

Planning Board  
Village of Tarrytown  
Regular Meeting  
Village Hall – 1 Depot Plaza  
January 23, 2023 7 pm

PRESENT: Chair Raiselis, Members Aukland, Gaito, Mendez-Boyer; Counsel Zalantis; Village Engineer Pennella; Secretary Meszaros

ABSENT: Dr. Friedlander, Alternate Member Mezey; Village Planner Galvin

Ms. Raiselis called the meeting to order at 7:02 p.m. She announced that the public will be given the opportunity to address the Board on agenda items only. Each speaker will be given 3 minutes during the public comment period. The Board welcomes public written comments emailed to [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or mailed to the Village of Tarrytown, Planning Dept. - 1 Depot Plaza, Tarrytown, NY 10591, and should be received no later than the Friday before the meeting, in order to be distributed in advance of the meeting.

Ms. Raiselis announced the following adjournment:

First Korean Methodist Church of NY - 500 South Broadway

Site plan approval for the construction of a parking lot with related stormwater and site improvements to include ingress and egress access from properties located at 14 and 18 Walter Street, respectively.

APPROVAL OF MINUTES - November 28, 2022

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve the minutes of the November 28, 2022 meeting, as submitted.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	4-0

APPROVAL OF MINUTES - December 27, 2022

The December 27, 2022 minutes will be considered when there is a quorum of members present.

CONTINUATION OF PUBLIC HEARING – Joseph DeNardo – 1 Emerald Woods

Jim Annicchiarico, PE, the project Engineer, appeared and presented the site plan. He advised the Board that they have been working to satisfy tree protection requirements of the Village Landscape Architect and have received a favorable final report this afternoon.

Ms. Raiselis acknowledged the approved landscape report and asked Mr. Pennella if he had any further comment. Mr. Pennella advised that the applicant has satisfied his requirements for this approval, including stormwater.

There were no further comments from the Board.

Ms. Raiselis asked if anyone in the public wished to comment. No one appeared.

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

The secretary recorded the vote:

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

All in favor. Motion carried. 4-0

Mr. Aukland read through portions of the draft Resolution and noted 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 23, 2023)**

**Application of Joseph DeNardo**  
**Property: 1 Emerald Woods (Sheet 1.90, Block 112, Lot 15 and Zone R-60)**

**Resolution of Site Plan Approval**

**Background**

1.The Application is being submitted on behalf of the property owner/applicant, Gracemere Group, LLC. Applicant requests site plan approval to construct a 5,048 square foot single family residence on an existing 20,226 square foot parcel located at the corner of Emerald Woods and Sheldon Avenue. The property is located within the R-60 One Family Zoning District.

2.The Applicant's submitted plans for a building permit were denied in a letter by the Village Engineer on October 5, 2022. The application's previously approved site plan in 2017 became null and void since a building permit was not obtained within 2 years of the approved site plan approval pursuant to 305-143 (B). The Applicant, therefore, was required to submit a new application for site plan review to the Planning Board. The Village Engineer also indicated that the application needed new approvals from the Zoning Board of Appeals for variances related to lot size, frontage and impervious coverage.

3.The Applicant made a preliminary presentation to the Planning Board on October 24, 2022, and, thereafter, the Planning Board has conducted a duly noticed public hearing on October 24, 2022, and continued on November 29, 2022, December 27, 2022, and January 23, 2023, 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 reviewed *Cover Letter* from James Annicchiarico, Project Engineer dated January 5, 2023 with set of plans revised January 5, 2023 addressing the recommendations and requirements of the Village Landscape Consultant in a review dated December 22, 2022 and the stormwater, erosion control and water and sewer comments from the Village Engineer dated December 21, 2022, and received comments from the Village Consulting Planner in memoranda dated September 13, 2022, October 11, 2022, November 11, 2022, December 12, 2022 and January 11, 2023, and from the Village Landscape Consultant in staff reports dated September 8, 2022, November 8, 2022, and December 22, 2022 with recommendations on tree protection measures, a denial letter from the Building Inspector/Village Engineer dated October 5, 2022 and site review dated December 21, 2022, which the Planning Board has considered.

5.The Planning Board on October 24, 2022 confirmed that the proposed action is a Type II Action under NYS DEC 617.5 (c) (9) *"construction or expansion of a single-family, a two-family or a three-family residence on an approved lot."*

6.The Zoning Board of Appeals reviewed the Applicant's request for variances for pre-existing, non-conforming lot size, minimum street frontage and impervious coverage at a public hearing held on November 14, 2022, and continued on December 12, 2022. The Zoning Board of Appeals approved the requested variance for lot size, minimum street frontage and the impervious coverage of 21.5 % instead of the maximum allowable coverage of 19.25%. on December 12, 2022.

7.The Planning Board closed the public hearing on January 23, 2022. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

### **Determination**

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

## I. Findings

The Planning Board has reviewed the application and has been satisfied that the site plan is consistent with the Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI.

The Planning Board has reviewed the Applicant’s site plan. The subject property is a 20,226-sf parcel in the R-60 Single Family District w/R-30 dimensional reductions. The property is situated at the corner of Emerald Woods and Sheldon Avenue. The Applicant proposes to construct a 5,048 sf residence where 5,200 sf is allowable. The Planning Board approved the site plan on March 30, 2009. There have been no changes in this previously approved site plan except for the removal of the existing residence on the property. The driveway still remains but the impervious surface has been reduced with the elimination of the walkway in the rear and a portion of the proposed driveway. The same water and sewer connections are in place. In addition, drainage will be provided, there are no steep slopes on the property, and there will be minimal material removal of approximately 150 yards to put the foundation in with minimal grading. The landscape plan has been revised to reflect the recommendations of the Village Landscape Consultant in her staff report dated November 8, 2022. The set of plans have been further revised dated January 5, 2023 to address the tree protection recommendations and requirements in the Village Landscape Consultant’s staff report dated December 22, 2022, and last revised and accepted on January 23, 2023. These tree protection measures included:

- The *Erosion & Sediment Control Plan*, which includes proposed tree protection, has been revised to indicate the minimum radii of 36-ft. and 50-ft. zones from the 36” dbh Pine and 40” dbh Maples. An “inner ring” of tree protection has been shown in which NO construction activity may occur. The area between the inner ring zone and the 50-ft. protection zone has been shown to require 6” of wood chips and overlaid with plywood in areas where high intensity construction activity may occur via a “Special Tree Protection Note”.
- A tree protection zone for the 36” dbh Pine has been added in the rear yard.
- No utility work is proposed within the protection zone of the Sugar Maples in the front yard. All utility work will be on the north side of the proposed house away from all trees to be protected.
- A “Special Landscape Note” has been added to the *Landscaping Plan* indicating planting within the drip lines of trees will be done by hand, that plantings shall be no closer than 20-ft. to the Sugar Maples and no closer than 6-ft. to the Pine.
- The Plant List now includes *Viburnum Dentatum*-Arrowwood *Viburnum*.

The set of revised plans dated January 5, 2023 also addressed the stormwater issues, erosion control measures and sewer and water service in the Village Engineer’s site plan review dated December 21, 2022. The revised plans have been designed to include 12 cultec 330 recharger units to handle the 100-year storm, the driveway will now include decorative pavers.

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:

Site Development Plans for Gracemere Group LLC prepared by Cronin Engineering P.E, P.C. dated October 6, 2022 and the landscape plan prepared by Munz Associates Architecture & Landscape Architecture, PLLC last revised January 23, 2023 unless otherwise noted entitled:

- SP-1.1 (Sheet 1 of 6) *Site Development Plan*
- SP-1.2 (Sheet 2 of 6) *Existing Conditions*
- SP-1.3 (Sheet 3 of 6) *Erosion Control Plan*
- SP-1.4 (Sheet 4 of 6) *Landscape Plan*
- SP-1.5 (Sheet 5 of 6) *Adjacent Properties Plan w/Landscaping Map*
- SP-1.6 (Sheet 6 of 6) *Construction Details*
- *Survey of Property prepared for Gracemere Group LLC in the Village of Tarrytown, Town of Greenburgh, Westchester County, N.Y. dated November 23, 2022 surveyed by Ward Carpenter Engineers, Inc.*
- **(the “Approved Plans”).**

III. General Conditions

1. Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):
  - i. 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.
  - ii. 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.”
  - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
2. Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk

3. Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
4. ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review as required in accordance with applicable provisions of the Village of Tarrytown Code.
5. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions:

1. Prior to the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the single-family residence at 1 Emerald Woods, in a form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been filed for recording in the Westchester County Clerk's Office.
2. Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season.
3. If any trees which have been designated to be preserved are damaged due to site work and subsequently need to be removed, the applicant agrees to replace them in kind. If this not possible, then planting of multiple trees approved by the Village Landscape Consultant or payment of the appraised value of the trees to the Village Replacement Fund will be required.

4. The walkways and patio will be of permeable pavers and the driveway will be of decorative pavers as approved by the Village Engineer.
5. Water service shall be replaced and installed on Gracemere or Sheldon Avenue and upgraded for a fire sprinkler system as required by the Tarrytown Water Department.

Mr. Aukland moved, seconded by Ms. Mendez-Boyer, to approve this Resolution.

The secretary recorded the vote:

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

All in favor. Motion carried. 4-0

NEW PUBLIC HEARING – JCC on the Hudson, Inc. – 425 South Broadway

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 23, 2023**, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

JCC on the Hudson, Inc.  
371 South Broadway  
Tarrytown, NY 10591

For site plan approval for a 13,000 s.f. interior renovation to the east end portion of the building to include a café, theater/event space, kitchen, bathrooms, office and storage.

The property is located at 425 South Broadway, Tarrytown, NY and is shown on the tax maps as Sheet 1.140, Block 88, Lot 4 and is in the LB Zoning District.

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 Zoning Board of Appeals.

Lizabeth Meszaros  
Secretary to the Planning Board  
Dated: January 13, 2023

The mailing receipts were received and the signs were posted.

Brad Schwartz, Attorney with the law firm of Zarin & Steinmetz, appeared before the Board, representing the applicant, JCC on the Hudson. He advised that he is also the Chairman of the Board of Directors for the JCC. He introduced Adam Weiss, CEO of the JCC, Chris Raffaelli, the project architect, with Studio Architecture, DPC, John Canning, the project traffic consultant, with Kimley Horn, and his associate, Jaclyn Cohen, also with Zarin and Steinmetz.

Mr. Schwartz advised that they are back before this Board to request site plan approval to complete a 13,000 s.f. interior renovation, as Phase II of their initial project, which began in 2017. The finished space will include a café, auditorium, communal seating, and office space. These uses are the exact uses that this Board approved 10 years ago but have been reconfigured slightly. They have been brought back to ensure that this plan is consistent with the prior approval and that there is enough required parking on site to accommodate the renovation. Mr. Schwartz stated that they believe their actual parking requirement is about 153 parking spaces, based upon counts conducted by their traffic consultant, John Canning. He advised that this is the original number of parking spaces for the entire facility that was included in the original approval. He noted that, in 2019, this Board approved an expansion of the west parking lot to provide for an additional 28 spaces to help relieve overflow parking in the neighborhood streets. As a result, a total of 181 parking spaces exist on the site today, which is more than the 153 spaces they need. He would like the Board to consider the possibility of invoking the authority granted to them under the village code to accept the number of existing spaces. The Board has the authority to establish parking requirements for uses that do not neatly fit into a category. As a community center, they have many different uses that do not fit into one category, which makes it difficult when addressing parking requirements in the code. This would be the same approach that the Board took 10 years ago during site plan review, when they approved the 153 spaces. Mr. Schwartz feels that the section of code is applicable to their site and would negate the need to get a variance if the Board takes advantage of this code provision and establishes the parking requirement based on the data submitted during site plan review.

Chris Raffaelli, the project architect, presented the site plan with an overlay showing what was previously approved vs. what is proposed. The proposed plan consists of an auditorium, communal space, office space, bathrooms and storage, reconfigured a bit but almost identical to the original plan. The only changes are to the offices and communal areas which have open space layout plans.

Adam Weiss, the CEO of the JCC, briefly discussed the parking analysis chart. The chart illustrates the actual parking demand for each use during the week and on weekends. It represents the maximum usage for this site. He noted that the gym is never really used by more than 25 people (25 cars) at a time. The new office space is to make room for



existing 18-member staff who are crammed into the existing offices. Although the pool has a big footprint, there is never more than 15 people using the pool at any given time. The lounge will be a community space mostly used in the morning by approximately 30 seniors. The afterschool and morning day care use no more than 20 cars maximum. He advised that they have implemented a curbside drop-off and pick-up system now for the day care, eliminating the need for caregivers to park and bring the child into the center. This system was put in place during COVID and has completely changed the parking landscape, freeing up more spaces. With regard to the auditorium, it will not be used during the day when other programs are operating. It will be used for gatherings, meetings, lectures, dance recitals, which normally would take place in the evening. During the weekend's, usage is less because the preschool and afterschool programs are not operating. They have added in 10 new additional spaces to honor the fact that with the renovation there may be a demand for more spaces. He also advised that on rare occasion they have informally used the Doubletree (now Sleepy Hollow Hotel) for overflow parking and they are in conversation with Montefiore to be able to use their parking should they need it.

Ms. Raiselis asked if people will be using the gym when there are events in the auditorium. Mr. Weiss said that they intend to use the auditorium in the evening and mostly on weekends. Their programs close at 6 p.m. and the pool closes at 8 p.m. during the week. On Saturday, they close at 4 p.m. so there will be no other activity going on in the building on Saturday evenings.

Mr. Gaito asked for an architectural description of the auditorium space. Mr. Rafaelli said it will be a hard floor with gypsum board walls, open ceiling with acoustical panels, stage, and DJ set up. Mr. Gaito believes the auditorium will be used more than the applicant thinks, otherwise, they would not have proposed it. He can also see the auditorium being used at the same time as the gym and the pool. He asked Mr. Weiss if he thinks the 10 extra spaces that they added into the parking demand analysis should be a higher number. Mr. Weiss advised that since he has been the CEO, parking does not seem to be a problem. The center is almost back to pre-covid participation numbers and there is plenty of parking. He believes that concerns around parking were due to his predecessor who encouraged staff to park on the residential streets to free up spaces to ensure that parking was available for the preschool program. The curbside drop-off and pick-up system has alleviated these parking concerns. Again, he advised that the event space will not be used concurrently with other activities in the building and they expect to generate revenue. Most of the uses are nighttime uses such as lectures, 50<sup>th</sup> birthday parties, dance recitals, comedians, and anything else that people may be interested in.

Ms. Raiselis asked if there will ever be a party for young person after school. Mr. Weiss advised that it is not practical for this use while other programs are in session since they do not have the staff structure to accommodate this and it would not work for them. If someone

wanted to have a Bat Mitzvah, for example, that type of event would take place on a Saturday night.

Ms. Raiselis asked about bottlenecks of cars during events. Mr. Weiss doesn't believe they have experienced any issues with cars backing up and impacting Broadway during past events. He noted that the State will be doing some work to improve the traffic in this area. Ms. Raiselis confirmed this and advised that the Board will be reviewing the NYSDOT plans that Mr. Pennella provided to see how the DOT project will impact the traffic in the area. Mr. Aukland raised his concerns about 120 cars exiting the site at the same time after an event and the safety risk it may pose to Broadway.

John Canning, the project traffic engineer, with Kimley Horn, advised that he has contacted the NYSDOT and the Thruway Authority is completing a pedestrian bicycle improvement program on Broadway in the very near future. The project will consist of a new pedestrian bike bridge across the Thruway and an improved wider pedestrian sidewalk on the west side of Broadway from the Thruway down to beyond Gracemere. They will also reconstruct the intersection of Broadway with the Hotel and the Thruway so that there will be two lanes to turn left onto the Thruway and two lanes to go straight. A traffic signal at the intersection of Paulding Avenue with Broadway will be installed, improving access to Route 9 from the neighborhood which has limited site distance. This new signal will break up the traffic stream southbound on Broadway which will also benefit the JCC.

With regard to the specific interior renovation, Mr. Canning does not believe that it will generate any more traffic. He noted that the renovation is mostly office, cafe, toilets and storage to relieve the existing overcrowding issues they have. The auditorium is relatively modest in size (4,000 s.f.) and events will take place in the evening, and end even later when traffic volumes on Broadway are lower. He is confident that there will not be a traffic issue with this use. He advised that he worked on this project back in 2013, when it was originally approved and believes that the circulation is actually working better now. He has submitted a parking survey with numbers that indicate a peak parking demand of 105 spaces in the morning, and 107 spaces in the afternoon, which is a lower number than the conservative estimates that were provided by Mr. Weiss. These are daytime peak demand numbers when the facility is being used by children and for other activities. As Mr. Schwartz indicated, there is a provision in the code that allows this Board to set the parking requirements for uses that do not fit or are not categorized specifically on the parking requirements. He thinks this application is a very good fit to apply this provision since the community center has a multitude of different uses that have different activities at different times of the day, such as the pool, gym, auditorium and office space.

Mr. Raiselis heard something about the applicant considering the possibility of having cars exit out of Paulding Avenue. Mr. Schwartz advised that no plans have been discussed but once the signal is installed, they will reassess their ingress and egress options. They will need to understand how the new signal will affect the traffic pattern once installed. Mr.

Pennella noted a conversation took place a while back with Mr. Weiss' predecessor due to concerns about stacking cars, but at that time, the DOT plan was not defined. Mr. Canning advised that the NYSDOT project should start this summer. He suggested that the Village not get involved with the plan and let it move forward. He does not want to jeopardize losing the installation of this important signal and they will assess the traffic pattern after the installation.

Ms. Raiselis asked Counsel Zalantis to explain the Planning's Board's authority with regard to setting parking requirements. Counsel Zalantis reminded the Board that the Building Inspector interprets the code and determines whether variances are required. She referred to §305-63 C(7) (c) with respect to any use for which the required parking units are not specifically set forth in this chapter or upon recommendation of the Planning Board, the Board of Appeals shall determine the number of off-street parking units which will bear a reasonable relation to the minimum off-street requirements for specified uses as set forth in the schedule and shall require that such number of units be provided. Mr. Schwartz acknowledged this section, but also made reference to §305-63 D (3).

Mr. Pennella advised that he also referenced §305-63 D (3) in his denial letter as follows:

*“§305-63 D (3) if the applicant can provide a parking study which can show that the use in question can adequately provide parking at a lesser standard, or, because of multiple uses, a shared parking analysis shows that fewer spaces are needed to provide adequate parking, the Planning Board may reduce the amount of required parking that must be built by up to 20%. The Planning Board shall reserve the right to require the area that would have been used for parking to be land-banked for landscaping and screening, so that such area is reserved for future additional parking, if required. The Village Engineer will reserve the right to conduct a parking survey one year after a certificate of occupancy is issued to determine whether such additional parking is required”.*

Mr. Pennella commented that the prior project has been closed out and the applicant is back for the Board to determine if there is enough parking with the renovation. Based on the section of code, he believes the Board needs to procedurally come to an agreement on the next step so that he can update the denial letter, if necessary. The options are either, a parking variance, the 20% reduction, or perhaps reviewing the classification for the uses in the parking study and have the applicant provide more data to substantiate their actual/existing parking needs.

Mr. Schwartz came back and referred to the §305-63 D (2), which states that *“reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined by the Planning Board and established in site plan review and approval”*. He advised the Board that this section of code was implemented 10 years ago by this Board and although there are these other options, he is asking the Board to exercise their authority to set the parking requirements

based on the need for the entire facility. He also noted that they have added additional spaces and have a total of 181 spaces on site. Even if they are off a bit, they still have a buffer of the 30 added spaces. They are expecting about 150 cars during peak time based on field data provided by John Canning and corroborated by Mr. Weiss. Based upon the evidence before the Board, they do not feel the need to go the variance route since the code gives the Board the authority to set the parking at 181 spaces and they believe the evidence supports that.

Mr. Pennella does not disagree but he needs to come to terms with the language in the code since there are parking requirements listed, for the Auditorium, for example. If it was a use that did not exist then Mr. Schwartz's logic would stand, but that is not the case. There are parking requirements for uses proposed. Mr. Gaito agreed and said whatever was approved before had the numbers attached to it.

Mr. Schwartz said the 153 spaces that were approved 10 years ago applied for the entire facility. Mr. Pennella said that project has been closed and they are back to renovate the building which has parking requirements for each use. If you want to modify the uses, then that can be reviewed and discussed, but as it stands now, he is required to follow the code.

Mr. Canning respectfully advised the Board that the provision of the code does not mention any parking requirements per 1000 s.f., or seats or anything, it just says, "*reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above shall be determined by the Planning Board and established in site plan review and approval*". It seems pretty clear to him that the Planning Board has the authority to determine that the parking required is appropriate for this use. He also noted that when the code references Houses of Worship and other various uses, it is not based on gross square footage, it is based on the square foot used for public assembly and noted that toilets and the pool, are not a public assembly use. You could argue that the auditorium is a public assembly and would require 44 spaces, however, the applicant has indicated that the space will not be used when the other programs are going on and most of the facility is empty. He referred again back to §305-63 D(2) and advised that the Planning Board can look at the data they have provided and that this Board has unique opportunity to set reasonable and appropriate off-street parking requirements since 80% of the building is built out and occupied, so there is little speculation involved.

Ms. Raiselis asked Counsel Zalantis if there is any way they can make a provision in approval to have the applicant agree that the uses won't overlap and have some sort of way to enforce it. Counsel Zalantis said they could put a condition in the approval that the auditorium use cannot be used in connection with another use. Mr. Schwartz advised that not only will they consent to this condition but they will provide an annual report for the first couple of years indicating the types of night time events and the hours to show that they are abiding by the site plan condition of approval. Counsel Zalantis advised the Board that if

this condition was violated, then the applicant would be in violation of their site plan approval.

Mr. Pennella said the number of spaces required could possibly be modified for some uses but there are other uses that are clearly identified in the code, such as office space.

Ms. Raiselis understands Mr. Pennella's point but also referred to the "pool use" which requires 84 spaces by code, however, she herself has used the pool before and there has never been anywhere near 84 people in the pool at one time. She confirmed with Mr. Weiss that they have 18 managerial staff for the office space count and that instructors, teachers, lifeguards, etc., are not part of the managerial staff but have been included in the other use calculations.

Mr. Raiselis said she is willing to review this further to avoid paving over a chunk of property for parking that may not be needed.

Mr. Pennella noted that if the Board is willing to invoke the provision in the code that enables them to set reasonable a parking requirement, then they will need to look at global picture and may need additional information.

Mr. Gaito said if it is programmed right, he believes it should not be a problem. The parking charts need to be explored a bit more with regard to categories and use. He also agrees that there is no need to pave an area if the space will remain empty.

Mr. Aukland also noted that if they do need more parking, there are ways that that can be achieved.

Mr. Schwartz said that have used parking offered by the hotel in the past and they are working with Montefiore on a possible short-term agreement, but it will not be perpetual and therefore cannot be tied into any approval. They mentioned the possibility for extra parking but it is not material to this application. With regard to uses in the table, there are the offices, but the auditorium has the largest parking number, and again, they are willing to condition that events will not take place while other events are taking place.

Ms. Mendez-Boyer also agrees that they do not want to pave an area unnecessarily and suggested that if they do have overlaps, the ability to use neighboring properties is a good alternative. It is not tied to the application, but gives the applicant flexibility. Mr. Weiss returned and said that no one wants to have a full parking lot, especially him, since he gets the complaints. If people can't find a place to park, his day is ruined. It is therefore a priority for him to ensure that there is enough parking. The facility just does not work if there is not enough parking. Mr. Gaito asked about biking. Mr. Weiss said they have bike racks which are used and some people also walk to the community center.

Mr. Schwartz also noted that, as a practical matter, the immediate neighbors on Paulding and Van Wart let the Village know about the parking problem on the streets back in 2019, which is what prompted the 2019 site plan application for the additional 28 parking spaces.

Ms. Mendez Boyer suggested that this could be an opportunity to create shared parking with the other properties in the area to help each other.

Mr. Aukland requested a narrative be provided by the applicant to capture the points of this discussion. Ms. Raiselis advised that they want to work out a compromise but they want to do it in a responsible way. She gave the “pool use” example and would like to know for example how many people use the pool and how many employees are there at a given time and what other uses are happening at the same time. They would like to come up with some compromise that will not burden the entrance and exit and also prevent any unnecessary paving on site.

Mr. Schwartz asked what additional information they would like added to the chart. Mr. Pennella referred to the plan sheet A-010 submission and asked the applicant to add a column to identify the actual usage and come up with a total count. Counsel Zalantis added that they should also specify what spaces are used and not used at the same time.

Mr. Pennella requested that the office parking requirement remain since it is specific in the code. A brief discussion took place. Mr. Schwartz said they will add a 4<sup>th</sup> column and indicate how many people actually use the space at a time. Mr. Canning confirmed that they will do actual parking demand based upon what is happening in reality.

Ms. Raiselis said this additional information will be helpful. The Board needs to be comfortable that there is sufficient parking and be able to justify their action to the community. She applauded the facility for their programs and would like to work with them. Mr. Aukland said he is also open to land banking if it looks as though they may need more spaces. He would much rather land bank than blacktop.

Ms. Mendez-Boyer said that the gym, pool, the public areas and the auditorium are the big parking numbers that they need to look at. Mr. Schwartz said that the code spits out numbers that do not reflect real life and gave the example of the pool use for which there is no parking requirement, hence a “place of assembly” was used to determine the requirement.

Mr. Schwartz said they will provide the additional information requested; it seems like the Board is headed in the direction that may eliminate the need for a parking variance. Ms. Raiselis said there are no guarantees but the Board has agreed to explore this direction and will review the additional requested information once received.

A brief conversation took place about using Montefiore for overflow parking. Ms. Raiselis had concerns about pedestrian safety. Mr. Schwartz said they would most likely have staff park at Montefiore, not their members.

Mr. Aukland said he does not want to prohibit the facility from having a daytime event since sometimes there may be special events that have to take place during the day. In that case, maybe they could frame a condition that if an event is planned that ends before 7 p.m. on a weekday, then the Police Department would have to be consulted. Mr. Canning noted that this typically happens pro-forma, but if the Board wanted to regulate it, they could. He suggested a condition saying that a special event time could happen, but there would have to be prior approval from the Police Department. Ms. Raiselis said they will think more about this language.

Mr. Gaito asked about the safety of exiting left onto Broadway. Mr. Canning said he has not experienced any issues at the facility and he has been in the area after 6 p.m. There is data on NYSDOT website confirming that traffic volumes drop by 15% each hour after 6 p.m.

Ms. Mendez-Boyer asked for clarification on the office space. Mr. Weiss said the office space is for existing staff. They currently don't have enough room for existing staff and they will use the new space. The community space is for seniors and others to bring laptops and gives them additional needed space; these numbers were included in the count.

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

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	4-0

Mr. Aukland moved, seconded by Mr. Gaito, to continue the public hearing.

The secretary recorded the vote:

Member Mendez-Boyer	Yes
Member Aukland:	Yes
Chair Raiselis:	Yes
Member Gaito:	Yes
All in favor. Motion carried.	4-0

#### ADJOURNMENT

Mr. Aukland moved, seconded by Ms. Raiselis, to adjourn the meeting at 8:15 p.m.

All in favor. Motion carried. 4-0

Liz Meszaros, Secretary