

Planning Board
Village of Tarrytown
Regular Meeting
January 22, 2018 7:00 pm

PRESENT: Members Tedesco, Aukland, Birgy, Raiselis; Counsel Zalantis; Village Engineer Pennella; Village Planner Galvin; Secretary Meszaros

ABSENT: Chairman Friedlander

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence and called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES– December 27, 2017

Ms. Raiselis moved, seconded by Mr. Birgy, with Mr. Aukland abstaining, that the minutes of the December 27, 2017 meeting be approved as submitted. All in favor. Motion carried.

Mr. Tedesco announced the following adjournments:

- Peter Bartolacci – 67 Miller Avenue
Removal of railroad tie wall, construction of retaining walls and landscaping of rear yard.
- 202 Lexington Group LLC – 29 South Depot Plaza
Conversion of indoor sports facility into a self-storage facility.
- Sisters of the Sacred Heart of Mary - 32 Warren Avenue -
Driveway widening, construction of retaining wall and landscaping of rear yard.
- Benedict Avenue Owners Corp. – 22 Glenwolde Park
Additions and Alterations to a single family home
- M.M. Homes Land Development of PA LLC – 6 Hillside Street
Construction of a single family home.
- Broadway on Hudson Estates, LLC (Contract Vendee) – 11 Carriage Trail
Four-lot subdivision

CONTINUATION OF PUBLIC HEARING

American Independent Paper Mill Supply Co. LLC – 29 South Depot Plaza - Subdivision

Linda Whitehead, Attorney, from McCullough, Goldberger & Staudt, LLP, appeared on behalf of the owner, American Independent Paper Mill Supply Co., Inc., requesting subdivision approval to separate two lots at 15 and 29 S. South Depot Plaza. They have obtained the required variance from the Zoning Board on January 8, 2018, and are here this evening to ask the Board to consider subdivision approval.

Mr. Tedesco asked if anyone in the public had any questions. No one appeared.

Before closing the hearing, Mr. Aukland moved, seconded by Mr. Tedesco to approve the revised negative declaration as submitted. All in favor. Motion carried.

Mr. Aukland moved, seconded by Ms. Raiselis, to close the public hearing. All in favor. Motion carried.

Mr. Aukland said that only a portion of the resolution will be read but a copy of the general and specific site plan conditions will be provided to the applicant and the entire resolution will be recorded in the minutes as follows:

RESOLUTION
VILLAGE OF TARRYTOWN PLANNING BOARD
(Adopted January 22, 2018)

Resolution to Approve Subdivision Plat

Background

1.The Applicant requests the Planning Board to approve a subdivision application pursuant to Section 305-131 of the Village Zoning Code and Chapter 263 of the Village subdivision regulations for property located at 29 South Depot Plaza and situated in the Industrial District (“ID”) to allow the subdivision of a 2.72 acre parcel into 2 separate lots (lots 1 and 2) with existing buildings thereon. Although this application is for a portion of the same property that is the subject of a site plan submission by 202 Lexington Group for the Self-Storage facility on the proposed lot 1, no new construction or development is proposed as part of this subdivision application.

2.The Planning Board has classified the application as a minor subdivision in accordance with § 263-2 of the Village subdivision regulations since the subdivision is less than 3 lots, does not involve any new streets or extension of municipal facilities and is not in conflict with any provision or part of the Village Master Plan, Official Map or Local Zoning Law.

3.The Applicant made a preliminary presentation to the Planning Board on October 23, 2017 and, thereafter, the Planning Board has conducted a duly noticed public hearing on November 27, 2017, December 27, 2017 and January 22, 2018 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Applicant has carefully examined the Application and received comments from the Village Consulting Planner in memoranda dated November 16, 2017, December 14, 2017 and January 11, 2018, from the Village Engineer in a letter to the applicant dated October 24, 2017 requesting additional information and in a memorandum to the Planning Board dated December 27, 2017 and has reviewed Applicant’s letter describing the application dated November 8, 2017.

5. The Planning Board determined that the Project was an unlisted action under SEQRA on October 23, 2017 and circulated a Notice of Intent (NOI) to be Lead Agency on November 9, 2017 and assumed Lead Agency status at its meeting on December 27, 2017 and issued a Negative Declaration for the proposed unlisted action on December 27, 2017.

6. The Zoning Board of Appeals reviewed the Applicant's request for a variance for a side yard setback to the northerly side of the existing building on the new lot 2. The ZBA opened a public hearing on this application on November 13, 2017. The ZBA closed the public hearing on January 8, 2018 and approved the requested variance on that date.

7. The Planning Board closed the public hearing on January 22, 2018. 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 subdivision plat approval is granted subject to the conditions set forth below:

I. Findings

The Planning Board considered the standards set forth in Section 305-131 of the Village Zoning Code and the Village of Tarrytown Code Chapter 263 entitled "Subdivision of Land" and finds that subject to the conditions set forth below, the proposed subdivision plat and lot line adjustment is consistent with the subdivision plat and the design and development principles and standards set forth therein.

The proposed action is a subdivision for a 2.72 acre property located at 29 South Depot Plaza. This is classified as a minor subdivision based on § 263-2 of the Village's subdivision Code. The subdivision proposes to subdivide the subject property into two separate lots (Lot 1 and Lot 2). Both lots have existing buildings and are within the Industrial District ("ID"). The lots are located on South Depot Plaza just south of the Tarrytown Station and municipal parking lot and east of the Metro North tracks. Lot 1 consists of 51,466 sf with an existing 25,758 sf indoor sports facility. Lot 2 consists of 67,240 sf with an existing building occupied by a paper recycling facility. A subdivision is required for the sale of Lot 38 to 202 Lexington Group, a contract vendee, currently before the Planning Board for site plan approval to allow the conversion of the existing indoor sports facility into a self-storage facility. The submitted subdivision proposes relocating the lot line between the existing tax lots 38 & 39. The proposed new Lot 1 includes a portion of the tax lot 38 plus the driveway area of tax lot 39. A utility and turnaround easement has been provided for the benefit of Lot 1 (and burdening Lot 2) and is shown on applicant's subdivision plat. The proposed Lot 1 requires no variances. For the proposed Lot 2, the lot line change results in a nonconforming side yard setback to the new lot line for the northerly side of the existing building, which is set back 1.5' from the new lot line where 10' is required. A

variance for this setback was required and received from the ZBA before the Planning Board could approve the subdivision plat. There is no new construction being proposed as part of the subdivision on either Lot 1 or Lot 2. The property is not within a wetland or adjacent regulated area. The property is not within or in the immediate vicinity of any recognized or historical resource. The property is not located in a flood plain. The resulting properties will continue to use public water and a public wastewater treatment facility. The current uses on both lots are compliant with the permitted uses in the "ID" District. The proposal by 202 Lexington Group for conversion of the existing sports operation into a self-storage facility is also a permitted use in this District. The proposed subdivision will not result in an increased level of traffic.

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 as follows:

“Subdivision Map prepared for American Independent Paper Mill Supply Company Inc. in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. by Ward Carpenter Engineers Inc. dated October 10, 2017, last revised November 8, 2017 (the “Approved Plan”).

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.

IV. Specific Conditions

- 1) Prerequisites to Signing Subdivision Plat: The following conditions must be met before the Planning Board Chair may sign the approved Subdivision Plat (“Final Subdivision Plat”):
 - a. The Applicant shall obtain the required endorsement or determination of no jurisdiction by the Westchester County Department of Health.
 - b. The Applicant shall submit a proposed access easement (burdening Lot 1 and benefitting Lot 2) and a turn-around easement (burdening Lot 2 and benefitting Lot 1) which meet the satisfaction of the Planning Board Attorney in form and substance. Upon approval by the Planning Board Attorney as to the form and substance of said easements, the easements shall be filed with the Westchester County Clerk and proof of

recording provided prior the Planning Board Chair signing the Final Subdivision Plat.

- c) Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- 2) The preparation and submission to the Planning Board of the Final Subdivision Plat, including any required endorsement or determination of no jurisdiction by the Westchester County Department of Health, shall be filed by the applicant in the office of the County Clerk within sixty-two days of obtaining the Planning Board Chair's signature as set forth in Village Law § 7-728 (11).
- 3) In accordance with Village Law § 7-728(7) (c), if all the conditions of this approval are not fulfilled within 180 days, this approval shall expire. The Planning Board, however, may extend for periods of ninety days each, the time for Applicant to submit the plat for signature by the Planning Board Chair if, in the Planning Board's opinion, such extension is warranted.
- 4) Immediately upon recording of the final plat in the office of the Westchester County Clerk, the Applicant shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.
- 5) The Village Engineer has required specific improvements on Lot 1 as part of the Self-Storage facility site plan application by 202 Lexington Group ("Site Plan Application"), which Site Plan Application has been pending at the same time as this subdivision application. Such improvements are specified in the Village Engineer's memorandum dated December 27, 2017, including providing proper drainage by catch basins and/or inlet structure resulting in no net runoff as well as improving the pavement conditions of the access driveway leading from Depot Plaza. In the event that the Site Plan Application does not proceed and/or is not approved, certain road and drainage improvements may be required to be undertaken by the Applicant or owner of Lot 1 in the event of a change of use or change of occupancy of the existing building or property (or in the event of any other proposal requiring site plan approval as set forth in Village Code § 305-132(A)). Nonetheless, nothing herein precludes the Village from enforcing any existing violation of any currently existing site plan approval for the indoor recreational facility.

Mr. Aukland moved, seconded by Ms. Raiselis, to approve the subdivision application. All in favor. Motion carried.

NEW PUBLIC HEARING – My Tokyo & Cha, Inc.- 31 Main Street

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, January 22, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

My Tokyo & Cha, Inc.
47 Main Street -1F
Tarrytown, NY 10591

For site plan approval for a change of use from vacant retail space to a restaurant.

The property is located at 31 Main Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 17, Lot 18 and is located in the RR 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 from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: January 12, 2018

The mailing receipts were received and the signs were posted.

Dennis Noskin, Project Architect, representing the tenant, My Tokyo & Cha, Inc. explained to the Board that his client would like to put in a small sushi restaurant in the vacant space at 31 Main Street, which requires site plan approval since it was

previously a retail use. They will need 2 variances for 7 parking spaces and 1 loading space and will file a variance application with the Zoning Board for the February 12, 2018 Zoning Board meeting.

Mr. Tedesco asked about the interior of the restaurant. Mr. Noskin presented the plan and said there will be eleven seats, a sushi bar, a bench across the window and along the side wall with a bathroom and a kitchen area in the back.

Mr. Birgy asked what the square footage of the space and Mr. Noskin said it was 779 sq. feet.

Mr. Tedesco asked about a garbage plan. Mr. Noskin said it will be placed at the curb in the front. The rear is landlocked so there is no other alternative.

Mr. Tedesco moved, seconded by Mr. Aukland, that this is a Type II action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that an escrow in the amount of \$2,500.00 be established. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing in February, provided that the variances have been approved. All in favor. Motion carried.

NEW PUBLIC HEARING – Joseph Fiore- 230 Crest Drive

Mr. Tedesco read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, January 22, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Joseph Fiore
230 Crest Drive
Tarrytown, NY 10591

For site plan approval for additions and alterations to an existing single family residence.

The property is located at 230 Crest Drive in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.90, Block 64, Lot 13 and is located in the R-10 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 from the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros
Secretary to the Planning Board

DATED: January 12, 2018

The mailing receipts were received and the signs were posted.

Sam Vieira, Project Architect, representing Julie and Joseph Fiore, also present explain that they are proposing to construct a second story on an existing single family which is a typical Crest Drive home, just under 1200 sf. Many homes in this area have either expanded or added. The Fiore's would like to stay in Tarrytown, but their family is growing and they need more space. It is their hope to enlarge their home.

Mr. Vieira showed the plan and said in addition to the second story, they are incorporating a covered front porch for the entrance. A single narrow car garage exists. Most of the garages in this area are not used for parking since they are very small. The Fiore's would like to turn this into habitable space and also widen the driveway so that can park side by side rather than tandem. Lastly, there is a shed proposed to be installed in the back which will be code compliant.

Mr. Vieira said that variances will be required from the Zoning Board since it is an odd shaped lot. It does not have required side yards. The porch entrance will require a front yard setback, a variance for parking in the front yard is also needed, and, lastly the roof ridges encroach upon the light plane.

Mr. Vieira is asking that he be referred to Zoning for the February 12, 2018 meeting and then return back to this Board for their consideration.

Mr. Tedesco confirmed with Mr. Vieira that the shed location will not require any variances.

Mr. Tedesco asked if anyone Board Members or staff had any comments.

Ms. Raiselis was concerned about the removal of the 3 trees in the backyard and asked Mr. Vieira why they were proposing their removal.

Mr. Vieira said that there is nowhere for their children to play and they would like to recapture the backyard for their children.

Mr. Tedesco said they will need to identify the trees on the plan, the size, and type and health as determined by an arborist and provide a narrative as to why the trees need to come down.

Mr. Tedesco said that they will need to go to Zoning, and in the interim, they could provide a stormwater and drainage plan and the tree removal information.

Mr. Tedesco asked about steep slopes and Mr. Vieira said there will be no disturbance.

Mr. Tedesco asked if anyone in the public had any comments.

Barry Agner, of 224 Crest Drive, appeared. He said that the applicant's home is just to the south of their home. They have lived there for 43 years. He is concerned about the loss of sunlight should the addition proceed since it will block the sunlight and their home will be placed in the shadows. There will also be no sunlight to the path along the property. Mr. Agner said that the applicant has provided him with the light plane study which clearly shows will impact his home. He does not think these additions should be permitted and objects strongly to the plans as submitted.

Jane Agner, also of 224 Crest Drive, came up and said she agrees with her husband's comments. The problem is the closeness of the houses magnifies the effect of doubling the height which is a concern that she has.

Peter Zagrobelny, of 234 Crest Drive, came up and said that he does not think the light plane will affect him. Other homes have had nice additions. He is in support for the proposed changes.

Mr. Tedesco advised everyone that there is a variance for the light plane which will have to go before the Zoning Board. He suggested that they attend the February 12, 2018 Zoning Board meeting.

Ms. Raiselis said there are alternatives to revise the roof line. Mr. Vieira agrees but advised the Board that there was not been time to discuss the different options with his client prior to this meeting. They will discuss the options with the Zoning Board and then return back to the Planning Board. Mr. Birgy said it would be nice if both parties could be satisfied. Mr. Vieira agreed and commented that the homes in this area are under 16 feet apart. Mr. Tedesco said he used to live on Crest Drive and he couldn't fit his car in the garage either. He also would like to protect the light plane and satisfy the neighbors.

Mr. Tedesco moved, seconded by Mr. Aukland, that this is a Type II action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that an escrow in the amount of \$2,500.00 be established. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing in February, should the variances be approved. All in favor. Motion carried.

Mr. Aukland reminded the applicant to get the narrative to the secretary for the trees so that it can be forwarded to the tree commission so as not to delay the project.

Concept Discussion – Artis Senior Living, LLC - 153-155 White Plains Road

Board of Trustees referral for a petition for a Zoning text amendment to allow for an Alzheimer/Dementia care facility in OB Zone.

Don Walsh of Development Strategies, White Plains, NY, a planning and consulting Firm for Leon Silverman and Crescent Associates, owner of 155 White Plains Road introduced himself, and said that a representative from Artis Senior Living, the engineer for this project, and John Kirkpatrick, the attorney on record for the application are all here this evening. Mr. Kirkpatrick drafted documents for the Board of Trustees for a request to allow the project to move forward. Mr. Walsh spoke briefly on the history of this property and stated that about 15 years ago Crescent Associates donated an acre of property to the village for the Washington Engine firehouse to be built on.

Between 2003 and 2006, the land was subdivided and at the same time, the owner was looking at building a 60,000 sf building with parking, etc. This approval remained opened for 5 years as agreed by both parties. The site plan was approved and Mr. Silverman sat on the approvals. Five years later the office market got very soft and Mr. Silverman was looking for other options. The OB zone included medical uses of all types, and when this use softened, he looked for other medical uses. Columbia was interested in moving in and the Zoning Board declared that medical uses were okay. They designed a porous paving parking lot which was finished about 3 years ago. Again, meetings took place between the parties to discuss alternative uses for this site. They looked at hospice uses since this caused the least traffic and a dementia treatment center was also mentioned as a possibility.

About a year ago, Artis Senior Living, approached Crescent with interest in the site. They learned from the Institute of health that many people are affected by dementia. Currently 5 million people in the US are living with Alzheimer's. Artis is experienced with these types of facilities. They just finished a series of approvals in Somers, and have completed the approval process in Ossining for 60 or so beds at each facility. They feel there is a need for this type of facility for senior related medical care in Tarrytown and would like to see this use permitted in the OB zone.

Mr. Walsh explained that Artis does not have a huge amount of time make a decision to come to Tarrytown and cannot wait for the completion of the comprehensive plan, which is why they would like to see a text amendment to the zoning ordinance to allow Alzheimer/Dementia care in the OB zone. They are not confident to present a plan until

they are sure that the Tarrytown zoning code would welcome consideration of this type of facility.

He introduced Richard Williams, who went over the site plan to explain what the site would look like and the surrounding area. In 2008 they subdivided the property and proposed an office building. They envision that this site will be accessed through the existing commercial piece. The existing lot will remain with additional 20 spaces and to the existing lot and will add 44 more spaces. The plan will provide for green infrastructure and proper stormwater practices and will discharge to the existing basin that was constructed.

Mr. John Kirkpatrick feels he has a client with a proposal that makes sense for the village. A conceptual plan has been prepared to show it is feasible. His role is to find an appropriate mechanism to allow this. He presented three proposals for the village to consider which he will go over.

His first proposal was to the BOT to ask for a text amendment to permit an Alzheimer/Dementia facility a permitted principal use in anyone of the OB zones in the village. He presented a map of these zones. This would have to be referred to the PB for a recommendation and report.

In the discussions, they were asked to submit a broader proposal that would encourage more environmentally friendly development and it was thought that it might make more sense to require a conditional use approval. So, their second proposal was to seek approval for a compatible use permit for this site only, hoping that the Planning Board could be Lead Agency to avoid going back and forth with the Board of Trustees and have only one SEQRA review. If combined for a text amendment and site plan approval, the Planning Board could act as Lead Agency under SEQRA.

The third proposal would be to identify the sites within 350 feet from 119, with text proposed to apply only to those parcels. Mr. Kirkpatrick offered 3 different options in terms of text amendment, all with environmentally friendly conditions. He is asking that the Planning Board look favorably on the general concept and report this back to the Board of Trustees.

What Mr. Fitzpatrick would like the Board to do is:

1. Make a report back to the Trustees that they are favorable to this general concept of this facility.
2. Make the necessary text amendments for the 119 proposal: Parcels in the OB, MU and LB zones within 350 feet of Rt. 119.
3. Request that the use be allowed by a conditional use permit, reviewed and approved by the Planning Board.

4. Board of Trustees begin the SEQRA process and that the Planning Board be the Lead Agency.

Mr. Birgy commented that a conditional use permit will give the village maximum flexibility in this type of zoning situation. Mr. Galvin said it could be an advantage. Mr. Birgy said he has no objection to the concept and feels that this would be a good path.

Mr. Tedesco asked Mr. Kirkpatrick if they are suggesting that the Planning Board be the Lead agency for the compatible use permit as well and for the site plan application.

Mr. Kirkpatrick said that it would be more sense to combine the process for the compatible use permit and site plan approval. Therefore the Planning Board would be Lead agency for both. Counsel Zalantis said the text could be addressed in the re-zoning application.

Mr. Tedesco asked how the Board members how they feel.

Mr. Aukland said the whole concept is appealing. He would like to know the boundaries and conditions with respect to where do you draw the line on use and how you justify that line. Mr. Kirkpatrick said we have no objection in increasing the distance of 350 feet.

Mr. Aukland asked about the implications with regard to staffing the facility since it is essentially overnight medical. Mr. Kirkpatrick said that staff shift changes will be the major traffic impact. Mr. Walsh came up and gave numbers for 64 beds, 24 staff persons are needed during the day, 7 am to 3 pm, for the 3 pm to 11pm shift, 13 staff are needed, and 5 and 6 staff are on site during the overnight shift.

Mr. Aukland asked if they could define the nature of dementia care only. He is concerned about having a narrow definition so that it does not shift to another type of medical care. Mr. Kirkpatrick said it would not include anything other than dementia care, the definition has come from the state. Ms. Raiselis confirmed with Mr. Kirkpatrick that these types of facilities are licensed by the state. It is a specific license for memory care and has a specific set of identifiers. Mr. Birgy asked if this included staffing. Mr. Walsh said no, but the state does review the staffing. They are presenting Artis' staffing requirements based upon their experience. Mr. Tedesco asked if the state requirements and protocols could be provided to the Board since the public may be interested in this.

Mr. Aukland asked what happens if a patient develops another condition. Mr. Kirkpatrick said that as people age, other issues can come up and if they can be handled at the facility they would be, if not, they are transported to an appropriate facility.

Mr. Birgy asked Mr. Galvin if Artis were to go out of business, what alternatives would the village have? Mr. Galvin commented that the village could encourage renewal of a special permit. Counsel Zalantis said that whenever there is a change of occupancy, site plan approval is needed along with a compatible use permit. Mr. Kirkpatrick said he does not object to that but said zoning runs with the land. Mr. Galvin said a conditional use permit also runs with the operator too.

Mr. Tedesco said the Board will review this presentation and asked Counsel and staff how to proceed. Counsel Zalantis said the village will have to come up with the understanding of the process going forward. She feels that the Planning Board should be Lead Agency for the site plan application and the re-zoning changes. She asked Mr. Kirkpatrick to prepare a list of involved agencies and include all the necessary interested agencies, along with an EAF specific to this site. The state would also be an involved agency.

She advised that without a complete understanding of the potential impacts of this proposed project, which would be determined through the SEQRA process, the Planning Board cannot make a recommendation either way on the zoning change.

Mr. Galvin asked that demographics for these types of facilities be provided to the Board. He advised that the National Organization for Memory Care may have this information. Don Walsh said part of the certificate of need (CON) is analysis of facilities, what is proposed, and what is needed in a statement of determination. Bob said it would be helpful to know what that number is from the state with regard to the standards of beds in the area.

Mr. Tedesco asked Counsel if the Board should develop a report for the Board of Trustees.

Counsel Zalantis said without knowing the potential impacts, it would be hard to make a recommendation to the Village Board. She feels that the Planning Board should recommend that they act as Lead Agency since there is going to be a site specific application. Upon review and considering the impacts, they will be better able to make a better recommendation with regard to the zoning text. It will be up to the Village Board of Trustees to make their determination with the re-zoning application. The Village Board could be involved in this process. There would then be one finding to include the site plan and the re-zoning.

Mr. Tedesco asked if the Board Members were satisfied with this direction and they all agreed.

Mr. Tedesco asked Counsel if they should move to be the Lead Agency. It was agreed that Mr. Kirkpatrick will provide a complete full long EAF for this site. Once that has been submitted, the Planning Board can consider NOI to be Lead Agency, and take action at a public hearing.

Mr. Aukland asked about an escrow. Counsel Zalantis said an escrow should also be set.

Ms. Raiselis said due to the nature of this proposal, this proposed project can be discussed at the work session, however, no actions will be taken, except at a public televised meeting. This project should be made as public as possible.

Mr. Kirkpatrick asked the Board to confirm what the next steps are.

Mr. Tedesco said they will wait for the long EAF to be submitted, will review and discuss this material at the next work session, on February 15, 2018. The Board will only take action at a public meeting. The next Planning Board meeting is February 26, 2018.

ADJOURNMENT

Ms. Aukland moved, seconded by Ms. Raiselis, to adjourn at 8:25 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary