been working in the past and he is happy with the 12-month requirement. Mr. Pennella is asking for some kind of intermediate measure that gives the village a level of comfort for fire protection. Mr. McAndrew noted that the village had fought a major fire about 12 to 15 years ago; that their annual tests have always passed, and he is not concerned about the performance of the existing system.

Counsel Zalantis noted that requiring water truck(s) could be a condition in the site plan approval. Mr. Weingarten noted that they do not have this information this evening but they certainly will investigate what it would entail to have a water tanker truck (s) on site, with regard to location and cost, etc., and he is happy to continue this discussion with the Board as part of the site plan approval next month.

Counsel Zalantis proposed that the language be revised in the memorandum to *require the tank be erected “within 12 months of the granting of village site plan approval but no later than the issuance of a certificate of occupancy for the building”*.

Mr. Weingarten and Mr. McAndrew agreed with this language. Mr. Weingarten reminded the Board that the memorandum should be sent to Greenburgh by the end of the week so that the Greenburgh Town Board can include this information in their SEQRA deliberation at their April 13, 2022 Town Board Meeting.

With regard to outstanding issues on the site plan, Mr. Weingarten asked if the Board Members had any other questions so that they can address them next month.

Mr. Aukland commented that, in addition to the continued discussion of the water tank issue, he would like to confirm that 1) There is a steep slope waiver request submitted for this project. 2) With regard to the lighting plan, he would like confirmation that there will be zero spillage beyond the property, in other words, into the village. 3) He noted that there is a lot glass on the new building and he would like assurance that, as the sun comes around, the reflection of the glass will not blind anyone. 4) With regard to traffic impacts, he would like to continue the discussion that there will be no added traffic burden on village streets.

Mr. Weingarten said they will be prepared to respond to these questions at the next meeting.

Mr. Gaito also has concerns that the western sun is going to hit the building and that needs to be addressed. With regard to screening in terms of the road view driving up and down, you can see the parking lots, and he would also like the applicant to show the cut-offs.

Mr. McAndrew asked if the Board also had concerns about the nighttime appearance of the lighting in addition to the daytime. Mr. Gaito requested studies for both daytime and nighttime which he believes are appropriate for this project.

Ms. Raiselis also believes that the lighting of this domain will be an issue and would like the applicant to respond to this issue through drawings or records at the next meeting for the benefit of the public. Mr. Weingarten said that lighting technology has improved over the years. He recalled sitting through a number of hearings in Tarrytown over the lighting of the football field, and now that it is in, he hasn't heard any complaints.

Ms. Mendez-Boyer referred to the stormwater plan and the two sets of stairs that are coming towards the pond. She would like to know the purpose of the stairs and how pedestrians get around the pond. She believes there is a requirement to have a fence around it. She would like a better understanding of what this area will look like.

Mr. Gaito asked if the facility will be used for public events. Mr. Weingarten advised that the facility will run the same way it has in the past. There will be no traffic impacts since the building is replacing an existing building and the gymnasium is no longer used.

Mr. McAndrew advised that the school has about a half dozen parent and alumni events per year at the existing performing arts center. Occasionally, they may rent out the

facility about 3 or 4 times per year. They are contemplating some sort of summer high quality theater/arts program that would be open to the public but no plans are in place and these events would not take place when school is in session.

Ms. Mendez-Boyer asked about the bus stop at the corner of Midland and Benedict. She is concerned that more people will be inclined to drive cars to the school since there is more parking, rather than using public transportation. Mr. McAndrew noted that very few of their employees use this stop. Mr. Weingarten advised again that they are not adding any staff as a result of this project. The parking is being put in simply as a convenience to be closer to the building. Mr. McAndrew added that the current employee population is accommodated in their existing lots. This lot will be further away than any of those lots, so he does not see anyone trying to get a closer spot. He also noted that the school provides a daily shuttle service for some students who use Metro North.

Dr. Friedlander is in support of the comments that were made and he has nothing to add.

Ms. Raiselis opened the public hearing for comment. No one was present in the audience.

Ms. Raiselis advised for the benefit of the public that this Board advised Counsel to draft a memo to the Town Board of Greenburgh, as Lead Agency, under SEQRA, indicating that the Board has no objection to the Town Board's consideration of a negative declaration. This language in this memo has been revised based upon the discussion with the applicant this evening and the Board will vote on this matter. The public hearing will be continued to the April 25, 2022 regular meeting for the ongoing site plan review, which will provide another opportunity for staff, the Board, and the general public to comment on the site plan application.

Ms. Raiselis read through the memorandum to the Greenburgh Town Board as revised in italics and underlined. A copy of this revised memorandum will be forwarded to the applicant.

"Hackley has sufficiently demonstrated that the project's impacts on water supply can be addressed through its revised plan proposing an on-site water tank to be sited near the existing pump house on the property. The tank is intended to store water for emergency fire suppression purposes and will be sized for thirty (30) minutes of fire suppression (and subject to compliance with NFPA requirement). The specific design and location of the tank will be further reviewed and analyzed during the site plan review before the Village of Tarrytown Planning Board. As such, the Village of Tarrytown Planning Board has no objection to the Town Board adopting a negative declaration for the project.

Nonetheless, the Village of Tarrytown Planning Board requests that any land use approval issued by the Town, including but not limited to any approvals by Town Board or the Town Planning Board, require as a condition to said land use approvals that the tank be erected within twelve (12) months of the Village of Tarrytown Planning Board's granting of site plan approval, but in no event later than the issuance of a certificate of occupancy for any building, because the tank is important for fire suppression purposes and will not only address a project impact but improve an existing condition."

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, to accept this memorandum as revised, and direct the secretary to forward this memorandum to the Town of Greenburgh, Town Board for their consideration.

Ms. Raiselis asked for a roll call vote:

Member Friedlander	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Member Mendez-Boyer:	Yes
Chair Raiselis:	Yes
All in favor. Motion carried.	5-0

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, to continue the public hearing.

Ms. Raiselis asked for a roll call vote:

Member Aukland:	Yes
Member Gaito:	Yes
Member Mendez-Boyer:	Yes
Member Friedlander	(inaudible on zoom)
Chair Raiselis:	Yes
All in favor. Motion carried.	4-0

Adjournment:

Mr. Gaito moved, seconded by Ms. Mendez-Boyer, to adjourn the meeting at 7:43 p.m.

Ms. Raiselis asked for a roll call vote:

Member Aukland:	Yes
Member Friedlander	Yes
Member Gaito:	Yes
Member Mendez-Boyer:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

Liz Meszaros – Secretary