

Planning Board
Village of Tarrytown
Regular Meeting
*Via Zoom Video Conference
February 28 2022 7 pm

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

ABSENT: Member Friedlander

APPROVAL OF MINUTES – January 24, 2022

Mr. Aukland moved, seconded by Mr. Gaito, to approve the minutes of the January 24, 2022 meeting, as submitted.

Ms. Raiselis asked for a roll call vote:

Member Aukland:	Yes
Member Mendez-Boyer:	Yes
Member Gaito:	Yes
Alt. Member Friedland:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

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 the applicant, appeared to update the Board in connection with its request for site plan and tree removal approvals, as well as a steep slope waiver to facilitate the construction of the State of the Art - 54,000 s.f. Center for Creative Arts and Technology Building together with 56 parking spaces and related infrastructure on the Hackley Campus. They were last before this Board in June of 2021 and have since been working through the SEQRA process with the Town of Greenburgh, as Lead Agency, to secure the necessary approvals. The Village of Tarrytown is an Involved Agency in this action.

Mr. Weingarten showed an aerial view of the existing campus and the municipal border line between the Village and the Town. He pointed to the Gymnasium on the Village side and the Performing Arts Center on the Town side which are both slated to be demolished. He showed an image of the completed project with the new Arts Building in place and the associated parking lots. While the bulk of the proposal to be

*Due to an increase in COVID-19 cases, in the interest of public health, this meeting was held remotely via Zoom, aired live on Cable Channels 78 and Verizon 28 and streamed live on www.tarrytownny.gov.

constructed is within the 258 acres of the campus located within the unincorporated Town, approvals are also needed within the 27 acres of the campus within the Village, specifically the 3.6 acres of a village tax lot, which is directly impacted. They have filed the required applications with the Town of Greenburgh, which include site plan, tree removals and a steep slope permit and, in addition to the Village Planning Board Site Plan approval, a Compatible Use Permit is also required from the Village Board. He noted that the Hackley School, founded in 1899, is one of the nation's leading independent college preparatory non-sectarian day and boarding schools for students in grades K-12, fully accredited by the NYS Association of Independent Schools, and a wonderful jewel of the Westchester community. He introduced Peter Mc Andrew, Hackley's Director of Finance and Campus Planning, Robert Aldrich, Hackley's Director of Operations, his Law Partner, Janet Giris, ESQ., and Michael Junghans, PE, the project engineer, with Kimley-Horn, present to answer any questions.

Mr. Weingarten briefly went through the history of approvals for the Hackley Campus. The Greenburgh Town Board approved the Master Plan and site plan approval for two academic buildings back in 2003. At that time, a GEIS was prepared for the long-range Master Plan. All of the previously approved components of the Master Plan have been constructed and are in use by the school today. The Gymnasium on the Village side became obsolete and was replaced by the Wellness Center, completed in 2019. This project currently before the Board is the final component of the Master Plan. The work on the Town side will demolish 61,000 S.F. of building and add back only 54,000 S.F. of building, resulting in a net decrease of square footage on the campus. The new Arts Building will create a central outdoor amphitheater for performances, together with a 550 seat multi-purpose auditorium, a 100-seat black box experimental studio, a technology hub of collaborative maker space, rehearsal space, visual arts studio, an art gallery, dressing rooms, scene shop, and control rooms. It is a modern state-of-the-art facility in line with the STEAM program concept, necessary for Hackley to compete with others schools and fulfill its academic mission. The work on the Village side includes the demolition of the Gymnasium and the construction of 56 surface parking spaces and related stormwater improvements. None of these parking spaces result from an expected increase in campus traffic; they are being created for convenience to the new Arts Building only. There will be no increase in student enrollment, staff or faculty. They are simply replacing an older type of space and technology with a newer state-of-the-art space and technology.

Mike Junghans, P.E., the project engineer, briefly went through the site plan and showed the proposed improvements. He showed the new Arts Building and the walking paths that provide connectivity to the buildings and ADA access to the existing road which will remain with modest improvements to interface with the new building and parking. He showed the primary parking area for the new Arts Building and the lower two existing parking areas that will be expanded and formalized. The upper lot is going

to be a paved similar to what it is today and the lower one will be a permeable surface lot similar to the existing gravel. In the middle, just to the left of the lot, they have proposed a four-bay detention system for stormwater treatment designed to provide stormwater discharge which is below the existing flow. The grading plan shows limited disturbance to the area of the existing buildings to be demolished and the improvements. They have kept a pretty tight envelope of work to minimize the amount of rock removal required. The slope to the left will be recontoured to provide for the back of the parking area and the stormwater detention facilities. The grading at the existing parking lots to the southwest will remain at the same grade with modest improvements to reduce disturbance. The Landscape Plan proposes to remove about 34 trees on the Town side and 35 Village trees. They have a very robust planting plan proposed and will put back more trees than they are taking out. They will also plant a significant amount of shrubs and ground plantings around the entrance and the southern part of the building, where there is a lot of pedestrian movement.

Peter McAndrew, Hackley's Director of Finance and Campus Planning, showed some renderings of the site highlighting: the new Arts Center with the existing old Gymnasium to be demolished, the new Arts Center built into the existing canyon, the existing Lower School, the Old Main Building, the new Amphitheater looking up Akin Common showing the main entry points, and the new Arts Center with the river view.

Mr. Weingarten noted the complicated process required to receive approvals in two different municipalities with a number of Boards in each of them. They believe they have supplied all of the information necessary to close these hearings so that Greenburgh can make their final SEQRA determination, which they hope to be a Negative Declaration. This will allow them to proceed with the remaining approvals. While the bulk of the campus is in the Town of Greenburgh, water is currently supplied by the Village. At the request of the Village, they petitioned the Greenburgh Town Board to extend the Consolidated Water District to connect to the Greenburgh water supply. They conducted the necessary studies to move forward with this extension and a recorded meeting was held with the Westchester County Health Department and Town representatives. Village staff were unable to attend as it was done at the County's schedule. During the meeting, the County advised that new sanitary code requirements would require Greenburgh to own and maintain the water main infrastructure on the Hackley campus, which the Town had no interest in doing. They are now caught in a catch 22. They have done the work as the Village requested, but after the meeting with the County, the Town has advised that they will not be able to accommodate their request, so they would have to come up with another solution.

Mr. Weingarten pointed out, from a legal perspective, they are adding less building than they are taking down and they will have less water requirements than the existing condition; therefore, they have no legal requirement to do anything with respect to water

because there is no impact to mitigate. At this Board's February 17, 2022 Work Session, Mr. Pennella expressed his concern that Hackley does not have enough water for fire service to some of their buildings and after a certain period of time the Village has to manually turn their pumps on to be able to fight a major fire in a number of buildings. They also find this to be unacceptable, whether it is an existing condition or not. They have agreed to work with the Village to design and install a water storage tank on campus so that adequate fire protection can be delivered to their buildings. They cannot give specific details on the size, etc., since the details will need to be worked out between Mr. Pennella and their project engineers, and possibly the County may need to get involved. Their engineers are in conversations with Mr. Pennella and understand that the extra storage tank on the property will obviate the need for the Village to turn on its pumps for the proper amount of time that would be necessary. They are anxious to move forward with Greenburgh toward a Negative Declaration. After that, they will return to the Village for the necessary site plan and compatible use permit approvals. They have been caught in an unfortunate situation and have spent many months under the misimpression that there would be no issue to switch over the water systems, which is no longer the case. They are committed to working with the Village to come to a solution, but they also would like to be able to move forward toward a Negative Declaration with Greenburgh. He is happy to answer any questions.

Ms. Raiselis asked if the Board Members had any questions for the applicant.

Mr. Aukland believes this is a great project and looks forward to its completion. He is concerned about procedure and asked Mr. Weingarten to explain how he anticipates the Village of Tarrytown to move forward with the Town, as the Lead Agency, to declare a Negative Declaration, given that the meeting on March 9th is just around the corner.

Mr. Weingarten advised that under New York State Law, you can only have one Lead Agency. The Greenburgh Town Board is acting as Lead Agency since most of the project is within the Greenburgh jurisdiction. The issuance of a Negative Declaration by the Lead Agency would conclude the Environmental Review of this project under SEQRA. Until this determination is made, no action can be taken by either jurisdiction. The Village, as an Involved Agency, has the right to make comments to the Lead Agency before they make a SEQRA determination. They are hoping to receive this Negative Declaration from Greenburgh on March 9, 2022. He would ask that the Village send a letter to the Greenburgh Town Board agreeing to the Negative Declaration with the understanding that a condition of site plan approval would require Hackley to commit to building the appropriate water storage tank on campus to obviate the need for the Village to turn on their pumps. He advised that it is possible that Greenburgh could agree to issue the Negative Declaration with this condition. He does not think that it will take a long time to get a water storage design together since they have already started

this process and are in discussions with Mr. Pennella. He advised that Hackley would not be able to build unless the Village is satisfied they have adequate fire protection.

Mr. Aukland asked Counsel Zalantis if it would be appropriate for this Board to draft a resolution of support that follows the outline that Mr. Weingarten just provided, when the Board is satisfied. Counsel Zalantis said it would be but the Board has to be comfortable with the fact that there has been no design presented. Counsel Zalantis said it was her understanding that Mr. Weingarten would like to proceed with a request to the Town Board for a Negative Declaration on March 9, 2022, although there is no design yet, but they are acknowledging that they are willing to provide a water storage tank in connection with their project.

Mr. Weingarten agreed and wanted to be clear again, for legal purposes, their position is that, legally, this is not a requirement. Legally, they have not created an impact, there is no additional water usage, therefore, they do not have to do this. They are voluntarily proceeding, which is why they have the ability to do this legally, and it could be accomplished as long as the Town of Greburgh agrees with the condition discussed earlier.

Counsel Zalantis is not sure that the Village's consultants would necessarily agree with the applicant's position that they don't have to provide for adequate fire protection. The applicant is banking on this as being an existing condition with no impact. Counsel Zalantis has concerns about being in the position of issuing a Negative Declaration without having the Board at least flesh out the concept a little bit more. The March 9, 2022 Town Board meeting is only a couple of weeks away. She believes there is enough time to allow the consultants to potentially exchange plans and designs and present something formally to the Board. That would put the Village in a better position to get a Negative Declaration without it being a conditional Negative Declaration.

Mr. Weingarten advised that he will not be asking for a conditional Negative Declaration. He would like it to be a condition of the site plan approval. He does not believe the design will be overly complicated. The size and location only need to be determined. Mr. Junghans advised that these types of tanks are readily available.

Mr. Galvin does not think a full design for the tank is required but there needs to be language incorporated into the Negative Declaration essentially saying that this is the outline of what they can do, that it is feasible, and can be done as part of the site plan.

Mr. Weingarten agreed and would like to work with Mr. Pennella to come up with an agreement on the numbers by March 9, 2022 and if everyone is comfortable, perhaps they could move forward.

Counsel Zalantis would like something in writing from the applicant, for the record, to be submitted to the Town Board that lays out this discussion. At this point, the Village does not feel the Town Board is in a position to be able to issue a Negative Declaration. Design drawings are not necessary but there needs to be more of an understanding of what we are looking at. She would like to hear from Mr. Pennella.

Ms. Raiselis is concerned that there are no drawings that show the water storage tank. The Board has no idea how big it will be, if tree removal will be required, or if there are any other potential impacts. She is not comfortable with this and would like to hold off on the March 9, 2022 deadline and push it to April to look at this in more detail.

Mr. Weingarten pointed out that the Village still has a site plan approval process and the Negative Declaration will include the requirement that they build an acceptable water storage tank.

Counsel Zalantis asked Mr. Weingarten where the water storage tank will be installed. Mr. Weingarten said it will be on the Village side because that is where the pump house is located. He advised that even after they get a Negative Declaration and other approvals from Greenburgh, they still have to get site plan approval from the Village which will include the installation of a water storage tank. This should provide the security for the Village.

Mr. Galvin asked if the proposed tank would be above or below ground. Mr. Junghans said they have not determined that yet. There may have a rock issue in the area. They may also find an area to do a hybrid.

Ms. Raiselis said these are all potential environmental impacts and this is the time we should be looking at them. This Board has no idea what this tank will look like or where it will be located. She would like more time to get more information. She asked Village Engineer Pennella to comment.

Mr. Pennella commented that it is unfortunate that the water extension will not be feasible. The applicant worked hard to apply for the water district extension and it is sad to see that such a simple solution could not be utilized, which could have benefited everyone. One of the issues is that the applicant wants to maintain an interconnection with Tarrytown which would require that it would have to be a public water supply system. Moving forward, we will work on the alternative plan which is to install the water storage tank for fire demand only, not domestic. Basically, the tank will store the water and it will be pumped into the distribution system. Ideally, you would want the tank as close as possible to the buildings. The applicant has proposed a location on Midland Avenue, which is the farthest point from the site. He thinks there are other possibilities for the location. He wants to make clear to the applicant that the tank has to

be sized for the entire fire system demand for the facility, and not just one building. He does not think it will be a large tank, maybe about 50,000 gallons, but they will need enough for a 30-minute period which can all be calculated relatively easy. He is not looking for those details now, but conceptually, he would like to know the size and general location so this Board is comfortable. As far as demand goes, he has shared his backup data with Mr. Junghans which actually show that water demand has increased over the years. Simply saying by taking a building down and building something smaller requires less water, is a fallacy. The applicant is required to follow NFPA regulations for adequate fire protection. He believes that he and the applicant are on the same page. He would like to have an idea of the approximate location and size of the tank.

Mr. McAndrew said he could provide that information to Mr. Pennella tomorrow morning. They have already studied it and the tank will be something of the size that Mr. Pennella mentioned. It will be located behind the existing pump house which they feel is the best location. They will make use of the existing grades to shield it from the two or three homeowners across the way. Mr. Pennella asked them to present the plan tonight if they have something. Mr. McAndrew asked for a moment to retrieve his plan.

Ms. Mendez-Boyer asked Mr. McAndrew how many of their buildings on the site are sprinkled. Mr. McAndrew said that, with this new project, only three buildings will not be sprinkled. The system powers the sprinkler systems, the standpipes and the fire hydrants around their campus.

Mr. McAndrew showed a preliminary plan of existing pump house on Midland, which is approximately 23 ft. long and 19 ft. high. He showed the upward slope. He would like to remove the two trees and go about 10 feet beyond the edge of the building on both dimensions and install a tank, approximately 40 ft. long x 15 -18 ft. horizontal tank nestled in next to the pump house. They would have to chip away some rock so that it will be below the ridge line of this building for minimal view shed. The current pump capacity is 1500 gallons per minute which gets them to about 45,000 - 50,000 gallons.

Mr. McAndrew showed many of the homes that Hackley owns around the campus. He showed the three homes across this street that would be able to view the tank and noted that these homes already view the existing ridge line. They could landscape it with fast growing evergreens. The tank would need a pump inside it for pressure and circulation to avoid freezing monitored by a required fire alarm protection system.

Mr. Galvin asked if they have a sketch or something else to show what the tank will look like. Mr. McAndrew said he could provide this to Mr. Pennella tomorrow morning.

Ms. Raiselis thanked Mr. McAndrew but they need a little bit more to give them an idea of what it will look like. Mr. Junghans said he will go out and take pictures of the frontage from Midland and superimpose the position of the tank with trees to show the screening. Ms. Raiselis would like the tree removal to be addressed as well. She is asking for an overall scope and understanding of what the impacts are going to be so they can determine if they will be acceptable.

Counsel Zalantis is concerned that the Board only meets at meetings and work sessions, so this path would require a special meeting. She believes it would make more sense to discuss this at the March 17, 2022 work session and draft a letter of support to the Town, if the Board is comfortable, rather than rushing to do this by March 9, 2022 without having any kind of plan.

Mr. Aukland agrees with Counsel Zalantis. The last material that he has seen is dated way back and he needs time to review the current plans. He does not think that there will be other issues regarding the Negative Declaration, but he believes the process is distorted. He believes that a look at the current drawings is necessary before giving a position on the Negative Declaration. In addition, the public also has not seen the plans and there might be other considerations the Board has not thought of and they should have that opportunity. He would like to continue this at the next work session and move forward from there. He is not comfortable with the process as discussed tonight.

Ms. Raiselis agreed with Mr. Aukland. She also is not comfortable with making a decision without a full understanding of the proposal.

Mr. McAndrew showed a couple of more drawings to show the Board the proposed location of the water storage tank.

Ms. Raiselis asked if any other Board Members had any questions.

Mr. Gaito commented that that in terms of the building, he is pleased, but feels that the tank issue requires further study to see all of the impacts, in the summer as well as in the winter, before a decision can be made. He is happy with the timeline that has been discussed. The sooner the applicant can get the requested information to the Board will be to their benefit.

Ms. Mendez-Boyer believes that the residents across the street from the location of the proposed tank also need to be heard.

Ms. Raiselis is willing to sit down at the next work session and review the material. She feels this is being rushed and that there are impacts to consider. She does not think it will take a long time. Mr. Gaito said the more information the applicant can give us, would be helpful.

Mr. Weingarten understands the Board's position. He explained that while it may feel rushed to this Board, they have spent 9 months going in a different direction, spending an awful lot of time and money trying to satisfy the initial requests of changing over to the Town water supply. They feel like they have done everything right, but have been thrown off schedule. They will go back and do their work to make the Board feel more comfortable.

Counsel Zalantis advised that the Landscape Architect Report also needs to be addressed. Mr. Junghans referred to the recent February 17, 2022 Nolan Landscape Report which had some minor additions and they will respond.

Ms. Mendez-Boyer said that fire protection is an important issue and she wants to ensure that the students and the faculty are protected. She is also concerned about the traffic and asked if a study had been done for Benedict Avenue. Mr. Weingarten said a traffic study was not required because they are replacing the old Arts building with a new building. They are not adding any new students. The additional parking in front of the building was added for convenience to the building, along with additional ADA access and is not a zoning requirement.

Ms. Mendez-Boyer asked if the seating is increased in the auditorium since they are proposing 550 seats. Mr. McAndrew said the existing facility cannot handle 550 concurrent, but they do have locations elsewhere on the campus where 550 could be handled. Ms. Raiselis asked if the auditorium will be filled to capacity when they have performances. Mr. McAndrew said the 550 seats is triggered by all school meetings for the upper school grades 9 through 12, plus adults. He cannot imagine ever having a production where they would fill 550 seats. During the school day, they have upper school meetings for approximately 490 students. The additional seating is to offer a little comfort level for the students, but the 550 is not needed. Mr. Weingarten noted that these students are already on the campus.

Ms. Raiselis wanted to confirm that they do not anticipate having performances with tickets sold to the public to fill the auditorium with parents, cousins, friends, etc. Mr. McAndrew said they have winter concerts for the little guys that might fill it, but they already have these concerts in the existing Performing Arts Center. Ms. Raiselis believes this sounds reasonable since they have these concerts now. Mr. Aukland thinks this is a valid question which he is happy to address at site plan. He does not see it as a Negative Declaration issue.

Ms. Raiselis opened the meeting for public comment. Moderator Lavoie advised that there is no one in the public wishing to speak.

Ms. Raiselis outlined the next steps forward. The applicant will submit additional information by March 10, 2022 so that it can be posted on the website for the public and reviewed by the Board prior to the March 17, 2022 work session. This will also give the public an opportunity to look at it and comment.

Counsel Zalantis confirmed with the applicant that they will not be seeking a Negative Declaration on March 9, 2022 from the Greenburgh Town Board since they are still working on this issue with this Board and no action is required by this Board to send a formal memo to the Greenburgh Town Board at this time.

Mr. Weingarten advised that he will inform the Greenburgh Town Board that they are delayed and will not be requesting a Negative Declaration on March 9, 2022. They will work with this Board to submit the requested information by March 10, 2022 for review and discussion. If the Planning Board is satisfied, they will make a recommendation to the Greenburgh Town Board at their March 28, 2022 meeting. At that time, Hackley could be in a position to consider a Negative Declaration at Greenburgh's April Meeting.

Ms. Raiselis asked Mr. Pennella if he had any more comments.

Mr. Pennella is satisfied with the water issue. He asked about the future parking area work identified on the plan. Mr. McAndrew confirmed that this future work is for improvements to the lower two parking lots and will be performed with this site plan approval and they will update the plans. Mr. Pennella advised that Ms. Nolan, the Village Landscape consultant, did not provide comments on this section since it was identified as future work. He will advise her to do a further review and comment.

Ms. Raiselis is happy with the compromise. She thanked the applicant for their presentation and believes that they are moving toward to a resolution soon.

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

Ms. Raiselis asked for a roll call vote:

Member Aukland:	Yes
Member Mendez-Boyer:	Yes
Member Gaito:	Yes
Alt. Member Friedland:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

Adjournment:

Mr. Aukland moved, seconded by Mr. Gaito, to adjourn the meeting at 8:13 p.m.
All in favor.

Ms. Raiselis asked for a roll call vote:

Member Aukland:	Yes
Member Mendez-Boyer:	Yes
Member Gaito:	Yes
Alt. Member Friedland:	Yes
Chair Raiselis:	Yes

All in favor. Motion carried. 5-0

Liz Meszaros – Secretary