

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:00 P.M.
WEDNESDAY, September 28, 2022
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/37671> for instructions on how to view via Zoom.

Executive Session

- A. Discussion with Tax Certiorari Attorney
- B. DPW Superintendent Personnel Request
- C. TVAC Contract
- D. Backup Water Plant Operator
- E. Three Part-Time Recreation Attendant Positions

(Estimated Start Time for Open Items on the Agenda: 7:30 p.m.)

Action Item

- 1. Halloween Parade Resolution

Open Session

- 1. Board of Trustees Concerns
- 2. Request to Amend Village Code re Leaf Blowers
- 3. New Fire Chief Vehicle
- 4. Taxi Rate Increases
- 5. Accessory Dwelling Units

October 2022

Halloween Parade Resolution

WHEREAS, the Village of Tarrytown will hold its annual Halloween Parade on Saturday, October 29, 2022; and

WHEREAS, the Board of Trustees of the Village of Tarrytown have been requested by representatives of business and of the Village Recreation Department's Halloween Parade Committee to allow the consumption of beer and wine in a controlled area on Main Street as part of the parade; and

WHEREAS, the Board of Trustees must also authorize the closure of Broadway and Main Street to accommodate the parade.

NOW, THEREFORE, BE IT RESOLVED that the that the Board of Trustees of the Village of Tarrytown does hereby authorize the closure of Broadway from the Sleepy Hollow border to Main Street (and down to Franklin Street for detour purposes), and Main Street from Broadway to Baylis Court, to accommodate the parade route and detours; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby grant permission for the sale and consumption of beer and wine in a controlled, outdoor portion of Main Street between Kaldenberg Place/John Street and South Washington Street; and

BE IT FURTHER RESOLVED that each establishment must obtain a New York State Liquor Authority (SLA) offsite premise permit, provide insurance naming the Village of Tarrytown as additional insured for this event and adhere to the following limitations:

- a) The establishments must have a valid Village of Tarrytown Sidewalk Café Permit.
- b) Permitted hours for the sale of beer and wine outdoors are 5:30 p.m. to 10 p.m.
- c) The establishments that sell and serve alcohol will be required to issue a bracelet to each person who possesses and has shown legal identification and proof as being of legal age to purchase alcohol.
- d) Only for Saturday, October 29, 2022 from 5:30 p.m. to 10 p.m.

Leaves may be placed on private property pursuant to regulations promulgated by the Board of Trustees and shall only be placed on the property from the second week of October through the second week in December.

§ 205-3.1. Seasonal ban on gas-powered leaf and garden blowers. [Added 5-5-2008 by L.L. No. 8-2008; amended 9-20-2010 by L.L. No. 16-2010; 11-6-2017 by L.L. No. 11-2017]

- A. The operation of a gasoline-powered leaf and garden blower is prohibited from June 15 through September 15 of each year and on Saturdays, Sundays and holidays during the period September 16 through June 14 each year. Person(s) who own or rent a one- to three-family home, who are using the gasoline-powered leaf and garden blowers at the home where they reside, are exempt from the provisions of this section. During times of emergency caused by a storm, the Village Engineer may declare a temporary moratorium on the operations of this provision.
- B. The Village Engineer may, in his discretion and upon application, grant temporary special permits for the temporary operation of gasoline-powered leaf and garden blowers otherwise subject to this section to accommodate special circumstances, including but not limited to the cleanup of temporary work sites, and shall charge and collect a fee of \$35 for each permit so granted.
- C. No owner of a green industry company shall cause or permit the operation of a gasoline-powered leaf or garden blower from June 15 through September 15 of each year or on Saturdays, Sundays or holidays during the period September 16 through June 14 each year. [Added 8-17-2015 by L.L. No. 5-20151]

§ 205-4. Penalties for offenses. [Amended 5-6-1991 by L.L. No. 5-1991]

Penalties shall be as provided in Chapter 1, General Provisions, Article II.

Kathy Deufemia

From: Richard Slingerland
Sent: Wednesday, September 14, 2022 3:28 PM
To: Rick Tucci
Cc: Kathy Deufemia; Alissa Fasman; Antoinette Morales
Subject: RE: Tarrytown FD 2023 Tahoe Quote

I'll need to put this on the next Work Session and get approval of the Board.

We just got the authorization for the borrowing on September 6, 2022, and should be able to go to market for the money in November. If we get the order in, we should be able to get it by the end of December, or perhaps end of January.

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: Rick Tucci <RTucci@tarrytownfd.org>
Sent: Wednesday, September 14, 2022 3:09 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: Fwd: Tarrytown FD 2023 Tahoe Quote

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

Rich,
Please see attached information on the new Chiefs car.

Rick Tucci
Chief of Department
Tarrytown Fire Department
(914)-424-6900

----- Forwarded message -----

From: Leonard Durocher <ldurocher@denooyerchevrolet.com>
Date: Wed, Sep 14, 2022 at 10:32 AM
Subject: Tarrytown.FD 2023 Tahoe Quote
To: rtucci@tarrytownfd.org <rtucci@tarrytownfd.org>
Cc: Bill Asprien <basprion@denooyerchevrolet.com>, Steve Gordon <sgordon@denooyerchevrolet.com>, Kyle Marsh <kmarsh@denooyerchevrolet.com>

Good morning Rich,

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Thank you for taking my call today, it was a pleasure speaking with you.

I have put together a quote for Tarrytown FD on a 2023 Chevrolet Tahoe SSV in White. Here is a list of what is attached:

- Quote for 2023 Tahoe. Price is \$52,497.50. This price is piggybacked from Fabius Fire District. We will have their award letter following their referendum.
- Spec sheet for the vehicle slated to be built.
- Information on extended warranties for the vehicle.

To hold a vehicle, we will need back the following documents:

- A copy/picture of a current **title** from any vehicle owned by x.
- A copy/picture of a current **insurance ID card** from any vehicle owned by x.
- A **letter of intent**, or **purchase order**.

We are excited to work with you! Our team is here to help you with any questions or concerns. Please see below for contact information. Feel free to call, text or email!

Thank you,

Lenny Durocher

Fleet & Gov't Sales Assistant

C: 518-626-1914 | O: 518-458-7700

ldurocher@denooyerchevrolet.com

DeNooyer Chevrolet

Fleet & Gov't Managers

Bill Asprion | (518) 858-8754 | basprion@denooyerchevrolet.com

Steve Gordon | (518) 469-8804 | sgordon@denooyerchevrolet.com

Fleet Asst. Kyle Marsh | (518) 949-0149 | kmarsh@denooyerchevrolet.com

RE: Rich Tucci 914-424-6900

Kathy Deufemia

From: Richard Slingerland
Sent: Thursday, September 22, 2022 1:22 PM
To: Kathy Deufemia; Krissy Gilligan; Alissa Fasman; John Barbelet
Subject: FW: how much is the request for taxi rate increase?

For the 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: Ann Anderson <aanders561@gmail.com>
Sent: Thursday, September 22, 2022 12:58 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: Re: how much is the request for taxi rate increase?

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

Hi Richard ,

Since we are way behind in the taxi rates we are all suggesting 8 dollars in town.
A dollar each additional

Get rid of the senior rate which was my idea back when I drove.reason is they now have a senior bus , beeline service too that takes them anywhere in Westchester for five bucks each way and they have the 10591 program where volunteers take them places.

Dobbs ferry has been 8 bucks for ten years now
Ossining is 7.50 for one two dollars each additional.
Peekskill is 8.

We are behind the times.

Although the gasoline may be cheaper lately everything went up and clients traveling went down so less money coming in.

Uber from train to marymount is 9 to 13
560 w.p.rd.to rail with Uber the other day 25.
Uber to doubletree same as Marymount.

Uber should not even be allowed to do calls within village limits without first having procured a hack license but they do and these are the signs of the times.we as taxis just need to make the money Uber makes .we pay expensive insurance and they don't

We sure hope you will consider this A.S.A.P.

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Also the signage by the bakery is in the process,just now Cesar was awaiting a lady to Riverview and two separate customers were lost looking for taxis.

When they are lost they try Uber and Uber makes them wait 10 minutes or so.

Thanks
Have a great day!!
Annie

On Wed, Sep 21, 2022, 9:44 AM Richard Slingerland <rslingerland@tarrytowngov.com> wrote:

Annie:

Good morning.

The Board discussed the taxi rate increase request at the last Work Session, but without any concrete request, they didn't know how much to increase it by.

Please let us know how much the taxi companies would like the taxi rates increased by.

Best regards,

Rich

Richard Slingerland
Village Administrator

Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785

LOCAL LAW __ - 2022

A local law to amend Chapter 305 of the Tarrytown Code, add a new subsections to permitted accessory uses in all single-family residential districts of an Accessory Dwelling Unit

Section 1: Amending § 305-14 entitled "Residential R-80 Zone" Section "B" entitled "Permitted Accessory uses" to add a new subsection:

(15) Accessory Dwelling Unit

(a) Intent: The Village seeks to legalize and control existing accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units in single-family residential zones; to diversify housing while ensuring single-family residential zones maintain their character, to ease single-family homeowners' financial burden by allowing a means of rental income, to provide for the health, safety and welfare of the Village of Tarrytown's residents and the occupants of accessory dwelling units by requiring accessory dwelling units meet minimum health, fire and safety standards.

(b) Required standards. The Building Department may grant a permit for the creation, legalization or construction of an accessory dwelling unit ("ADU") within or as an addition to an existing one-family dwelling in all single-family residential zones (R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5) or within a detached accessory building in only the R-60, R-40, R-30, R-20 and R-15 single-family residential zones subject to any applicable building and fire code standards and subject to these standards:

Commented [KZ1]: Committee suggesting no land use approvals required; see comment below re: site plan, ARB

- 1) Location. An ADU shall only be on a lot where the principal use is a one-family detached dwelling. An ADU shall only be in either: (a) a portion of a one-family dwelling; or (b) a detached accessory building in the R-60, R-40, R-30, R-20 and R-15 one-family residence zones where the principal building is one-family dwelling.
- 2) Size of lot. The lot containing an ADU shall be no less than the minimum lot size required by the single-family residential zoning district in which the lot is located.
- 3) Number of ADUs per lot: There shall be no more than one ADU per lot nor more than two dwelling units (a main dwelling unit and an ADU) permitted per lot.

- 4) Owner-occupancy. The owner of the single-family residence lot must reside as the owner's primary residence in either the main dwelling unit or the ADU. If the property is owned by an LLC, a member with at least a 50% membership interest in the LLC must reside as said member's primary residence in either the main dwelling unit or the ADU.
- 5) Floor area: For an ADU in a one-family dwelling, the habitable floor area of the ADU shall be at least 300 square feet and a maximum of 1000 square feet, but shall not to exceed 50% of the one-family dwelling. For an ADU in a detached accessory building, the habitable floor area of the ADU shall be at least 300 square feet and a maximum of ___ square feet, but shall not to exceed ___% of the accessory building.
- 6) Bedrooms. The maximum number of bedroom in an ADU shall be two.
- 7) Setbacks. An ADU may only be in a building that complies with the minimum setback requirements (front yard, side yard, minimum two side yards and rear-yard, minimum distance from accessory building to principal building) for the single-family residential zoning district in which the lot is located but any ADU in an accessory building need only comply with the accessory building setback requirements for that single-family residential zoning district.
- 8) Building Coverage: Any lot with an ADU must not exceed the allowable maximum total building coverages for the principal building lot coverage and the accessory building lot coverage building lot coverage requirements of the single-family residential zoning district in which the lot is located, except that an ADU may be located in a principal building that is existing legal nonconforming as to principal building lot coverage provided that there is no change to or expansion of the principal building footprint to accommodate the ADU.
- 9) Building Height: For any building containing an ADU, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling principal building.
- 10) Occupancy: The primary use of an ADU shall be for residential housing and an ADU must have independent heating, cooking and bathroom facilities from the main dwelling unit.

Commented [KZ2]: •Any provision for site plan approval of an ADU of a certain size?
 •Currently, under 305-132(a) site plan approval is required "where the proposed addition increases the footprint of the existing home by 25% or more or results in a square footage or FAR increase of 50% or more."
 •If no, we probably also need to amend this provision.
 •ARB?

Commented [KZ3]: I altered from Committee's recommendation as I was concerned about allowing all existing without knowing whether existing is legal nonconforming.

Commented [KZ4]: •Do we need a different height standard than what already governs?
 •If so, should we also include a story-requirement?

11) Minimum term of rental: The rental term of an ADU shall be for at least six months.

12) Parking. Provided the lot contains the minimum required off-street parking spaces, no additional parking is required for an ADU provided that parking is not reduced through the creation of the ADU.

Commented [KZ5]: •This is different from what Committee recommended. Committee recommended: "no additional parking required for ADU even if garage is converted to an ADU"
•other municipality requirement: "Garage space may not be used for an accessory apartment unless the required parking on the lot can otherwise be provided."

13) Architectural treatment. The architectural treatment of the structures on the lot shall be such as to portray the character of a single-family lot. Only one main entrance will be permitted on the front side of the principal building; all other entrances shall be at the side or in the rear of the building(s). In addition, no more than one meter for each utility provided to the lot (i.e., gas, water, etc.) shall be permitted. Notwithstanding the above, if ADU is in an accessory building on the lot, said accessory apartment may have its own metering.

14) Adequacy of Septic System: If the lot is serviced by a septic system the owner must demonstrate that the existing septic system can handle the addition of any ADU through _____

Commented [KZ6]: •Septic not addressed by Committee – but may want to consider such a provision to ensure adequate capacity
•Need to come up with a standard – discuss with Dan

15) Boarders prohibited. No boarders shall be permitted in either the main dwelling unit or the ADU. A one-family dwelling may not receive an ADU permit for a tourist home, rooming house or boardinghouse

(c) Penalties for offenses.

- 1) Any owner or builder, or any agent of either of them, who fails to secure a permit for the construction of creation of ADU, who allows occupancy of an ADU without a certificate of occupancy for the ADU, or who constructs or causes to be constructed an ADU in violation of the provisions of this chapter shall be in violation of this chapter and subject to penalties under § 305-115 of this chapter.
- 2) It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any portion of any premises as an ADU in the Village of Tarrytown without first having obtained a permit and certificate of occupancy for the ADU from the Village of Tarrytown Building Department.
- 3) All ADU owners who have not previously obtained a permit and certificate of occupancy for an ADU located on their lots shall apply to the Building

Department within six months following the effective date of this section (and if necessary, the Zoning Board of Appeals). If application is so made within said six-month period, the owner of the ADU shall not be deemed in violation of this section. If application is not made within said six-month period, the owner of the ADU shall be deemed in violation of this chapter and shall be subject to the penalties provided herein.

Commented [KZ7]: Committee said 180-days but this may not be enough time

Commented [KZ8]: Committee included a proposed ADU program term provision – need to discuss whether it is necessary to include this or just repeal the law with or without grandfather provision

Commented [KZ9]: Other provisions: Lapse or Inspection/Reinspection provision – this may make more sense if this were a special permit use (see sample provision on last page)

(d)

Section 2: Amending § 305-15 entitled “Residential R-60 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 3: Amending § 305-16 entitled “Residential R-40 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 4: Amending § 305-17 entitled “Residential R-30 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 5: Amending § 305-18 entitled “Residential R-20 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 6: Amending § 305-19 entitled “Residential R-15 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 7: Amending § 305-20 entitled “Residential R-10 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 8: Amending § 305-21 entitled “Residential R-7.5 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 9: Amending § 305-22 entitled "Residential R-5 Zone" Section "B" entitled "Permitted Accessory uses" to add a new subsection:

(15) Accessory Dwelling Unit in compliance with § 305-14(B)(15).

Section 10: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 11: 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.

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Sample provisions

Reinspection. Any accessory unit approved by the Board of Trustees shall be reinspected by the Building Inspector one year after issuance of the permit and every year thereafter. If the inspection discloses any noncompliance with or violations of this section, any condition of the permit, any state or local law, regulation or ordinance or, in the discretion of the Building Inspector, any condition which does or could pose a hazard to the health, welfare and safety of either the occupant(s) of the accessory apartment, the main building or any other members of the public, the Building Inspector shall report such findings, in writing, to the Board of Trustees. The Board of Trustees shall thereupon schedule a public hearing with due notice to determine whether the permit should be revoked based upon such noncompliance, violations or other condition(s) noted by the Building Inspector. Refusal to allow reinspection by the Building Inspector shall be a basis for revocation of the permit by the Board of Trustees after a public hearing.

Sale of dwelling unit; renewal of compatible use permit. In the event that a lot with a valid special permit for an accessory apartment is sold, the special permit shall lapse unless, within 90 days after the transfer of title, the new owner shall apply for renewal of the previous special permit under this section. If such application is timely made, the new owner shall not be deemed in violation of this section so long as the renewal application is pursued with due diligence. If such renewal application is granted, the new special permit shall run three years from the date of transfer of title. If, after transfer of title, a renewal application shall not be made within 90 days, any application thereafter made shall be treated as an initial application and any permit issued pursuant to said application shall be for a period of one year.