

Planning Board
Village of Tarrytown
Regular Meeting
Via Zoom Videoconference
January 24, 2022 7 pm

PRESENT: Chair Raiselis, Members Friedlander, Aukland, Gaito, Mendez-Boyer, Alternate Member Friedland; Counsel Zalantis; Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros; Alissa Fasman (Moderator)

ABSENT: All Present

Chair Raiselis welcomed and wished everyone a Happy New Year. With regard to the role and procedures of the Planning Board, she read her statement from the January work session which she felt was worth repeating for public benefit as follows:
“Planning Boards in the State of New York carry out policy that is determined by the elected boards. In Tarrytown, the Board of Trustees determines policy. They make changes to zoning, and they have adopted the Comprehensive Plan. Planning Boards in New York use zoning and the policy determined by trustees to guide decision making with regard to land use. Planning Boards use the adopted comprehensive plan as a guide and it is not the responsibility nor the legal authority of this Board to determine policy. As Chair, these facts and legal boundaries will be part of our directive for our discussions and determining actions moving on. With regard to process, public comment will continue to be a welcomed and necessary part of how we make decisions as a Board. As the Board Members attend these proceedings prepared, I would ask that when any member of the public chooses to speak about an application, that it be pertinent to the application being discussed, and that the speaker be prepared with what they feel they would like to communicate. Comments that are not directly referencing the application being discussed are not allowed. If anyone has comments about these items on topics that are not agenda relevant, they can be made through email or mail to Rich Slingerland, our Village Administrator, or to Liz Meszaros, in the Building Department. These communications will be reviewed outside of our monthly public meeting. During the public comment period, there will be a three-minute opportunity for each speaker to address the Board and have their comments put on record. We all hope that we will be in person in the very near future. When we are in person, public comments will be required to be in person. These days, and turning out to be these years, it seems nothing is predictable, and we will adapt to COVID protocols as they are required. But in the meantime, we are on Zoom, so welcome.”

APPROVAL OF MINUTES – November 22, 2021

Mr. Aukland moved, seconded by Dr. Friedlander, to approve the minutes of the November 22, 2021 regular meeting, as submitted.

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

Ms. Raiselis announced the following adjournment:

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.

Ms. Raiselis asked Mr. Pennella to update the Board on the status of the Hackley School application. Mr. Pennella advised that the Hackley School has submitted a petition to the Greenburgh Town Board to extend the Town Water District No. 1 to allow them to connect to the Town water supply. The campus currently draws their water from the Village. The Greenburgh Town Board meeting will take place this Wednesday, January 26, 2022 at 7:30 p.m. He will forward the meeting information to the Board. He is currently working on the stormwater plan with the applicant. Mr. Galvin advised that the applicant will appear at the February Planning Board meeting to update the Board on their progress.

CONTINUATION OF PUBLIC HEARING – Mitul and Michele Patel – 24 Park Avenue

Site plan approval for the construction of a two-story 806 sq. ft. rear building addition and new driveway on an existing 5,500 sq. ft. lot.

The applicant was having difficulty joining the zoom meeting and was not able to appear. Ms. Raiselis asked if the Board had any further comment or questions on this application. None of the Board Members had any further comments or questions.

Ms. Raiselis opened the meeting up for public comment. Moderator Fasman advised that there is no show of hands in the public and therefore no public comment.

Mr. Aukland moved, seconded by Dr. Friedlander, to close the public hearing.

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

Ms. Mendez-Boyer read through portions of the Resolution. A copy will be provided to the applicant and the entire Resolution will be recorded in the minutes of this meeting as follows:

**RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted January 24, 2022)**

**Application of Mitul and Michele Patel
Property: 24 Park Avenue (Sheet 1.100, Block 68, Lot 6 and R-7.5 Zone)**

Resolution of Site Plan Approval

Background

1. The Applicant requested site plan approval for the construction of a two-story, 806 sf rear addition, a one-story addition on the west side of the residence and a new driveway on an existing 5,500 sf lot in the R-7.5 zone. Project will consist of interior modifications and will replace the siding, roofing and all of the windows.

2. The Planning Board on November 22, 2021, determined this to be a Type II Action under NYS DEC 617.5 (c) 11) *“construction or expansion of a single-family, a two-family or a three-family residence on an approved lot”*. Therefore, no further SEQRA review was required.

3. The Planning Board has conducted a duly noticed public hearing on November 22, 2021, and continued on January 24, 2022, 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 and the Applicant Architect’s cover letter dated November 1, 2021, the Architect’s set of plans including site plan, survey, floor area calculations, zoning compliance, floor plans, roof plan, exterior elevations, impervious surface calculations, stormwater management and drainage plan, streetscape and street level and rear yard photographs of the Patel Residence, environmental clearance form and zoning compliance form. The Planning Board has reviewed comments and recommendations from the Consulting Village Planner in memoranda dated November 8, 2021, and January 9, 2021, a landscape review from the Village Landscape Consultant dated January 14, 2022 and final review dated January 21, 2022, a denial letter from the Village Engineer/Building Inspector dated October 7, 2021, and revised October 29, 2021, and November 22, 2021 and Interoffice Memoranda from the Village Engineer to the Village Board of Trustees re: 24 Park Avenue, Creation of Off-Street Parking and to the Planning Board re: Plan Review for 24 Park Avenue dated November 23, 2021 and January 18, 2022 and the response from the Applicant’s Architect to the Village Engineer’s Plan Review dated January 20, 2022, which they have considered.

5. The Zoning Board of Appeals held a public hearing on January 10, 2022, to review the Applicant’s request for the area variances relating to minimum lot size, lot frontage, side yard setbacks, FAR, parking in the front yard and driveway in side yard and building coverage. The ZBA closed the public hearing and deliberated on the requested variances. After which, the ZBA approved the requested variances.

6. The Village Board of Trustees approved the new driveway curb cut in the Village right of way on December 20, 2021.

7. The Planning Board closed their public hearing on January 24, 2022. 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

In addition, 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 subject property is a 5,500-sf lot on the south side of Park Avenue. It is an undersized lot where 7,500 sf is the minimum required. The existing single-family residence is 1,625 gross floor area. Applicant proposes to add a two-story rear addition and a one-story addition on the west side of the house. The proposed increase of the footprint is 425 sf or 47 percent from the existing 903 sf and 806 sf or 49 percent increase of gross square feet over the existing 1,625 sf. This would increase the size of the residence to 2,431 gross floor area or 66' above permitted gross floor area. The existing footprint is 903 sf for the residence which will be increased by 425 sf. The impervious surface is currently 1,015 sf which will be increased by 622 sf to a total of 1,637 sf. Applicant proposes to use gravel for the driveway; therefore, 30 percent of the driveway will be counted as permeable surface. The Stormwater Management and Drainage Plan provides three cultec chambers proposed with roof leaders draining into the cultec units.

A new driveway is proposed in the front yard on the west side to accommodate two vehicles (front to back). The driveway will be 9' wide with a length of 33.3'. A 6' long rubber wheel stop will be installed at the end of the driveway. Applicant is proposing to install Turfston concrete grid pavers on the driveway to avoid runoff from the driveway. Applicant will use a 24" gravel bed to create a dry well underneath the pavers. Applicant will fill the cells of the pavers with either 3/8" gravel or Astro Turf per the recommendation of the Village Engineer. Bluestone stepping stones will be set in the grass leading from the side door to the driveway. The existing lot frontage is 50' where 75' is required. This makes it impossible to build a garage on the side or in the back of the house. The house is one of the few residences on the street that does not have a driveway or garage. There appears to be an existing fire hydrant located adjacent to the driveway entrance. If this is the case, on-street parking at this location would not be a legal space. A new driveway curb cut in the Village right of way was approved by the

Village Board of Trustees on December 20, 2021. The fire hydrant will be protected by two 6” galvanized pipe bollard filled with concrete.

Applicant has provided a landscaping plan for screening at the rear of the property as well as a streetscape plan for the property. There is an existing stockade fence along the rear property line. A tree is shown in the rear yard on the planting plan. Planting of row of Green Giant arborvitae are proposed for the rear property line to screen the adjacent property. These will be planted at a minimum height of 6’ with a height of 20’ at maturity. A hedge will be planted along the length of the new driveway along the property line. The applicant proposes to consider Ilex glabra ‘Shamrock’ planted at a height of 24”. This hedge will be maintained at a height of no more than 30” for a car-length from the curb-cut to allow proper sight-distance. Foundation plantings will be provided for consistency with the neighborhood character. Applicant will plant an alternating pattern of native grass and perennials in the narrow bed at the southeast corner of the new driveway.

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:

Architectural and Site Plans prepared by ALL Design Architecture, PLLC for Patel Residence, Tarrytown, NY 10591 dated 9/10/21 and last revised 1/21/22 unless otherwise noted entitled:

- A-001.00 *“Title Sheet and Survey”*
- A-002.00 *“Site Plan”*
- A-002A.00 *“Site Plan Details”*
- A-003.00 *‘Floor Area Calculations”*
- A-100.00 *“Basement Demolition and Construction Plan”*
- A-101.00 *“First Floor Demo and Construction Plan”*
- A-102.00 *“First Floor Power and Finish Plans”*
- A-201.00 *“2nd Floor Demo and Construction Plan”*
- A-202.00 *“2nd Floor Power and Finish Plans”*
- A-305.00 *“Roof Plans”*
- A-501.00 *“Exterior Elevations”*
- A-502.00 *“Exterior Elevations”*
- S-1.00 *“General Notes”*
- S-2.00 *“Typ. Foundation Sections and Details”*
- S-3.00 *“Foundation, First-And second Floor Framing Plans”*
- S-4.00 *“Roof Framing Plans and Details”*
- SP-02 *“Site Plan/Option 1 - Planting Plan” revised 1/18/22*
“Survey of Property prepared for Mitul Patel & Michele Mosa Patel in the Village of Tarrytown, Town of Greenburgh, Westchester County, NY surveyed by Ward Carpenter Engineers, Inc. dated Oct. 27, 2021.

(the “Approved Plan”).

III. General Conditions

- (a) 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.
- (b) 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.”
- (c) 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.
- (d) 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.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

Mr. Aukland moved, seconded by Mr. Gaito, to approve this Resolution.

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

NEW PUBLIC HEARING – Family YMCA of Tarrytown (Tenant) – 25 Leroy Avenue

Ms. Raiselis 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, January 24, 2022 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York. **Meeting may be subject to change to a Zoom Videoconference only** pending a decision by the New York State Authority due to Covid-19 safety concerns. For any change to the meeting location prior to the January 24, 2022 meeting, visit <https://www.tarrytownny.gov/home/events/37266> or call 914-631-3668.

The Planning Board will hear and consider an application by:

Family YMCA of Tarrytown (tenant)
P.O. Box 580
Tarrytown, NY 10591

For site plan approval to allow for the relocation of the YMCA Day Care Program to Temple Beth Abraham.

The property is located at 25 Leroy Avenue and is identified on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 78, Lot 18 and is located in the M-2 Zone and the R-7.5 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 approval will be required by the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros

Secretary to the Planning Board

Dated: January 14, 2022

The mailing receipts were received and the signs were posted.

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

Ms. Raiselis asked for a roll call vote:

Member Friedlander:	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 4-0

Member Mendez-Boyer advised that she will recuse herself from this application as she is a neighbor to this property. Moderator Fasman removed Member Mendez-Boyer as a panelist from this meeting. Counsel Zalantis advised that Alternate Board Member Gary Friedland is present to vote on this application.

Dennis Noskin, RA, the project architect, appeared before the Board, representing the applicant, Family YMCA of Tarrytown. He explained that the JCC no longer operates their Day Care Program at Temple Beth Abraham, leaving the classroom space vacant. When the YMCA building was sold last year, they temporarily moved their Day Care Program to the E. F. Campus while seeking a more permanent location. They have determined that Temple Beth Abraham will be suitable and they are seeking site plan approval for a change in occupancy to operate the Day Care Program at this location. Mr. Noskin advised that the Office of Children and Family Services has visited the site at 25 Leroy Avenue and have found it code compliant requiring only minor changes to secure some corridors to protect the children. He noted that the continuation of this day care program is important to working parents in the village. With regard to traffic impact, the Planning Board expressed concerns at their work session about potential impacts during peak times and asked for additional information. He advised that during peak hours, there would be a maximum of 12 cars lined up for drop-off but also explained that many parents will park on-site and walk their children up to the building entrance. Mr. Noskin added that the building has recently undergone a renovation but the area that will be used is part of the older building. He understands that there may be concerns of the neighbors with regard to the completion of that project, but this application is for reprogramming a use to go back into the bottom and top floors (the classroom wing) to operate a day care program. He showed the bottom floor plan which proposes to make the existing 3 classrooms into 4 classrooms to accommodate the infants and noted that they will need to add three secured doors and a ramp to provide emergency access for infants in cribs to be quickly wheeled out in case of fire, etc.

Mr. Pennella advised the Board that the prior approved use was also for an I-4 facility with the same number of classrooms. They have had the ability to make the larger room into 2 separate smaller rooms. He noted that the proposed occupant load from the original plan is lower per room.

Ms. Raiselis asked if any Board Members had any questions or comments.

Mr. Aukland welcomes the continuing day care amenity for the village. He also wants to acknowledge the neighbor's concerns with regard to the other action on this parcel. He wants to see all of that fixed but this is not pertinent to this approval. As far as he is concerned, the approval of this Day Care Program can go ahead when they get to the vote. He would like Mr. Pennella to comment on what is being done to address the neighbor's concerns from the prior Planning Board approval.

Mr. Pennella said the applicant is currently working on the elevator which is what is holding them up. As far as site work, the village landscape consultant went out a few weeks back and there are still open items. During the last approval there was discussion about the dumpster area location. The applicant has moved the dumpster area adjacent to the building to benefit the neighbors by making it less visible. There have been comments about tree removal for trees that are on their private property. He shared the plan and showed the driveway at the end of Grove Street that belongs to Temple Beth Abraham and the leaning tree that needs to be removed. He advised that the Temple was seeking proposals and they intend to go back and do further cleanup and complete the landscaping.

Ms. Raiselis confirmed with Mr. Pennella that the day care cannot move into this space until the Temple gets a certificate of occupancy which will require that the site work be completed. Mr. Pennella added that in order for the day care to get licensed by NYS, they will need a sign off on the fire inspection. With regard to the tree removal, the applicant was seeking alternative pricing since the initial quotes were high, which is to their benefit. This whole area is in a natural state and some residents don't want certain trees removed but he will address the concerns with the leaning trees.

Mr. Gaito asked if there will be any impact to the traffic flow on Broadway or Loh Avenue. Mr. Pennella showed the plan prepared by the applicant showing the cars in queue. Mr. Noskin said he does not see any impact. There is more than enough room for the 12 cars (approx. 246 feet), but in reality, the people park their car and take the children in. This plan illustrates the worst-case scenario at one point of the day.

Ms. Raiselis referred to the Occupant Load Chart prepared by Mr. Noskin and asked what the maximum number of students will be who use the program since the chart indicates that they currently have 61 children. Mr. Galvin said the total occupant load could be 102 children in all 10 classrooms. Gerry Riera, the Executive Director of the YMCA, explained that the chart shows current enrollment and the historical data of enrollments going as far back to 2009. He agreed that there is space for more kids, but in terms of the children that they serve, historically, they have always had about 60 or so children and, as far as he is aware, the number of children is less than when the JCC was utilizing the space. Mr. Noskin noted that the existing playground in the back of the building will remain as is.

There were no more questions or comments from the Board or staff. Ms. Raiselis opened up the meeting for public comment.

PUBLIC COMMENT PERIOD

Fergus O’Sullivan, resident of Grove Street, referred to the occupancy load numbers in the Planning Board application and wanted to confirm that 122 was the maximum occupancy. Mr. Galvin confirmed that the 122 count consists of 102 children and 20 adult staff. With regard to Grove Street, Mr. O’Sullivan heard the comments on the current situation, which he feels is astounding. There has been no shortage of money spent on this project and he objects to the lack of maintenance on Grove Street which still has not been addressed. The property is a mess and he does not think it is unreasonable for the Temple to go back 6 or 8 feet and cut the grass on a regular basis. He feels it is bad faith on the Temple’s part to not do anything here and wait for 2 years and then come back with another Planning Board application. He is worried again that it will not be taken care of. It is tiresome and frustrating. He referred to his written comments to the Planning Board which he would like addressed. It is not a new situation; it has been going on for 30 years. There should have been violations issued on the property which would have prevented this application from coming before the Planning Board, which he feels is not right. He concluded that Grove Street has gotten the short end of the stick from the start of this project and it is not acceptable.

Ms. Raiselis referred to the two letters that were sent to the Planning Board that have become part of the record. They are from Fergus O’Sullivan and Joyce Byrne, neighbors of the Temple. Ms. Raiselis feels that the landscaping seems to be the main issue that the neighbors feel most strongly about. She referred to the recent comments received from the village landscape consultant. She asked Mr. Pennella if he can give the Board assurances that the cleanup and landscaping requirements will be made in conformance with the approved site plan conditions for the addition. Mr. Pennella said he will certainly stick to the conditions of the site plan approval. He has never heard about grass being maintained along Grove Street. That driveway belongs to the Temple and if they close it off and make it into grass, that may not work since they need access to the dumpster area. He will ensure that the landscaping report requirements are met. He has inspected the area and brush has been removed. He advised that the village encourages “natural in state” and any tree removal is required to be approved by the Tree Commission. He will follow the site plan and get the area cleaned up as best as he can. He has spoken to the Temple and they are looking for additional proposals. They can’t do much now because of the weather.

Ms. Raiselis said if we can get the landscape to comply with the site plan conditions, that is where we need to go. Dr. Friedlander agreed with Ms. Raiselis. Mr. Aukland said this application is for the interior. The exterior items are in line with the prior approval and as long as Mr. Pennella is ensuring that they will be watched like a hawk, he does not see that anything more is needed for this application before the Board.

Moderator Fasman advised that there is an additional public comment.

Cynthia Wills, also lives next to the Temple. She has been emailing Mr. Pennella and the Temple about cleaning up the dead and leaning trees toward power and cable lines; one tree is right next to her house. Her last few emails in July of 2021, may have sounded alarming, but she is concerned the tree will fall and kill a kid on a bike. Around Christmastime, she saw someone come around to get another estimate. Strings have been tied around the trees, but nothing is happening. They did do some mowing but they stopped. She is fed up and does not think anyone is ever going to do anything. She has lived her for 20 years and it keeps getting worse. The vines hang all the way down to the street pulling a dead tree toward her power line. She is disappointed. She fully supports the Temple and helping the community. They are great neighbors but this one section is disgraceful. There is a fallen tree with roots as tall as she is that has been there for years. She hopes this Board can help.

Ms. Raiselis asked Mr. Pennella if any of the trees Ms. Wills has spoken about have been evaluated. Mr. Pennella said he did an initial walk through and there was some clean up. Some trees are overgrown and need to be taken down which require permits. There are some growing on the power line. The problem is that the driveway is technically owned by the Temple and to tell someone to remove the trees on their property is a far stretch but again, the Temple is willing to work with us. He asked Stuart Skolnick, the Executive Director of the Temple, to update the Board on this matter.

Mr. Skolnick advised that he had a conversation with Mr. Pennella and they have contracted to remove the trees that are marked, including the trees that Ms. Wills just referred to. They are waiting for permits from the village to do the work and it will be scheduled and taken care of. Mr. Skolnick advised that Ms. Wills was there when the tree service came and they agreed to keep a tree that Ms. Wills wanted to keep. There was also a discussion to remove two other trees which will be taken care of as part of the work.

Rudi Ehrlich, a Grove Street resident, said the Temple paved the back alleyway to the edge of the alley and, as noted in site map, the property line includes the larger square and the access driveway that goes to Ms. Wills house. He asked if there was a decision to fix any part of this road? And, if not, will it become the purview of the Village?

Mr. Pennella showed the site plan at the bottom of Grove and the driveway that Mr. Ehrlich is referring to. This area is owned by the Temple and there is no easement to allow people to go through. He is not sure why this is part of the discussion. The paving of this area was not part of the original approval. Unless they have other plans, he believes the required pavement is completed.

Mr. Ehrlich said where the two roads meet, there is a square of asphalt. It is a highly trafficked walking route. It is an eyesore with potholes that collect gravel and puddles of water. If that pavement was extended another 20 or 30 feet, this problem could have

been addressed. Certainly, if the landscaping is part of the beautification, the paving seems relevant.

Mr. Skolnick believes that they have paved what they were required to do. They will look at it again to make sure that they do what they are required to do as part of the previous approval.

Ms. Raiselis asked if anyone else would like to speak. Ms. Wills wanted to speak again, but Ms. Raiselis hesitated to make this into a debate. She advised that the prior application is not on the agenda and if there are comments that need to be made about enforcement, the best action is to put them in writing and submit them formally to Rich Slingerland or Liz Meszaros so that they can be handled in that way. They are voting to approve the relocation of the day care center and need to re-focus on this application. Mr. Skolnick and Dan Pennella have heard the concerns and the conditions and if there is no one else who would like to speak she would like to close the public hearing at this time.

She asked if anyone else in the public would like to speak. Moderator Fasman advised that there were no other hands raised and therefore no additional public comment.

Dr. Friedlander moved, seconded by Mr. Gaito, to close the public hearing.

Ms. Raiselis asked for a roll call vote:

- Member Friedlander: Yes
- Member Aukland: Yes
- Member Gaito: Yes
- Chair Raiselis: Yes
- Alt. Member Friedland: 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 as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted January 24, 2022)
Application of Family YMCA at Tarrytown
Property: 25 Leroy Avenue (Sheet 1.110, Block 78, Lot 18 and M-2 Zone)

Resolution of Site Plan Approval

Background

1. The Applicant, Family YMCA at Tarrytown, (the tenant) requested site plan approval to relocate the Family YMCA Day Care Program from the EF International School Campus to Temple Beth Abraham in the M-2 zoning district. The application is for interior renovations with no change to the exterior façade with the exception of the 3 exterior doors and a proposed ramp. The Project consist of interior alterations to 10 classrooms and corridor space on the lower level and first floor at Temple Beth Abraham. The classrooms at Temple Beth Abraham formerly served as the site for the JCC's Child Care Center.

2. The Planning Board on January 24, 2022, 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.” Therefore, no further SEQRA review is required.

3. The Planning Board has conducted a duly noticed public hearing on January 24, 2022, 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 and the Architect’s *Cover Letter* and *letter of Explanation* for items not included in the site plan dated December 29, 2021, the Architect’s conceptual floor plans for the 1st Floor and Lower Level classrooms, *Updated Parking Analysis and Occupancy Load Levels dated 1/12/22 including comparison to previous Planning Board application*, Provident Design Engineering’s *Illustrated Site Plan for Temple Beth Abraham* dated August 25, 2020 including the fenced in exterior play space area, the *Occupancy Egress Plan & Area Calculations for the First Floor and Lower Level for Temple Beth Abraham* developed by Levin/Brown & Associates, Inc. dated 1/1/19, the *original 2020 Temple Beth Abraham Negative Declaration and Planning Board Resolution*, memorandum from the Consulting Village Planner dated January 12, 2022, and a denial letter from the Village Engineer/Building Inspector dated January 7, 2022, which they have considered.

5. The Planning Board reviewed the Applicant’s *Narrative dated Thursday, January 20, 2022*, describing the current and historical maximum enrollment, the schedule for Drop off and pick up and the number of vehicles per 15-minute intervals. The peak hour for drop off is 7:30 am – 8:30 am and 4:30 pm – 5:30 pm for pick up. The historical drop off peak had a range of vehicles between 6 – 12 per 15-minute intervals. Applicant has provided a supplemental plan dated (1/20/22) showing *the Cars in Queue at the Historical Peak (12 cars)* which will be contained in the parking lot.

6. The Planning Board closed their public hearing on January 24, 2022. 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.

II. Findings

The Planning Board considered the standards set forth in 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 existing Family YMCA Day Care Program is proposed to be relocated from the basement of Liguori Hall at the EF International School to Temple Beth Abraham at 25 Leroy Avenue in the M-2 zone. The Project consist of interior alterations to 10 classrooms and corridor space on the lower level and first floor at Temple Beth Abraham. *There will be no expansion of the building footprint.* The interior alterations involve approximately 4,779 sf of classroom space, accommodating a total of 102 children and 20 adult staff. The classroom space on the lower level provides for 64 children and 12 adult staff. The classroom space on the first floor can accommodate 22 children and 16 infants and 8 adult staff.

The configurations of the classrooms are required to meet the Building Code and NYS Office of Children and Family Services standards. These standards require an allotment of space for each child based on their age. Egress, fire sprinkler and natural lighting are key criteria. The exterior entrance area has ample area for drop off and pick up. There is a current playground area available for a fenced in outdoor play space. This is reached form the interior of the building with direct access to the play area. The classrooms at Temple Beth Abraham fit the NYS criteria with minor modifications and were formerly the site for the JCC's Child Care Center. The conceptual floor plans delineate the various uses the YMCA plans to relocate. They include but are not limited to: Infants, Toddlers, Preschool, School Age Children, Office Area, Ancillary space (storage, toilets, etc.) and fenced in exterior Play space. This is similar to the existing programs at the EF School.

In response to the Village Engineer’s plan review, the Applicant provided an updated parking analysis (1/12/22) which shows a reduction in parking from the original 2020 approved site plan. The floor plans were revised to conform to the parking and projected occupancy load capacity when the YMCA Child Care Center is in session. The updated parking analysis shows a total of 102 children with 20 adults. This projected load occupancy of 122 represents a reduction from the previous 240 occupancy. The actual classroom area will be 4,779 sf compared to the previous 5,638 sf. Finally, the number of parking spaces required is 41 spaces reduced from 48 parking spaces. The drop off and pick up for the YMCA Child Center will be located at the top of the driveway with direct access to the classrooms. Upon the request of the Planning Board, the Applicant has provided a Narrative describing traffic flow and drop off for the YMCA Child Center.

III. 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:

First Floor and Lower-Level Floor Plans for the YMCA Childcare Center at Temple Beth Abraham, 25 Leroy Avenue, Tarrytown, NY 10591 prepared by Dennis Noskin, H2M Architects & Engineers for Family YMCA at Tarrytown dated 12/31/21 unless otherwise noted entitled:

- A101 “*First Floor and Lower-Level Floor Plans for the YMCA Childcare Center, Temple Beth Abraham*”
- C101 “*Illustrated Site Plan Temple Beth Abraham, 25 Leroy Avenue, Tarrytown, NY*” dated 8/25/20 prepared by Provident Design Engineering

(the “Approved Plan”).

III. General Conditions

- (a) 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.
- (b) 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.”
- (c) 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.
- (d) 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.
- (e) The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

With regard to exterior facade alterations, Mr. Noskin advised that there will be a slight change to the exterior facade since they will be installing 3 exterior doors and a proposed ramp which will require ARB approval. The Board agreed to modify the resolution as follows: Page 1- Item 1, 2nd sentence – add underlined text in italics: “The application is for interior renovations with no change to the exterior facade with the exception of the 3 exterior doors and a proposed ramp.”

Mr. Aukland moved, seconded by Dr. Friedlander, to approve the Resolution, as modified.

Ms. Raiselis asked for a roll call vote:

Member Friedlander:	Yes
Member Aukland:	Yes
Member Gaito:	Yes
Alt. Member Friedland:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

Adjournment:

Mr. Aukland moved, seconded by Dr. Friedlander, to adjourn the meeting at 7:54 p.m.
All in favor. Motion carried: 5-0

Liz Meszaros – Secretary