

Planning Board
Village of Tarrytown
Regular Meeting
September 27, 2021 7 pm

PRESENT: Chairman Tedesco; Members Friedlander, Aukland, Raiselis, Birgy
Alternate Member Mendez-Boyer; Counsel Zalantis; Village Engineer
Pennella; Village Planner Galvin; Secretary Meszaros.

ABSENT: Alternate Member Gaito

APPROVAL OF MINUTES – August 23, 2021

Ms. Tedesco moved, seconded by Aukland, to approve the minutes of the August 23, 2021 meeting.

Mr. Tedesco asked for a roll call vote:

Member Friedlander: Yes
Member Aukland: Yes
Member Raiselis: Yes
Chairman Tedesco: Yes

All in Favor. Motion carried. The minutes were approved: 4-0

Mr. Birgy arrived after the vote on the minutes.

Mr. Tedesco announced the following four (4) adjournments:

1. Hackley School - 293 Benedict Avenue -Pending Town of Greenburgh Approvals - Site plan approval to demolish existing gymnasium building and construct a net increase of 56 surface parking spaces with stormwater and other related improvements, in connection with the proposed construction of a new Center for Creative Arts and Technology Building on property located within the unincorporated area of the Town of Greenburgh.
2. Mathew Cordone Architect PLLC - 88 Main Street – Pending ZBA determination - Site plan approval for the construction of a scenic roof deck on a 3-family dwelling.
3. Tedd Trading, LLC – 27 North Broadway- Pending ZBA determination – Site Plan approval for a change of use from existing office space on the first floor into a restaurant.
4. Peter and Suzanne Bartolacci – 67 Miller Avenue – Site Plan approval to construct two tiered retaining walls in the rear and side yards of the property.

CONTINUATION OF PUBLIC HEARING – Tarrytown Self-Storage II, LLC – 29 S. Depot Plaza

Paul Ferraro appeared on behalf of Tarrytown Self-Storage II, LLC to request a one-year extension to their self-storage site plan approval for the property located at 29 S. Depot Plaza.

Mr. Tedesco asked if the Board Members had any questions or comment.

Dr. Friedlander has concerns about the large trailer trucks parked in the roadway area of the property without the cabs, which make the road entrance smaller. He is in favor of granting the extension but is concerned about the safety of people crossing and driving on the roadway and the trucks are not aesthetically pleasing. He asked if the trucks are parked legally and if anyone else on the Board shares this concern.

Mr. Pennella said he can forward this to code enforcement for a review of the original site plan approval to see if there are any violations, and if so, they can issue a notice to remedy. If they do not take action, it would become a violation.

Dr. Friedlander asked if there is something the Board can do now to make it better; maybe add it as a condition to the extension of the site plan. Ms. Raiselis said that the Board is considering an extension to an existing approval and she asked Counsel Zalantis if they can add conditions or change the approval.

Counsel Zalantis advised that the applicant is asking for an extension of the original approval. She feels it is better to handle this matter through the code enforcement mechanism. They have not pulled the building permit for this site, so if there is a prior approval in place, code enforcement could examine whether this is allowed or not, and issue a notice to remedy or violation. She does not believe any conditions should be added to this extension request.

Mr. Aukland wanted to confirm with the applicant that there are no changes to the original site plan approval and if there have been any code changes since this original approval. Mr. Ferraro advised that there are no changes to the site plan. Mr. Pennella advised that the NYS Building Codes may change but that would not apply to the Village Zoning Code. Currently, the Village uses the 2020 Building Codes, but if they come back to build in 2022, the Building Codes could change. Mr. Pennella confirmed with Mr. Ferraro that this would only affect code changes to the building plans.

Ms. Mendez-Boyer is concerned about the trailer trucks being parked at this location. She was almost hit by a truck at this crossing and feels that this is a safety issue that needs to be addressed. Mr. Ferraro advised that he will look into this matter. He advised Dr. Friedlander that some of these parked trailer trucks belong to them and some belong to the recycling property.

Mr. Tedesco asked for public comment. No one appeared. Mr. Tedesco asked if any Board Members or staff had additional questions or comment.

Mr. Birgy asked Mr. Ferraro if they intend to build the self-storage. Mr. Ferraro said at this point they intend to build the self-storage.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the Public Hearing.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

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

**RESOLUTION
 VILLAGE OF TARRYTOWN PLANNING BOARD
 (Adopted September 27, 2021)**

**Application of Tarrytown Self-Storage II, LLC
 Property: 29 South Depot Plaza (Sheet 1.70, Block 29, Lot 38 and Zone ID)**

Resolution of One Year Extension of Site Plan Approval

Background

1. The Applicant requests a one-year extension of the Site Plan approval originally granted by the Planning Board on March 26, 2018 for the conversion of an existing warehouse facility into a self-storage facility with a retail component. Applicant subsequently received a two-year extension to the site plan approval that extended the site plan approval to March 26, 2022. * ~~Applicant is now requesting an additional one-year extension while the current proposal for an alternate use including transit oriented development is under review.~~

Modification:

**The Board agreed to strike out this sentence and revise it as follows:
 "Applicant is now requesting an additional one-year extension until March 26, 2023".*

2. As Lead Agency, the Village of Tarrytown Planning Board previously determined that the proposed action was an unlisted action and would not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement would not be required and recorded a Negative Declaration for the proposed action on November 27, 2017.

3. The Planning Board has conducted a duly noticed public hearing on July 26, 2021 on the Applicant's extension request at which time all those wishing to be heard were given the opportunity to be heard. There have been no changes made in the plans for this application.

4. The Applicant has indicated in a letter from the Planning and Development Advisors, Applicant's planning consultant dated June 24, 2021 that he is still in the process of determining the best possible use for the Property. As a result, the applicant has not yet applied for a building permit to construct the approved self-storage facility. There have been no changes proposed for the current approved site plan for the self-storage facility.

5. The Zoning Board of Appeals reviewed the Applicant's request for an extension of the parking variance for 19 spaces and a variance for 2 loading spaces for a period of one year at a public hearing held on July 12, 2021. The Zoning Board closed the public hearing on July 12, 2021 and approved the requested extension of the variance approvals for one-year.

6. The Planning Board closed the public hearing on July 26, 2021. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval of the site plan approval for an additional one-year extension.

Determination

The Planning Board determines that the Application for a one-year extension to expire on March 26, 2023 is granted subject to the identical conditions contained in the original site plan approval issued on March 26, 2018 (a copy of which is attached herein) and the following general conditions.

A. General Conditions

1. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
2. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."

3. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
4. Force and Effect: No portion of any approval by the Planning Board shall take effect until (!) all conditions are met, (2) the Final Site Plan Resolution is signed by the Chair of the Planning Board and (3) the Final Site Resolution signed by the Planning Board Chair has been filed with the Village Clerk.
5. Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
6. ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review as required in accordance with applicable provisions of the Village of Tarrytown Code.
7. 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.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this Resolution, as modified on page1, Item 1, to grant a one-year extension until March 26, 2023.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

CONTINUATION OF PUBLIC HEARING – Talleyrand LLC - 200 White Plains Road

John J. Kolesar, Attorney with the law firm of Harris Beach PLLC, appeared representing his client, Talleyrand LLC. He advised that they have provided the parking analysis which was requested at the August meeting. He is happy to address any concerns that the Board may have.

Mr. Pennella confirmed with Mr. Tedesco that he is satisfied with the parking analysis submitted.

There was no public comment. There was no comment from the Board Members or staff.

Mr. Tedesco moved, seconded by Aukland, to close the Public Hearing.

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

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

**RESOLUTION
 VILLAGE OF TARRYTOWN PLANNING BOARD
 (Adopted September 27, 2021)**

**Application of Tallyrand LLC
 Property: 200 White Plains Road (Sheet 1.201, Block 122, Lot 4 and MU Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant is seeking site plan review to conduct interior renovations only to redesign approximately 9,405 sf of the second floor of the existing building at 200 White Plains Road in the Mixed Use (MU) zone. The renovations will redesign the interior space to include offices, patient rooms, bathrooms, a lobby, waiting area, conference room and lunch area, all of which will allow ENT and Allergy Associates, LLP, (the Proposed Tenant), to operate a general office entirely within the renovated and redesigned portion of the second floor of the existing building. The area will be open only during business hours.

2. The Planning Board on June 28, 2021, determined this to be a Type II Action under NYS DEC 617.5 (c)(18) *“reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part”*. Therefore, no further SEQRA review is necessary.

3. The Planning Board has conducted a duly noticed public hearing on August 23, 2021, and September 27, 2021, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the cover letter from the Applicant’s Attorney dated July 8, 2021 May 5, 2021 describing the Project and Project Narrative reviewing site plan and CUP standards, the site plan application and including the floor plan, construction plan, sections and elevations, egress plan and survey, an aerial photograph of the site, the *Environmental Clearance Form*, a review from the Consulting Village Planner in a memorandum dated August 12, 2021, a *Revised Parking Allocation Analysis* submitted by the Applicant’s Attorney dated September 13, 2021 and reviewed by the Village Engineer who has determined the adequacy of the adjacent parking lots for future full occupancy of the buildings, and the Village Board of Trustee’s Notice of Intent for lead agency status for the amended definitional change for “General Offices” (§305-5) which will allow the Applicant’s use by their Proposed Tenant by adding “Physician Offices where there are no overnight stays or overnight use by any patient, physician, staff or medical personnel”, and the GML review from the Westchester County Planning Department dated August 23, 2021 finding that the application is a matter for local determination, which they have considered.

5. The Village Board of Trustees held a public hearing on August 16, 2021, and reviewed the proposed amended text change to the definition of “General Office”. The text amendment allows the proposed use for ENT and Allergy Associates and similar tenants. The amended definition for General Offices prohibits overnight occupancy under the amended definition. Moreover, for all general offices, there shall be no use between 9 pm to 7 am by any patient, visitor, patron, client or customer unless otherwise approved by the Planning Board. The Village Board closed the public hearing on August 16, 2021, and approved the text change in the definition for “General Offices”.

6. Applicant received the required Compatible Use Permit (CUP) for the proposed use from the Village Board of Trustees at a public hearing on August 31, 2021.

7. The Planning Board closed their public hearing on September 27, 2021. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan and application. The Project Site comprises an existing 6-story masonry building (14,408 square feet) used for commercial purposes, including offices ("Existing Building") and an adjoining parking lot. The Project Site is located in the Mixed-Use Zone ("MU District") and the Existing Building is used for general offices, a permitted principal use in the MU District according to Section 305-35(A)(3) of the Zoning Code. As a permitted principal use, general offices are subject to site plan approval from the Planning Board.

Collectively, Talleyrand owns four adjoining lots along White Plains Road (a.k.a. the Route 119 Corridor) consisting of 11.027 acres. The proposed site is within an existing office park in the Mixed Use (MU) zone on the south side of White Plains Road. The Office Park consists of two existing office buildings, 200 and 220 White Plains Road with adjacent parking lots. The existing office space is largely vacant. The building at 200 White Plains Road is 70 percent vacant while 220 White Plains Road is 90 percent vacant. The Applicant has parking availability since the buildings are at a low occupancy currently. The existing parking area and access roads have been designed for full occupancy of the office buildings. The Applicant has parking availability since the buildings are at a low occupancy currently. A revised parking allocation analysis has been provided from the Applicant showing the total number of 675 parking spaces in three lots for the property with 301 parking spaces allocated for 200 White Plains Road, 257 parking spaces for 220 White Plains Road and 118 parking spaces allocated to the existing restaurant in the southwest portion of the site on separate tax parcels. The combined total square footage for the office buildings on the Site is 178,901 square feet. Of the 178,901 square feet, approximately 146,842 square feet comprise the gross floor area.

Based on 146,842 square feet of gross floor area, the minimum number of parking spaces required for the Site under the Village Code is 489. There are 558 parking spaces located only on the Site, 538 of which are regular spaces and 20 of which are handicap spaces. Of the 558 parking spaces, approximately 257 adjoin the building located at 220 White Plains Road, and 301 adjoin the building located 200 White Plains Road. Thus, the Site is fully compliant with the Parking Requirements under the Village Code.

The Restaurant is located on separate tax parcels identified as Section 1.201, Block 122, and Lots 5 and 6, at an address of 230 White Plains Road (the "Restaurant Parcels"). The total square footage of the Restaurant is approximately 9,300 square feet. Based on 9,300 square feet of gross floor area, the minimum number of parking spaces required for the Restaurant under the Village Code is 93. In total, there are 118 parking spaces located on the Restaurant Parcel. Thus, the Restaurant is fully compliant with the Parking Requirements under the Village Code.

The Village Engineer has reviewed the parking analysis and determined that the adjacent parking lots are sufficient to accommodate full occupancy of the buildings in the future.

The Project consists of conducting interior renovations to improve and redesign approximately 9,405 square feet of the second floor of the existing building. Applicant is not proposing to conduct any exterior renovations to the Existing Building or the Project Site. The renovations will redesign the interior space only to include offices, patient rooms, bathrooms, a lobby, waiting area, conference room, and lunch area, all of which will allow ENT and Allergy Associates, LLP, the proposed tenant, to operate a general office entirely within the renovated and redesigned portion of the second floor of the Existing Building. The area will only be opened during regular business hours. The area will be open only during business hours. The business hours for the proposed tenant do not begin before 7 am and do not extend past 7 pm in the evening. There will be no overnight occupancy of the premises. Applicant received a Compatible Use Permit (CUP) from the Village Board of Trustees on August 31, 2021.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Tecton Architects prepared Architectural Plans for *Tarrytown Home Training, 200 White Plains Road, Village of Tarrytown, NY 10591* dated June 18, 2020 and last revised December 18, 2020 unless otherwise noted entitled:

- AS-101 “Overall Site and Pavement Plan”
- A - 201 “Exterior Elevations”
- G - 101 “Egress Plan and Code Data”
- S - 1 “ALTA/NSPS Land Title Survey” prepared by LAN Associates Surveyors dated 11/17/19.
- S - 2 “ALTA/NSPS Land Title Survey” prepared by LAN Associates Surveyors dated 11/17/19.
(the “Approved Plans”).

III. General Conditions

1. Requirement to Obtain Approvals: The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
2. Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”

3. Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
4. Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
5. 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.
6. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

CONTINUATION OF PUBLIC HEARING – Kimberly and Anthony Mosca – 64 Sheldon Avenue

Anthony Mosca, the applicant, appeared and advised that his project architect, Sam Vieira, is not available this evening. It is his understanding that Mr. Pennella is satisfied with the stormwater/landscape plan revisions. Mr. Pennella agreed and had no further comment.

There was no further comment or questions from the Board Members or staff.

Mr. Tedesco asked for public comment. No one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the Public Hearing.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. 5-0

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 27, 2021)**

**Application of Kimberly and Anthony Mosca
Property: 64 Sheldon Avenue (Sheet 1.180, Block 103, Lot 4 and R-7.5 Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant is seeking site plan approval to construct a new 328 sf, single-story addition at the rear of the residence in the R-7.5 zoning district. The proposed project consists of a new 16' x 20.5' single-story addition at the rear of the residence.
2. The Planning Board on August 23, 2021, determined this to be a Type II Action under NYS DEC 617.5 (c)(12) *"construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density."* Therefore, no further SEQRA review is necessary.
3. The Planning Board has conducted a duly noticed public hearing on August 23, 2021, and September 27, 2021, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the cover letter from the Applicant's Architect dated July 21, 2021, the plan set including the site plan, floor plans, exterior elevations, landscape plan and on-site stormwater plan, color photographs of the residence, applicant's calculations of existing and proposed building coverage total area coverage and impervious surface and received comments and recommendations from the Consulting Village Planner in memoranda dated August 10, 2021 and September 14, 2021, a site plan review from the Village Engineer dated August 13, 2021 and reviewed Denial letters from the Village Engineer dated June 9, 2021 and revised letter dated July 22, 2021, which they have considered.
5. The Zoning Board of Appeals held a public hearing on August 9, 2021, to review the Applicant's request for several area variances pertaining to building coverage, side yard setbacks, impervious coverage, and total gross floor area. The ZBA closed the public hearing and approved the requested variances on August 9, 2021.
6. The Planning Board closed their public hearing on September 27, 2021. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan and application. The subject property is located on the south side of 64 Sheldon Avenue between Water and Short Streets. The house on the subject property is situated among several other residences similarly built on very small, narrow and long lots. The existing house is presently non-conforming and will need several area variances from the ZBA. The lot size is 2,563 sf where 7,500 sf is required in the R-7.5 zone.

The dimension of the proposed rear addition is 16' x 20.5'. The minimum rear yard setback in the R-7.5 zone is 26'. The existing setback is almost 66' which will be reduced to 30' with the proposed addition.

The Village Engineer has reviewed the stormwater management for the site and suggested that since the subject property is in a low-lying area with the presence of a shallow ground water table, applicant should consider rain garden or above grade system. Applicant has designed a stormwater management system consisting of two rain barrels which are covered with mesh lids to eliminate any potential mosquito issues. The leaders from the roof gutters will be directed into these rain barrels. Based on the Village Engineer's

review of the stormwater calculations, the designed system is sufficient to manage the approximately 210 sf increase in impervious coverage.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Samuel F. Vieira. Architect PC prepared Plans for *Additions & Alterations At: Mosca Residence, 64 Sheldon Avenue, Tarrytown, New York* dated 5/7/21, and revised 6/30/21, unless otherwise noted entitled:

- SP-1 *"Existing and Proposed Site Plans"*
- DD-1 *"Proposed Floor Plans"*
- DD-2 *"Proposed Exterior Elevations"*
- EC-1 *"Existing Floor Plans"*
- LP-1 *"Landscaping Plan"* 9/7/21
- SW-1 *"Stormwater Plan"* 9/7/21

(the "Approved Plans").

III. General Conditions

1. **Requirement to Obtain Approvals:** The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
2. **Changes to Approved Plans:** If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
3. **Force and Effect:** No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the Village Clerk.
4. **Field Changes:** In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation

from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

5. 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.
6. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
7. ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.

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

Mr. Tedesco asked for a roll call vote:

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

All in Favor. Motion carried. 5-0

NEW PUBLIC HEARING – JCC on the Hudson – 425 South Broadway

Mr. Tedesco 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, September 27, 2021 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

JCC on the Hudson
 425 South Broadway
 Tarrytown, NY 10591

For site plan approval for the conversion of Lounge/Recreation Rooms for Independent Child Day Care (I-4 Facility).

The property is located at 425 South Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.140, Block 88, Lot 4 and is located in the LB 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.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

Dated: September 17, 2021

The mailing receipts were received and the signs were posted.

Brad Schwartz, appeared, not as an attorney, but in his role as Chair of the Board for the JCC on the Hudson. He introduced the JCC Chief Programs Officer, Lauren Morrison. He advised the Board that this application is to allow two rooms in the JCC to be used for after school childcare. Working parents from the Tarrytown and Irvington School Districts will have their children bussed to the JCC property after school and they will be picked up at the end of the working day. This use would take place in two rooms in the new building. This is a program that has always occurred in the old building because the new building was not technically approved for this use which is the reason they are before the Board.

The Board and staff members had no questions or comment.

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

Mr. Tedesco asked for a roll call vote.

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

All in favor. Motion carried. 5-0

There was no public comment.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the Public Hearing.

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. 5-0

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

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted September 27, 2021)**

Application of JCC on the Hudson, Inc.

Property: 425 South Broadway (Sheet 1. 140, Block 88, Lot 4 in Zone LB)

Resolution of Site Plan Approval

Background

1. The Applicant requests site plan approval for the conversion of two rooms in its 425 South Broadway building (Youth Lounge Room 121 and Kidspace Room 122) for child day care . There would be no changes to the building's footprint or any Interior walls.

2. The Planning Board determined on September 27, 2021, that the proposed action was a Type II action under SEQRA NYS DEC 617.5 (c) (7) *"construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls."* Therefore, no further environmental review was required.

3. The Planning Board opened a duly noticed public hearing on September 27, 2021, at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application including the Applicant's cover letter dated September 9, 2021, the *Environmental Clearance Form* and the plans

prepared by Applicant's Architect (Gisolfi & Associates) including *Code Compliance* (A-001) and *Space Use Reallocation* (SP-1), an amended site plan showing an *Occupancy and Parking Analysis*, and a letter from the Child Care Council of Westchester dated September 2, 2021.

5. The Planning Board has received comments and recommendations from the Village Consulting Planner in a memorandum dated September 14, 2021, a denial letter from the Village Engineer dated August 31, 2021, and revised September 9, 2021, an Interoffice Memorandum from the Village Engineer dated September 13, 2021, reviewing the Gisolfi & Associates' plans, and the *Occupancy and Parking Analysis* shown on amended SP-1 revised September 23, 2021.

6. The Planning Board closed the public hearing on September 27, 2021. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. Findings

The Planning Board finds that the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan and the submitted plans. The proposed action is the conversion of Lounge/Recreation Rooms to Independent Child Day Care (1-4 Facility) in the Limited Business (LB) zone. The JCC seeks the ability to use two rooms in its 425 South Broadway building for the purpose of school-age childcare. There would be no changes to the building's footprint or any Interior walls. JCC is proposing to use two rooms on the north side of the existing building. These rooms include the Youth Lounge (Room 121) and the Kidspace (Room 122) for the child day care space.

The reason for these additional spaces is due to certain Covid-19 related guidance and precautions. The NYS Office of Children and Family Services (OCFS) is not allowing "dual-use" of classrooms in the 371 South Broadway building. Previously, those classrooms could be used for early childhood programs in the morning, and school-age childcare in the afternoon. Thus, JCC needs to use space in the 425 South Broadway building to continue to offer the school-age childcare program known as *Almost Home* program for approximately up to 40 children in the 425 South Broadway building. This program provides after-school childcare for children in kindergarten through sixth grade, from both

the Tarrytown and Irvington school districts. It is an inclusive program; children with mild to moderate developmental or physical disabilities are fully integrated. Almost Home participants are directly transported from their schools by school bus to the JCC. Children are supervised and engaged by trained staff as they do homework, play games, and have time for both structured and un-structured play with their peers.

Children arrive at the JCC by school bus and are dropped-off curbside. Parents and caregiver's pick-up at their convenience between the hours of 4:30 and 6 PM; they are on campus briefly as the JCC's pick-up process is streamlined and efficient. In response to the Village Engineer, the Applicant has shown the location of the two classrooms and the drop off zone for the aftercare facility on the site plan. This is the same area that is presently being used. Children can walk directly through the building to the classrooms on the north side of the JCC facility.

The existing parking at JCC is 182 spaces including six handicapped spaces. JCC has indicated that there has never been a parking issue for the Almost Home program. Additionally, there are no new classrooms being built; rather an alternate use is being made of the space with no additional staff.

The Village Engineer requested the Applicant to provide an analysis indicating the room occupancy for Rooms 121 and 122 and the Parking Analysis for the proposed use including additional staffing requirements. The Applicant provided an additional plan; Amended Site Plan last revised 9/23/21, (A-001) providing the Occupancy/Parking calculations for Almost Home (School-Age Child Care). The previous occupancy was 23 occupants for each room for a total of 46 Occupants. Occupancy will remain the same at 20 students and 3 teachers per room. The overall occupancy for the building remains the same at 1,358 occupants. In regard to parking, school use requires 1 space per 5 seats. In this case, $40/5 + (6 \text{ staff}) = 14$ spaces as compared to the parking requirement for the existing approved use as a gym: $29'-4" \times 39'-0" = 1,144 \text{ SF} / 1 \text{ space per } 100 \text{ sf} = 11.4 \text{ spaces} \times 2 \text{ rooms} = 23 \text{ spaces}$. The Parking Analysis shows that the proposed use including staffing requirements comply with §305-63 D.(1) Off Street Parking for a school use with fixed seats.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board.

Plans prepared by Peter Gisolfi Associates, LLP for *Space Use Reallocation, JCC on the Hudson 371 South Broadway, Tarrytown, NY 10591* dated 3/7/19, and last revised 9/10/21, unless otherwise noted entitled as follows:

- A-001 "Code Analysis"
- SP-1 "Site Plan"
- A-001 "Site Plan Amendment" revision date No. 2 9/23/21

(the "Approved Plans")

III. General Conditions

1. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
2. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered "Approved Plans."
3. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
4. Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
5. Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
6. 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.

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

Mr. Tedesco asked for a roll call vote:

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

All in favor. Motion carried. 5-0

Adjournment:

Ms. Raiselis moved, seconded by Mr. Aukland, to adjourn the meeting at 7:28 p.m.

The secretary recorded the vote:

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

All in favor. Motion carried: 5-0

Liz Meszaros – Secretary