

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
MONDAY, December 20, 2021
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York

Members of the Public may attend in person or remotely. For those members of the public interested in viewing and/or participating in the meeting remotely, visit <https://www.tarrytowngov.com/home/events/37401> for instructions on how to join & participate via zoom.

REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
 - a. Mask policy update pursuant to the NYS Mask Order
4. Public Hearing: Proposed Local Law 11-2021, to consider "Opting Out" of allowing (commercial) places of on-site cannabis consumption, including lounges, pursuant to New York State Law.

WHEREAS, a notice of public hearing of the proposed Local Law was published in the Journal News on December 9, 2021;

WHEREAS, New York State legalized adult-use cannabis on March 31, 2021 by passing the Marijuana Regulation & Taxation Act (MRTA); and

WHEREAS, pursuant to Cannabis Law Section 131, the Village of Tarrytown is authorized to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site consumption licenses within the jurisdiction of the Village of Tarrytown, and is subject to permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law § 24 and New York Village Law, Article 9; and

WHEREAS the option to opt-out of licensing on-site cannabis consumption sites or establishments in the Village of Tarrytown expires on December 31, 2021; and

WHEREAS the Village is not precluded from enacting another local law in the future to withdraw or revoke this law and allow on-site consumption sites or establishments; and

WHEREAS the Village held a public educational forum on September 28, 2021, meetings to allow continued discussion and feedback from the public on November 15, 2021, and on Monday, December 6, 2021,

WHEREAS, in consideration of Local Law 11-2021, a duly noticed public hearing was held on December 20, 2021 and closed on December 20, 2021;

WHEREAS, said Local Law has been on the desks of the members of the Village Board for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees determines this to be an unlisted action and hereby adopts a Negative Declaration pursuant to the State Environmental Quality Review Act determining this action does not have the potential to have any significant adverse environmental impacts as the ability to opt out of allowing on-site cannabis consumption establishments was a right afforded to the Village by State law and this local law will maintain the status quo of not allowing on-site cannabis consumption establishments within the Village while the State implements its new licensing program and the Village can more definitively assess, based upon empirical evidence, the benefits and risks of allowing such establishments within the Village; and

BE IT FURTHER RESOLVED, the Board of Trustees, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Village, it is in the best interest of the Village to adopt said local law, and the Board of Trustees hereby adopts Local Law 11-2021 entitled "Opting Out' of allowing (commercial) places of on-site cannabis consumption, including lounges, pursuant to New York State Law"; and

BE IT FURTHER RESOLVED, the Village Clerk is directed to, within ten days of the adoption of this local law, in the same manner as is provided for notice of a general village election, post and publish a notice which shall set forth the date of the adoption of the local law and contain an abstract of such local law concisely stating the purpose and effect thereof, and indicating that such act or resolution is subject to a permissive referendum.

BE IT FURTHER RESOLVED, that this local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24 and Village Law, Article 9, and thus the local law may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or, if a valid petition has been filed, a referendum has been conducted approving this local law; and

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing in the office of the New York State in accordance with Section 27 of the Municipal Home Rule Law.

5. Opportunity for the Public to address the Board only on items listed on the agenda, other than public hearing items. Speakers shall have three (3) minutes each to address the Board of Trustees.

6. 24 Park Avenue: Approval of request for curb cut

WHEREAS, the owner of 24 Park Ave. is requesting the authorization to create a curb cut not to exceed eighteen feet (18') wide and in accordance with the Village standards at the end of the subject property between 16 and 24 Park Ave. from the Board of Trustees in conjunction with a request for an addition at the rear of the house; and

WHEREAS, this approval is subject to approval of the application to the Planning Board for the proposed addition to the existing home; and

WHEREAS, this approval is subject to approval of the application to the Zoning Board of Appeals for the parking variances, side yard variances, and maximum floor area variances sought at 24 Park Ave.; and

WHEREAS, this approval is subject to approval of the application to the Architectural Review Board for the replacement or introduction of new exterior features that are not the same kind and style of existing features.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the creation of a curb cut not to exceed eighteen feet (18') wide and in accordance with the Village standards between 16 and 24 Park Ave. pursuant to the plans submitted and subject to (for) approval by the Planning Board, the Zoning Board of Appeals, and the Architectural Review Board. The applicant will undertake and pay any and all associated expenses and obtain all permits required to create the curb cut and improvements within the Village right-of- way.

7. Proposed Village Code Amendment: Prohibit Right Turns on Red in all four directions at the intersection of Highland Avenue and Prospect Avenue at Benedict Avenue

WHEREAS, currently the Village Code does not prohibit “no right turn on red” at the intersections of Highland Avenue to Prospect Avenue, and Prospect Avenue to Benedict Avenue; and

WHEREAS, at the request of the Village Board and the request of the Transportation and Mobility Council (TMC), the following code should be implemented in order to increase safety for pedestrians and motorists at the above intersections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following code change:

§ 291-71. Schedule VI: Prohibited Turns at Intersections.

A. In accordance with the provisions of § 291-9, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	Hours / Days	At Intersection of
Benedict Ave.	East	Right on Red	All	Prospect Ave.
Benedict Ave.	West	Right on Red	All	Highland Ave.
Highland Ave.	South	Right on Red	All	Benedict Ave
Prospect Ave.	North	Right on Red	All	Benedict Ave.

8. Renewal of Multi-Municipal Recycling App: Authorization to sign Intermunicipal Agreement and act as Lead Applicant for NYS DEC Grant for “Recycling App”

WHEREAS, since 2018 the Village of Tarrytown has acted as the lead agent, and applied for and received a grant from the NYS DEC for a Recycling App on behalf of a group of municipalities, with the proceeds of the grant to be shared by the partnering municipalities in order to reduce the cost of the app for each municipality by approximately fifty percent (50%); and

WHEREAS, the participating municipalities are as follows;

- Ardsley
- Bronxville (Village)
- Cortlandt
- Elmsford
- Greenburgh (Town)
- Harrison (Town)
- Hastings on Hudson (Village)
- Irvington (Village)
- Mamaroneck (Village)
- New Rochelle (City)
- Ossining (Town)
- Pelham (Village)
- Tarrytown (Village)
- Tuckahoe (Village)

AND, WHEREAS, pursuant to the provisions of the grant with the NYS DEC, the Village of Tarrytown must be the entity making payment, and the municipalities must submit their payments to the Village, the Village of Tarrytown must make the payment to the App provider, then the Village must seek reimbursement from the NYS DEC pursuant to the grant, and upon receipt of the grant reimbursement the Village of Tarrytown will disburse all funds reimbursed by the grant to the participating municipalities; all while preserving the individual rights and privileges of each municipality with the App provider.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the renewal of this agreement and directs the Village Administrator to execute a Shared Service IMA with the municipalities listed above for a multi-municipal grant to the New York State DEC for a shared “recycling app” in recognition of the need to undertake efforts designed to increase sustainability of natural resources and encourage progress toward the goal of improving efforts to recycle municipal waste, as well as implementing a shared service with the named municipalities.

9. Restricted Covenants for Affordable Housing and Parking at 14 North Broadway/ 12 Hamilton Place (Sheet 1.80), Block 1, Lot 13) and 18 Hamilton Place (Sheet 1.80, Block 1, Lot 12)

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Restrictive Covenants required by the Village of Tarrytown Planning Board, so that the owner of the property shall henceforth maintain the two parking lots at 14 North

Broadway/12 Hamilton Place in common ownership to allow the continued use of shared parking on both lots; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize one affordable housing unit in compliance with the provisions of Section 305-130 (Affordable Housing) of the Village Code. The newly constructed unit has been identified as a two-bedroom apartment (Unit #5) on the first floor of 12 Hamilton Place.

10. Resolution requesting New York State DOT to implement Pedestrian and School Child Safety Improvements on South Broadway at Benedict Avenue , South-bound side

WHEREAS, the Village of Tarrytown for many years has been dealing with significant traffic issues along Broadway/Route 9, due to the fact that Route 9 is a regional state road, and also due to the fact that Route 9 is a major feeder road to and from the I-87/I-287 corridor, with passenger cars and trucks in constant flow north-bound and south-bound along Route 9; and

WHEREAS, some of the traffic and the impacts from it result in effects that are dealt with on a daily basis during the school year, since there is an elementary school, the Washington Irving Intermediate School, located at 103 S. Broadway, Tarrytown; and

WHEREAS, there have been several accidents, including one that involved a fatality, on South Broadway at the intersection of Benedict Avenue, and another accident which involved a landscaping truck that rolled over and lost its load, resulting in the severe injury of a school aged child who was on his bicycle on the sidewalk on the west side of the road at the intersection of South Broadway and Benedict Avenue; and

WHEREAS, the Tarrytown Board of Trustees, Village Administrator's Office and Police Department would all like to convey our concerns to the New York State Department of Transportation, and resubmit a request and recommendation that a guardrail be installed on the west side of South Broadway / Route 9, at the intersection with Benedict Avenue, for a distance of approximately sixty three feet (63') between the two cross-Broadway pedestrian crosswalks, in order to protect the health, safety and welfare of drivers and pedestrians, including families with school children going to and from classes at the Washington Irving School at 103 South Broadway.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby adopt this resolution to convey our concerns to the New York State Department of Transportation, and our urgent request and recommend to the NYS DOT that a guardrail be installed on the west side of South Broadway / Route 9, at the intersection with Benedict Avenue, for a distance of approximately sixty three feet (63') between the two cross-Broadway pedestrian crosswalks, in order to protect the health, safety and welfare of drivers and pedestrians, including families with school children going to and from classes at the Washington Irving School at 103 South Broadway; and

BE IT FURTHER RESOLVED that the Village Administrator and the Village Clerk are authorized to convey this resolution to the regional and Albany offices of the NYS DOT, and our elected representatives including Assemblyman Thomas Abinanti, Senate Majority Leader Andrea Stewart Cousins, and Governor Kathy Hochul for their review and

consideration, with an informational copy sent to Superintendent of Schools Christopher Borsari.

11. Approval of the Minutes of the Board of Trustees Organizational Meeting and the Board of Trustees Regular Meeting of December 6, 2021

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Organizational Meeting and Board of Trustees Regular Meeting held on Monday, December 6, 2021 as submitted by the Village Clerk.

12. Approval of the minutes of the action items of the Work Session of December 15, 2021

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the Action Item minutes of the Board of Trustees Work Session Meeting held on Wednesday, December 15, 2021 as submitted by the Village Administrator and the Village Clerk.

13. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 11 of the Audited Vouchers in the total amount of \$ 734,464.91 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 498,583.26
Water	\$ 129,984.33
Sewer Fund	\$ 2,629.64
Capital	\$ 73,674.33
Library	\$ 29,593.35
Trust & Agency	\$ <u>0.0</u>
Total	\$ 734,464.91

14. Opportunity for the Public to Address the Board on items not included on the agenda.
Speakers have three (3) minutes before yielding to the next speaker

15. Adjournment

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law to Opt Out of Allowing On-site cannabis consumption sites			
Project Location (describe, and attach a location map): Village of Tarrytown			
Brief Description of Proposed Action: It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the Village of Tarrytown that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4.			
Name of Applicant or Sponsor: Village of Tarrytown		Telephone: 914-862-1802	
Address: One Depot Plaza		E-Mail: rslingerland@tarrytowngov.com	
City/PO: Tarrytown		State: NY	Zip Code: 10591
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
_____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

Short Environmental Assessment Form, Part 1

Question 1 – Narrative of proposed action

It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the Village of Tarrytown that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Village Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Village Board from deciding to allow on-site cannabis consumption sites in the future. This local law does not opt the Village of Tarrytown out of allowing cannabis retail dispensaries within the Village of Tarrytown.

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes the Village Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site cannabis consumption licenses within the jurisdiction of the Village and is subject to permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law § 24.

No environmental resources will be affected by the adoption of this local law. Currently, there are no on-site cannabis consumption sites within the Village of Tarrytown as such establishments were only legalized by the passage of State legislation in March 2021. The adoption of this local law will maintain the status quo of not having any on-site cannabis consumption sites within the Village of Tarrytown.

LOCAL LAW __ - 2021

A Local Law known and cited as Opt out of
Allowing On-site Cannabis Consumption
Sites

SECTION 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows.

SECTION 2. Purpose and Intent. It is the intent of this local law to opt-out of allowing on-site consumption (as that term is defined in New York Cannabis Law § 3) sites or establishments in the Village of Tarrytown that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Village Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Village Board from enacting another local law in the future to withdraw or revoke this law and allow on-site consumption sites or establishments. This local law does not opt the Village out of allowing cannabis retail dispensaries within the Village of Tarrytown.

SECTION 3. A new chapter, Chapter 13, shall be added to the Village Code entitled “Cannabis” and shall read as follows:

§ 13-1. Definitions

The terms “on site consumption” and “Cannabis Control Board” shall have the same meaning and definition as set forth in New York Cannabis Law § 3.

§ 13-2. Legislative Intent.

It is the intent of this local law to opt-out of allowing on-site consumption sites or establishments in the Village of Tarrytown that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4.

§ 13-3. Authority.

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes the Village Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site consumption licenses within the jurisdiction of the Village of Tarrytown and is subject to permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law § 24.

§ 13-4. Local Opt-Out.

The Village of Tarrytown hereby opts out of allowing on-site consumption sites or establishments from being established and from operating within the Village of Tarrytown. The Village Board requests that the Cannabis Control Board prohibit the establishment of such on-site consumption licenses provided in New York Cannabis Law, Article 4 within the Village of Tarrytown.

SECTION 4. Severability.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the

SECTION 5. Permissive Referendum/Referendum on Petition.

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

SECTION 6. Effective date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.