

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:00 P.M.
WEDNESDAY, APRIL 26, 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/42176> for instructions on how to view via Zoom.

Open Session

1. Board of Trustees Concerns
2. Presentation 303 South Broadway Zoning Petition
3. Discussion – Phase II Climate Adaptive Design Studio
4. Business Request to Revisit Downtown Charges for Fees in Lieu of Parking
5. Second Spare Fire Chiefs Vehicle
6. Grants
7. Pump Station Automatic Transfer Switch
8. Downtown Street Closure Schedule
9. Permit – Metro North

Executive Session

- A. Collective Bargaining
- B. Advice of Counsel



ZARIN &
STEINMETZ LLP

Brad K. Schwartz
bschwartz@zarin-steinmetz.com

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April 3, 2023

By Electronic Mail

Hon. Karen G. Brown
Mayor of the Village of Tarrytown
and Members of the Board of Trustees
One Depot Plaza
Tarrytown, NY 10591-3199

**Re: 303 South Broadway Building Company LLC
303 South Broadway**

Dear Mayor Brown and Members of the Board of Trustees:

Our firm, together with Perkins Eastman, JMC, and MPFP (landscape architecture and urban design), represents 303 South Broadway Building Company LLC (“Petitioner”), the owner of 303 South Broadway, an approximately 7.4-acre site in the OB (Office Business) Zoning District (“Property”).

Petitioner is excited to submit a Rezoning Petition for a Zoning Text Amendment that would facilitate the *adaptive reuse* of the existing, underperforming office building on the Property as new, residential rental units (approximately 220-240) to meet current market demand.

We respectfully request placement on the BOT’s April 26 work session agenda for an initial presentation and discussion. We also ask that the BOT accept the Rezoning Petition and commence the necessary procedures, including the SEQRA process, for review of the Zoning Amendment.

Petitioner has been working with its Development Team and talking with the Village about this project since last summer. Our client initially proposed taking down the existing building and constructing a much larger, state-of-the-art luxury mixed-use building with apartment views toward Manhattan. It would have included parking below the units, a restaurant, and open spaces for public programming. Our client thought that this design, while ambitious, could serve as a prominent gateway into the Village. That plan has been eliminated in response to Village feedback.

Petitioner listened to the Village’s concerns, and now proposes instead to adaptively reuse the existing office building so that there is no discernible difference to the public about the building’s height, massing, and scale (a stepped 5th floor would be added, but it would be screened from Broadway and the 6th story in the building across the street). The familiar H-

shape and surface parking would remain. The façade would be replaced to improve the exterior appearance and make it more functional and sustainable. We refer the BOT to the enclosed Rezoning Petition (with Concept Plans) for more concept details about the proposed Project and Zoning Amendment (the exact manner by which the Zoning Law would be amended to achieve these changes, including possibly a new overlay zone, would be discussed with the Village during the review process).

We hope the BOT will agree when it reviews the Concept Plans that Petitioner has been responsive to the Village's concerns. The revamped Project would still be a win-win. It would transform an underperforming office site (which, if left alone, could turn into an eyesore) to productive and beneficial use. The new units would help meet the surging demand for new attainable housing in the Village for young professionals, families, and empty nesters, as well as generate substantial new tax revenues (and fees) for the Village. The Project would also include a shaded landscaped pathway to connect to the future RiverWalk extension currently in the planning stages.

We remain confident that Petitioner and our Development Team will establish during the SEQRA process that this Project will not have an adverse impact upon the school district, or the local roads. We also know that a key part of this process will be to conduct a "corridor study" to study the potential cumulative impacts if other OB sites in the area similarly seek a change to residential use.

Petitioner, a long-standing property owner in the Village with an extensive national real estate portfolio, requests an opportunity to discuss this adaptive reuse proposal with the BOT at an upcoming work session. Let's have a dialogue about repurposing the Property in a way that is beneficial for everyone.

Thank you for the BOT's attention.

By: Brad Schwartz

David Steinmetz

Brad Schwartz

cc: Richard Slingerland, Village Administrator
Donato R. Pennella, P.E.
Katherine Zalantis, Esq.
303 South Broadway Building Company LLC
AmTrust Realty
Perkins Eastman
JMC
MPFP

Kathy Deufemia

From: Richard Slingerland
Sent: Tuesday, April 18, 2023 10:04 AM
To: Kathy Deufemia
Cc: Dan Pennella; Kathy Zalantis; Alissa Fasman
Subject: New Business Parking requirements in Tarrytown

For the next 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@tarrytowngov.com

From: Karen Brown <kBrown@tarrytowngov.com>
Sent: Tuesday, April 18, 2023 9:56 AM
To: Richard Slingerland <rslingerland@tarrytowngov.com>; Alissa Fasman <afasman@tarrytowngov.com>; Dan Pennella <DPennella@tarrytowngov.com>
Subject: Fwd: New Business Parking Assessments in Tarrytown

Can we get this on an upcoming agenda please? To really understand the issue the BOT should see the code as written, learn the origin of the code if possible and have a general accounting of where the \$ has been spent or is saved.
Thanks -Karen

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From: JoAnne Murray <jmurray@allanblockinsurance.com>
Sent: Monday, April 10, 2023 4:35:23 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>; Dan Pennella <DPennella@tarrytowngov.com>
Cc: Karen Brown <kBrown@tarrytowngov.com>; Laura Rey Iannarelli <laura@reyinsurance.com>; Stephanie Rodnick <srodnick@sleepyhollowtarrytownchamber.com>
Subject: New Business Parking Assessments in Tarrytown

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Hi Rich and Dan, Thank you for taking time to meet with Alejandra and myself this morning. I've asked the Chamber Board to draft a letter in support of revamping the Parking Assessment code. I would prefer to see it abolished altogether. It started in 2004 with Chiboust Restaurant being the first business to be assessed. She had to pay it over 3 years. I believe times have changed and with the addition of the 70 new spots coming with the new building where the Y was, this code should be abolished. People's mindset has changed a lot with people willing to walk now.

The purpose was to use the monies to fund additional parking. With the focus now, throughout the State, on the importance of supporting small businesses, we need to come up with ways to help them succeed.

We also need to find a way to create a pamphlet that outlines requirements the person starting the new business can expect to have to comply with. I know this has been submitted to the Village Board several times over the years. I know

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Dan believes his staff conveyed to Alejandra that she would have to contribute to a parking fund but with the vast amount of information given to her, she may have thought they were referring to the permits she will need to park.

Thank you again for taking time from your very busy schedules to meet with us.

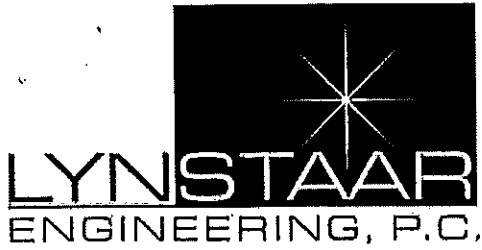
JoAnne Murray
Board Member
Sleepy Hollow Tarrytown Chamber of Commerce
914 703 3130

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after notice and hearing, to rescind such waiver when, in its judgment, the public interest so requires.

- (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.
- (d) Parking fund. [Amended 5-6-2013 by L.L. No. 3-2013]
- [1] Upon the establishment of a parking fund for the Restricted Retail Zone by the Village Board of Trustees, should the Planning Board or the Zoning Board of Appeals, depending upon which of these two Village agencies is responsible for the review and approval of the particular parking requirement, determine that such parking requirement cannot be fulfilled because the applicant does not have land on site available for parking or has land on site that cannot be accessed from public rights-of-way, said Board may require a monetary contribution in lieu of the provision of parking spaces, up to a maximum of 15 parking spaces. The amount to be placed in the parking fund shall be as follows:
[Amended 2-18-2014 by L.L. No. 2-2014]
- [a] From one to five parking spaces: \$1,000 per parking space.
- [b] From six to 10 parking spaces: \$2,000 per parking space.
- [c] From 11 to 15 parking spaces: \$3,000 per parking space.
- [2] These procedures shall be limited to the off-street requirements within the RR Restricted Retail Zone. The parking fund, when established, shall be used exclusively for the creation of new parking in the downtown commercial area or for the maintenance of the existing parking in the downtown commercial area.
- (e) In the RR Restricted Retail Zone, if the Building Inspector finds that a change of use or occupancy will not require an increase of more than five off-street parking or loading spaces beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the use, and the applicant does not have land available on-site for parking or has land on-site that cannot be accessed from public rights-of-way, site plan approval requirements may be waived by the Building Inspector. If the Building Inspector determines that site plan approval is not required, the parking requirements under this chapter shall be deemed fulfilled. The decision of the Building Inspector can first be reviewed by the Village Administrator and then by the Planning Board.



May 19, 2022

Donato R. Pennella, P.E.
Village Engineer
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591

RE: Shaft 10 Switchgear Upgrade
Electrical Design Services

Dear Sir:

We are pleased to submit our agreement for professional electrical engineering services for the above referenced project.

A. SCOPE OF WORK

1. Design Documents

Design and prepare biddable construction drawings and specifications for the switchgear upgrade at the Shaft 10 Pump Station located in the Village of Tarrytown, NY. The work will include providing new switchgear for the pump station integrating the existing generator and providing a new delay retransfer automatic transfer switch (ATS) and utility metering. All equipment is to be located in a walk-in outdoor enclosure except the meter will be mounted on the outside of the pump station building. Each pump will be provided with a new variable frequency drive (VFD).

Any environmental removals, asbestos, lead paint, oil contamination will be performed by others.

2. Electrical

- a. Obtain utility bills to review demand of the pump station. Compare this to calculated peak demand of the facility to confirm the existing 1600 ampere, 120/208, 3-phase, 4-wire service and generator are adequate.

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- b. Design the installation of new utility metering, main disconnect with surge protection, ATS, and distribution switchgear. This shall include the interconnection of the existing emergency generator.
 - c. Design the installation of new metering, switchgear, and ATS to be provided in an outdoor walk-in type enclosure. Enclosure shall be prewired. Meter shall be mounted on the outside of the existing pump station.
 - d. At a site meeting in April, 2022, it was agreed to try to locate the enclosure at the building near the generator fuel oil tank. When discussed at the May, 2022 meeting at the Village offices, it was agreed the fuel oil tank is to be turned 90 degrees to provide room for the enclosure as long as it meets code and clearances. Lyn Staar will design a slab on grade, underground conduits and stub-ups into the enclosure.
 - e. Also at the May, 2022 meeting it was agreed that the Village Electrician was to immediately restore the corroded service ground wiring. A surge protector is to be provided by Lyn Staar to the Village for installation by their electrician to avoid further power surge issues at the station. The replacement switchgear will have a new surge arrester.
 - f. For the new installation Lyn Staar will design the 1600A underground conduit layout for the new secondary electric service from existing utility transformer, existing generator, and to the new metering and ATS. Intercept existing underground conduits and reuse as feasible.
 - g. Distribution shall include a separate feeder for each of the four (4) pumps, one for the building power, and a spare.
 - h. Each pump shall have a new self contained VFD to be located inside the building approximately in the location of the existing main switchgear. Controls and pump/motor alarms will be connected back to the existing pump control panel which is to remain.
 - i. Design removal of all existing power equipment in a phased and orderly manner such that continuous power is provided to the station for pumping needs.

B. DESIGN CRITERIA

1. Assume existing Con Edison transformer and associated 1600A, 208V electrical service and generator have adequate capacity for the pump station.
2. Attendance at three (3) job/survey meetings during design will be required.
3. Owner to provide existing building site plan and floor plan drawings. Electronic format preferred, paper copies acceptable.
4. Proposal based on meeting held at the Village of Tarrytown Offices on May 4, 2022.
5. No structural, HVAC, plumbing or mechanical designs are included.
6. Construction drawings with specifications will be provided and submitted to Con Edison for approval.
7. Location of equipment to be based on field meeting agreement.
8. Village to have underground piping and other utilities surveyed for coordination of proposed underground work.

C. PREPARATION OF CONSTRUCTION DOCUMENTS

1. Prepare required documents.
2. Prepare the design concepts, sizing all pertinent components required for the installations.
3. Prepare the drawings, specifications, and construction cost estimates.
4. Conform to all building codes. All filing by others. LSE to prepare documents as required.
5. Field inspections and surveys.
6. Correspondence with local utility company, Con Edison, as required.

D. CONSTRUCTION PHASE

1. Bid review with Village.
2. Shop drawing review.

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3. Coordination with contractor and Village.
4. Five (5) field meetings/observations, including final punch list.

E. ARRANGEMENT OF FEE

1. The preceding services shall be furnished for a lump sum fee of **Forty Nine Thousand Five Hundred Dollars and No Cents (\$49,500.00)**. It is anticipated this project will be done on CAD. Any additional work to be on a time and material basis.

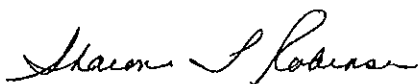
50% Design Drawings	\$ 25,000.00
Bid Documents	\$ 15,000.00
Construction Phase	<u>\$ 9,500.00</u>
Total:	\$ 49,500.00

2. Invoices to be billed monthly and are due within 20 days. After 30 days they will be subject to a 5% late fee.
3. Expenses will be in addition to the lump sum fee, e.g. filing fees, bulk prints, messenger service, etc. Mileage for site visits is included.
4. Additional work, field meetings/trips will be in addition to the lump sum fee and shall be billed at employee's standard hourly rates, per approval of owner and contract amended accordingly.

Please sign the original agreement and return it at your earliest convenience. Should you have any questions or require any further information, I will be available for discussion.

Respectfully submitted,

LynStaar Engineering, P.C.



Kathy Deufemia

From: Richard Slingerland
Sent: Wednesday, April 19, 2023 7:49 PM
To: Sharon Robinson
Cc: Garry R. Lynch; Alissa Fasman; Kathy Deufemia; Dan Pennella; Louis Martirano
Subject: RE: EDR purchases Lyn Staar Engineering, P.C.

Sharon:

Received – thank you very much!

We'll be putting the proposal regarding the ATS on the Board's Work Session agenda for review and consideration, under the EDR DPC company name.

Best regards,

Rich Slingerland

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

From: Sharon Robinson <srobinson@edrdpc.com>
Sent: Wednesday, April 19, 2023 3:18 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Cc: Garry R. Lynch <glynch@edrdpc.com>
Subject: EDR purchases Lyn Staar Engineering, P.C.

[EXTERNAL] This email is from outside the Village of Tarrytown - Please use caution when opening links and attachments!

Hello, Garry asked that I send you this information. Please note that EDR's full company name is Environmental Design & Research, Landscape Architecture & Environmental Services, D.P.C. Thank you.

Sharon

LynStaar and EDR have merged. Please take note of our updated contact information!

Sharon L. Robinson, P.E.
EDR Practice Area Leader, Southeast NY Office Manager
12 Water Street, Suite 202, White Plains, New York 10601
O: 914.741.1290 ext. 18 E: srobinson@edrdpc.com

EDR a better environment



Metropolitan Transportation Authority

State of New York

CERTIFIED MAIL No. 7017 1450 0000 0046 7671
& Via Email (rslingerland@tarrytowngov.com; afasman@tarrytowngov.com)

April 20, 2023

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591

Re: MNR 10000961, The Village of Tarrytown

Permit to Enter Upon Premises dated September 8, 1998 (the "Permit") between METRO-NORTH COMMUTER RAILROAD COMPANY (hereinafter, together with its successors and assigns, "Metro-North"), acting on behalf of the METROPOLITAN TRANSPORTATION AUTHORITY (hereinafter, together with its successors and assigns, the "MTA") each a public benefit corporation organized under the laws of the State of New York (Metro-North and the MTA, individually and collectively, as the context requires, "Permitter"), and the Village of Tarrytown ("Permittee") for the right to maintain garden beds on portions of Permitter's property to the east of the Tarrytown railroad platform and south of the Tarrytown Station building, more particularly described in Exhibit A to the Permit (the "Premises")

Dear Mr. Slingerland:

Reference is hereby made to the above captioned Permit. All capitalized terms used herein and not otherwise defined shall have the meanings given them in the Permit.

As you are aware, Permittee has proposed to install a new planting area (the "New Planting Area") within the Premises, depicted as planting area #7 on Permittee's Planting Plan (the "Planting Plan"), attached hereto as Exhibit A. In accordance with Section 1.1 of the Permit, which provides that Permittee's planting "grounds may be expanded or limited as the parties may agree by mutual written consent," the parties agree that effective as of the full execution and delivery of this letter amendment that said New Planting Area will be added to the Premises under the Permit subject to all terms and conditions of the Permit including, without limitation that Permittee shall use and occupy the Premises (as so expanded) only for the Permitted Use.

Except as otherwise set forth herein, all other terms and conditions of the Permit shall remain in full force and effect.

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

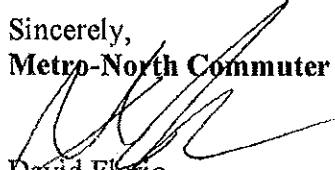
MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Capital Construction
MTA Bus Company

To accept the above modifications, kindly sign both enclosed counterparts and return one (1) fully executed original counterpart of this letter, and one (1) PDF copy via email, to Ms. Grace Crocitto, Sr. Real Estate Manager, MTA Real Estate Department, 2 Broadway, 4th Floor, New York, NY 10004, grace.crocitto@mtacd.org, by May 05, 2023.

If you have any questions, please contact Sam Taterka of Greystone Management Solutions, our tenant manager, at (212) 268-9433.

Sincerely,
Metro-North Commuter Railroad Company



David Florio
Chief Real Estate Transactions and Operations Officer, MTA
Authorized Signatory

ACKNOWLEDGED AND AGREED TO:

PERMITTEE:

VILLAGE OF TARRYTOWN

BY: _____
Name:
Title:

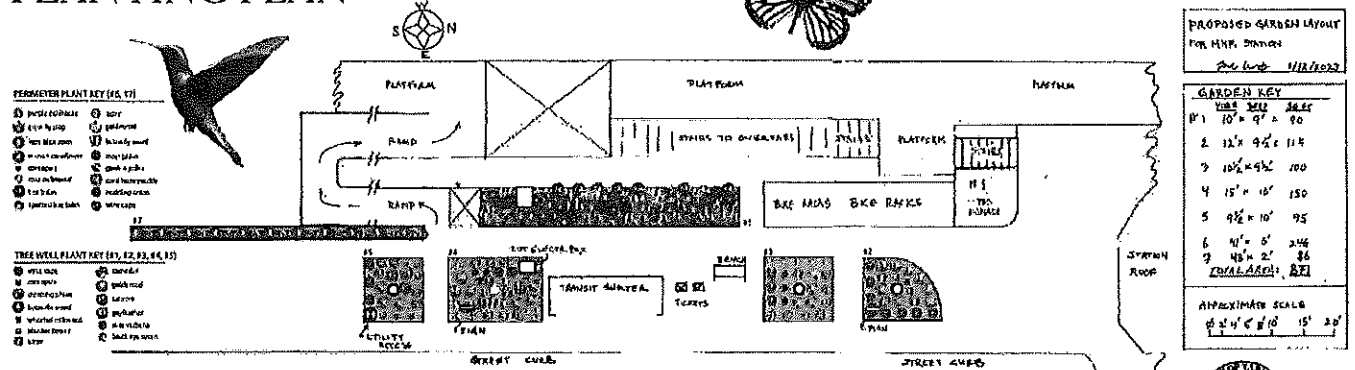
DATE: _____

cc: S. Taterka, *Greystone Management Solutions*
G. Crocitto, *MTA Real Estate Department*

EXHIBIT A

MNR TARRYTOWN STATION PLANTING PLAN

FEBRUARY 2023



Beauty and biodiversity arrive at Tarrytown's MNR Station with the installation of new pollinator gardens. These sustainable gardens help endangered pollinators thrive and connect our community with the beauty of the natural world. By planting indigenous plants, not using pesticides/herbicides and creating year-round habitat, the Village of Tarrytown and Metro North are serving as role models for ecologically responsible landscaping practices. Thank you for supporting our gardens!



NOTABLE POLLINATOR & HOST PLANTS

This section features a series of images of plants and butterflies. Each image includes a small table with columns for 'Plant Name', 'Pollinator', and 'Host Plant'. The plants shown include various species of flowers and shrubs, and the butterflies include monarchs, painted ladies, and others.

