

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:00 P.M.
WEDNESDAY, NOVEMBER 15, 2023
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 the meeting remotely visit:
<https://www.tarrytownny.gov/home/events/42371> for instructions on how to view via Zoom.

Presentation – Dr. Ray Sanchez re School Construction Capital Plan

Open Session

1. Board of Trustees Concerns
2. Reminder: Public Hearing on Compatible Use Permit for 220 White Plains Road
3. Metal Pickup Switch from Wednesdays to Fridays (This will free up highway labor on Wednesdays. No other changes to sanitation services.
4. Komatsu Asphalt Roller – Proposal Amount \$22,210 (including trade-in)
5. The Quay Settlement Extension
6. Year End Budget Closeout Resolution
7. Continuation/Extension for WI Boat Club

Executive Session

- A. Discussion – Board and Committee Members
- B. Climate Action Plan Task Force Members
- C. Advice of Counsel

Memo

To: Mayor and Board of Trustees

From: Village Planning Board

CC: Kathy Zalis, Dan Pennella, Elizabeth Meszaros

Date: 10/24/23

Re: Recommendation for Compatible Use Permit (CUP) for the conversion of professional office space to general office space and the conversion of space for a laboratory as accessory use at 220 White Plains Road, Suite 585 in the Mixed-Use zone.

Proposed Action

The Planning Board received an application for site plan review which was the subject of a public hearing on October 23, 2023. The Applicant, Dr. R.N. Bhargava, is the current tenant of the approximately 4,000 sf office suite 585 located at 220 White Plains Road. He is also the CEO of Integrated Nano-Magnetics Inc. (INM), the firm which will be conducting research at the laboratory. The applicant is seeking site plan approval for the conversion of professional office space to general office space as a principal use and the conversion of the existing central conference room into a research and development laboratory as an accessory use.

The proposed laboratory use will be 975 sf or 25% of the total tenant space of approximately 4,000 sf. and less than 1% of the overall building sf. The laboratory space will require a *Compatible Use Permit* (CUP) from the Village Board of Trustees. All of the renovations will be interior with no exterior work. There was no public comment made at the public hearing.

Project Background

Integrated Nano-Magnetics Inc. (INM) is a nanotechnology company, which has synthesized a new magnetic material for permanent magnets from transition metals in water-based chemistry. The INM's 'Green' nanotechnology proposes to displace the toxic Chinese Rare-Earth Permanent Magnet. INM's patented technology uses impurity (dopant) controlled spin control for powerful magnets.

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Research and development of Magnetic Nanopowder will be performed at INM's laboratory with no generation of any toxic waste or production of any toxic particulates in the exhaust system. INM is currently privately funded and currently negotiating grants from the National Science Foundation. *The Applicant has provided additional information on the Nobel Prize in Chemistry awarded in 2023.*

The Planning Board has reviewed the application's submission and related materials for site plan approval. The Planning Board has reviewed the plans for the conversion of the existing central conference area into a laboratory. There is no medical use of the facility and no overnight stays. The laboratory is designed for testing and research purposes. Applicant will only do interior renovations within the building space as shown on the submitted drawing.

All uses in the Mixed -Use district require a CUP from the Board of Trustees. In addition, an air emissions permit from Westchester County Department of Health is also required for the proposed use.

The Applicant has provided an Environmental Clearance form which shows no environmental impacts since alterations are interior with no impact to the exterior. At its meeting on 10/23/23, the Planning Board determined that the proposed action was a Type II action under NYS DEC 617.5 (c)(7) "*construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls.*" Therefore, no further SEQRA review is necessary.

Standards

Research laboratories and pilot experimental facilities for processing or assembling units or products resulting from research, experimental and developmental work on one premises of such laboratory and for the assembly of other related units, equipment or tools incidental thereto, are allowed in the Mixed -Use district per § 305-35 B (9) provided that the following conditions are met.

The Applicant has addressed the following conditions to permit the accessory use of the proposed laboratory at the premises in 220 White Plains Road use:

- (a) *The processing or assembling requires the participation of the technical staff of such a laboratory. (This condition applies to and is met by the application)*
- (b) *Such assembled or experimental processed units shall consist of only small quantities of test or trial products, models, or prototypes of newly developed or redesigned products. (This condition applies to and is met by the application.)*

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(c) Such a pilot assembly or processing facility shall not occupy an area of greater than 10% of the total lot area. (The laboratory is 975 sf which is less than 1% of the overall building sf. This condition applies to and is met by the application.)

Recommendation

The Planning Board has reviewed the compliance of the proposed use with the standards set forth for a Comparable Use Permit in §305-35 B (9). The existing Office Park consists of two office buildings which have significant vacancy rates. The Applicant's proposed operation will occupy a small space within an existing building. The existing parking area and access roads have been designed for full occupancy of the office buildings. The roads and parking are more than adequate to accommodate the anticipated usage of Applicant's proposed operation. Applicant is only proposing interior renovations with no exterior lighting or other changes. There will be no ground disturbance and no impact on drainage. There will be no overnight stays, nor will there be any emergency, surgical or diagnostic procedures at this office facility. The proposed facility is on the 5th floor. The proposed use at this location is consistent with the Village's Comprehensive Plan (2018) to encourage research and development opportunities along the Route 119 corridor.

The Planning Board is of the opinion that the proposed use meets these standards and recommends that the Board of Trustees approve a Compatible Use Permit for the research and testing laboratory at Suite 585 in the 2020 White Plains Road building in the Mixed-Use (MU) district. The Applicant has also indicated that will be no generation of any toxic waste or production of any toxic particulates in the exhaust system. The Applicant is also required to obtain an air emissions permit from the Westchester County Department of Health prior to opening the facility. The Planning Board has also determined that the Project meets the proposed Site Plan design and standards in Chapter 305, Article XVI (Site Development Plan Review) and is ready to approve the Site Plan Resolution for this project once the Board of Trustees have approved the CUP.

Kathy Deufemia

From: Richard Slingerland
Sent: Tuesday, November 7, 2023 1:54 PM
To: Kathy Deufemia
Cc: Alissa Fasman
Subject: FW: PROPOSED SANITATION CHANGE - METAL PICKUP

For the November 15th Work Session

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytownny.gov

From: Louis Martirano <lmartirano@tarrytowngov.com>
Sent: Tuesday, November 7, 2023 1:41 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Cc: Taft Smith <tsmith@tarrytowngov.com>; William McGuire <wmcguire@tarrytowngov.com>
Subject: FW: PROPOSED SANITATION CHANGE - METAL PICKUP

Rich,

I am proposing a change in our Sanitation schedule for collection of Metal Bulk Items.

Currently we service our residents with a weekly Wednesday pick up by appointment. Normally* on Wednesday's , as you know, our DPW becomes almost exclusively a Sanitation/Recycling Collection Department utilizing all labor available including picking up Bulk Metal items. This results in little or no highway work. Moving the metal pick up to Friday will alleviate the stress on the department by freeing up staff to perform highway tasks on Wednesdays. Sanitation staff will modify their work schedule to perform the pickup without affecting current services. Friday is our normal Bulk Item collection day, so residents will be serviced for bulk and metal collection on the same day. This new schedule will be explained to the residents when we confirm their respective appointments.

We would like to have a trial run beginning Dec. 1, 2023 and implement the new schedule Jan. 1 2024.

*Except holidays, weather cancellations and several times during leaf season.

Negatives:

- 1.Metal and bulk items will be piled together – Thornton to stress separation of items
- 2.there will be more rubbish on the street for that one collection day- Friday
- 3.limit stops to 50 combined

Lou Martirano
Superintendent of Public Works
(914) 862-1819



Purchase Requisition

Village of Tarrytown, NY
Department of Public Works

Date: November 2, 2023

Recommended Vendor

Company Name
KOMATSU AMERICA CORP.
Address
**4 EXECUTIVE PLAZA
YONKERS, NY 10701**

Phone: (917) 504-9376

Contact: Steve Gambutti

eMail: steve.gambutti@global.komatsu.com

Vendor #: NEW

Budget Code	Budget Year	Funds Available
CAPITAL	2023-2024	___ YES ___ NO

Quantity	Model	Description	Unit Price	Extended Price
1	BW900-50	2024 BOMAG	LS	\$22,710.00
		1.2-ton Tandem Asphalt Compactor		
		Dual Drum		
		Vibratory Roller		
		Includes Trade-in of existing roller		
		As per Quote #SG-1936		

PROCUREMENT: Proprietary Purchase:
NYS-OGS:
West. County:
Cooperative Purchasing:
Plggy-Back:

SOURCEWELL #060122-BAI

COST	\$22,710.00
LESS TRADE-IN	\$500.00
TOTAL	\$22,210.00

OTHER VENDORS

QUOTE#	COMPANY NAME	PRICE
134279	H.O. PENN	\$37,000.00
10/4/23	TRUIS	\$24,887.00
	(Trade-in not included in compellive quotes)	

Requested by:

[Signature]
Lou Maritano, Sup'l of Public Works

DEPARTMENT OF PUBLIC WORKS
4 Division Street, Tarrytown, NY 10591
(914) 862-1819
DPW@Tarrytowngov.com

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Komatsu America Corp.
4 Executive Plaza,
Yonkers, NY 10701
Phone: +1 914 738 5100 Fax: +1 914 738 6847

QUOTE

Purchaser:

Village of Tarrytown DPW
4 Division St.
Tarrytown NY 10591
Attn: Lou Martirano

Representative: Steve Gambutti

Doc # SG-1936
Date 10/27/2023
F.C.A. Tarrytown, NY

Sourcewell acct# 99799

Bomag Sourcewell # 060122-BAI

Equipment Description	Year	Hours	Serial #	Stock #	Ext. Price
Bomag BW900-50	2024	0			\$22,710.00

Trade-In Description	Year	Hours	Serial #	Stock #	Ext. Price
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Machine Specifications:

BW900-50 w/Hinged ROPS

Standard equipment

- Hydrostatic travel and vibration drive
- Front drum vibration
- Travel drive in series
- Oscillating artic. center joint
- Hydrostatic articulated steering
- Mechanical parking brake
- Vibration control in travel lever
- 2 scrapers per drum
- Plastic water tank under the operator's platform
- Pressure sprinkler system
- Hour meter

- Low fuel level indicator
- Control and warning indicator lights
- Automatic shutdown at low oil level
- Lockable anti vandal dashboard protection
- Single point lifting device
- Lockable engine cover
- Transport lashing and lifting points front/rear
- Emergency engine shut down
- Corrosion and weather protected ignition switch
- Seat belt
- Back-up alarm

Warranty:

One (1) Year / 1000 hour

Sourcewell Selling Price	\$19,210.00
Inbound Freight	\$ 800.00
PDI	\$ 1,200.00
Delivery	\$ 1,500.00
Total Balance Due	\$22,710.00

Steve Gambutti
917-504-9376 Cell
steve.gambutti@global.komatsu



TRIUUS inc.

458 JOHNSON AVENUE • PO BOX 158 • BOHEMIA, NY 11716
631.244.8600 • FAX 631.244.8661
www.triuisonline.com

SINCE 1959

October 4, 2023

Village of Tarrytown
1 Hudson Street
Tarrytown, NY 10591

Attn: Lou Martirano, Superintendent

Dear Lou,

We are pleased to quote you on the following equipment:

One (1) Wacker Neuson RD12L-90 FIXED ROPS (5100067134)

- Articulated tandem roller in the 1.2-ton class with fixed ROPS
- Ergonomic operator platform
- Industry leading service access
- Dual drum hydrostatic drive system
- Four-Stroke gasoline engine

Please see the attached flyer for more information.

TOTAL PRICE DELIVERED - \$24,887.00

Quote is valid for 30 days. Currently a few units are in stock at the manufacturer while supplies last. If need to be ordered 6-8-month lead time. If you have any additional questions, please feel free to give me a call.

Very truly yours,

Thomas Iacobellis
Sales Representative

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SALES CONTRACT

DATE Sep 27, 2023 From Quote# 134279

H.O. PENN MACHINERY COMPANY, INC. 699 BRUSH AVENUE, BRONX, NY 10465 122 HOXON ROAD, POUGHKEEPSIE, NY 12603 680 UNION AVENUE, HOLYSVILLE, NY 11742 225 RICHARD STREET, NEWINGTON, CT 06111 783 BLOOMINGBURG RD., BLOOMINGBURG, NY 12721

BUYER: VILLAGE OF TARRYTOWN
STREET ADDRESS: ONE DEPOT PLAZA OFFICE OF THE TREASURER
CITY/STATE: TARRYTOWN, NY COUNTY: WESTCHESTER
POSTAL CODE: 10591 PHONE NO.: 914-631-1652
CUSTOMER CONTACT: EQUIPMENT PRODUCT SUPPORT

CUSTOMER # 41666 Sales Tax Exemption # (if applicable) GOVT NEED PO CUSTOMER PO NUMBER:

PAYMENT TERMS: Financial Services [] GSC [] Lease The first installment due upon invoice and the remaining installments on the same date of each month thereafter until paid.
Sell Price: \$37,000.00 Down Payment: \$0.00 Balance To Finance: 0.00 F.O.B. AT: Bronx
Number Of Payments: 0 Contract Interest Rate: 0.00 Payment Amount: 0.00 Payment Period:

TRADE-IN EQUIPMENT table with columns: MODEL, YEAR, SN, AMOUNT, PAID BY. Includes rows for PAYOUT TO and MACHINE LIST PRICE \$47,073.00.

ALL TRADE-INS ARE SUBJECT TO EQUIPMENT BEING IN 'AS INSPECTED CONDITION' BY Seller AT TIME OF DELIVERY OF REPLACEMENT MACHINE PURCHASE ABOVE. BUYER HEREBY SELLS THE TRADE-IN EQUIPMENT DESCRIBED ABOVE TO THE Seller AND WARRANTS IT TO BE FREE AND CLEAR OF ALL CLAIMS, LIENS, ENCUMBRANCES AND SECURITY INTEREST EXCEPT AS SHOWN ABOVE.

DESCRIPTION OF EQUIPMENT ORDERED / PURCHASED

Table with columns: STOCK NUMBER, SERIAL NUMBER, MAKE, MODEL, YEAR, SMU, NEW, USED. Lists equipment details for CAT 360/2500HR PT+HYD+TECH.

Warranty section with checkboxes for CATERPILLAR EQUIPMENT WARRANTY and USED EQUIPMENT WARRANTY. Includes signature lines and 'INITIAL' boxes.

NOTES: This agreement is subject to the terms and conditions on page 2 attached hereto... This contract is not binding upon Seller until same is approved by an officer of the Seller and is subject to change or withdrawal until so approved. ONCE APPROVED BY AN OFFICER OF SELLER, THIS CONTRACT IS NOT SUBJECT TO CANCELLATION.

Signature lines for Village of Tarrytown and H.O. Penn Machinery Company, Inc. Includes 'By' and 'Approved by:' labels.

BUYER hereby acknowledges that Seller has offered to him for sale certain SAFETY EQUIPMENT or devices which attach to the equipment and operational manuals and/or instructions for the equipment sold hereunder...

STATE OF NEW YORK
COURT OF CLAIMS

-----X

THE QUAY OF TARRYTOWN CONDOMINIUM,

Claimant,

**THIRD AMENDMENT TO
SETTLEMENT AGREEMENT
AND RELEASE**

-against-

Claim No. 127622

THE STATE OF NEW YORK and THE NEW
YORK STATE THRUWAY AUTHORITY,

Defendants.

-----X

WHEREAS, on October 28, 2020, the State of New York (the "State"), the New York State Thruway Authority (the "Authority") (collectively, "Defendants") and The Quay of Tarrytown Condominium ("Claimant"), collectively, "Parties", entered into a Settlement Agreement and Release in connection with Claim No. 127622 (the "Settlement Agreement"), a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Village of Tarrytown (the "Village") consented to and agreed to the terms of Paragraph "3" of the Settlement Agreement on November 3, 2020 (Exh. A. p. 9); and

WHEREAS, the Parties thereafter entered into an Amendment To Settlement Agreement and Release, executed by Claimant on October 17, 2022 and the Authority on November 1, 2022 (the "Amendment"), and consented to by the Village On November 8, 2022, a copy of which is appended hereto as Exhibit "B"; and

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WHEREAS, the Parties subsequently entered into a Second Amendment To Settlement Agreement and Release, executed by Claimant on May 10, 2023 and the Authority on May 16, 2023 (the "Second Amendment"), and consented to by the Village on May 10, 2023, a copy of which is appended hereto as Exhibit "C"; and

WHEREAS, the Parties incorporate and adopt the "WHEREAS" recitals set forth in the Amendment and Second Amendment by reference, including all defined terms used therein; and

WHEREAS, efforts remain underway to construct a stairway partially upon Claimant's property providing public access between the Westchester RiverWalk to the Shared Use Path; and

WHEREAS, Claimant continues to work cooperatively toward the preparation of the public access recreation easement specified in Paragraph "3" of the Settlement Agreement, the form and scope of which is dependent upon the design of the staircase and associated improvements to connect the Westchester RiverWalk to the Shared Use Path; and

WHEREAS, the stairway plans and specifications have yet to be placed into form sufficient to finalize the public access recreation easement specified in Paragraph "3" of the Settlement Agreement; and

WHEREAS, the Parties recognize that an extension of the six (6) month period set forth in Paragraph "1" of the Second Amendment is warranted so that the objective of finalizing the public access

recreation easement relative to constructing the stairway connecting the Westchester RiverWalk to the Shared Use Path for public use may be achieved;

THEREFORE, IT IS HEREBY AGREED by and between Claimant and Defendants that the Settlement Agreement, as revised by the Amendment and Second Amendment, be further amended, as follows:

1. Paragraph "3" of the Settlement Agreement shall be, and hereby is amended, solely to the extent that the conveyance of the public access easement specified therein shall be conveyed by Claimant to the Village within six (6) months of the date on which this Third Amendment to the Settlement Agreement is fully executed.

2. All other terms of the Settlement Agreement shall remain in full force and effect.

Dated: November __, 2023

Dated: November __, 2023

THE NEW YORK STATE THRUWAY
AUTHORITY
By:

THE QUAY OF TARRYTOWN CONDOMINIUM
By:

FRANK G. HOARE
Acting Executive Director
200 Southern Boulevard
Albany, New York 11209
(518) 436-2900

ALICE GOLDBERG
Vice President
279 South Broadway
Tarrytown, New York 10591
(914) 332-0341

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STATE OF NEW YORK)

COUNTY OF WESTCHESTER)

On November __, 2023, before me personally appeared ALICE GOLDBERG, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity as Vice President of THE QUAY OF TARRYTOWN CONDOMINIUM.

NOTARY PUBLIC

The Village of Tarrytown consents and agrees to the terms and conditions contained in paragraph "1" of this Third Amendment to the Settlement Agreement.

Dated: November __, 2023

THE VILLAGE OF TARRYTOWN
By:

RICHARD SLINGERLAND
Village Administrator
One Depot Plaza
Tarrytown, New York 10591
(914) 631-1785

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YEAR END BUDGET CLOSEOUT RESOLUTION

THIS ITEM IS BEING WORKED ON BY THE VILLAGE TREASURER'S OFFICE WITH THE VILLAGE AUDITORS.

