

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:00 P.M.
WEDNESDAY, September 14, 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/37616> for instructions on how to view via Zoom.

Presentation – New Yorkers for Clean Power (Climate Action Plan) – Amelia Gross

Open Session

1. Board of Trustees Concerns
2. 303 South Broadway – Application and Concept Plan
3. Zoning Changes – Accessory Dwelling Units
4. TASH Winter Market
5. Handicapped Parking Space 23 W. Elizabeth Street
6. Discussion - ETPA
7. Zoning Changes – Cannabis Uses
8. Village Wide Speed Limit Changes to 25 mph Except Where Posted Otherwise
9. Taxi Rate Increase Request
10. Fall Tree Order
11. Discussion – MTA First Mile Last Mile (Area of Focus)
12. Stormwater Facilities Maintenance and Access Easement Agreement – Temple Beth Abraham
13. Compatible Use Permit Request – Mercy College – 828 South Broadway

Executive Session

- A. Zoning Changes - Accessory Dwelling Units
- B. Zoning Changes - Cannabis Uses
- C. Tax Certioraris
- D. Employee Handbook
- E. Electrical Inspection Company Application
- F. Deputy Court Clerk
- G. Part-Time Court Staff
- H. Personnel

Kathy Deufemia

From: Richard Slingerland
Sent: Wednesday, September 7, 2022 11:19 AM
To: Kathy Deufemia
Subject: FW: Confirmed - Discussion of 303 South Broadway with TT staff
Attachments: 303 S Broadway Concept Site Plans.pdf

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: David Steinmetz <david@zarin-steinmetz.com>
Sent: Monday, August 8, 2022 1:48 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>; Dan Pennella <DPennella@tarrytowngov.com>; Kathy Zalantis <zalantis@szlawfirm.net>
Subject: RE: Confirmed - Discussion of 303 South Broadway with TT staff

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

Richard, Dan and Kathy,

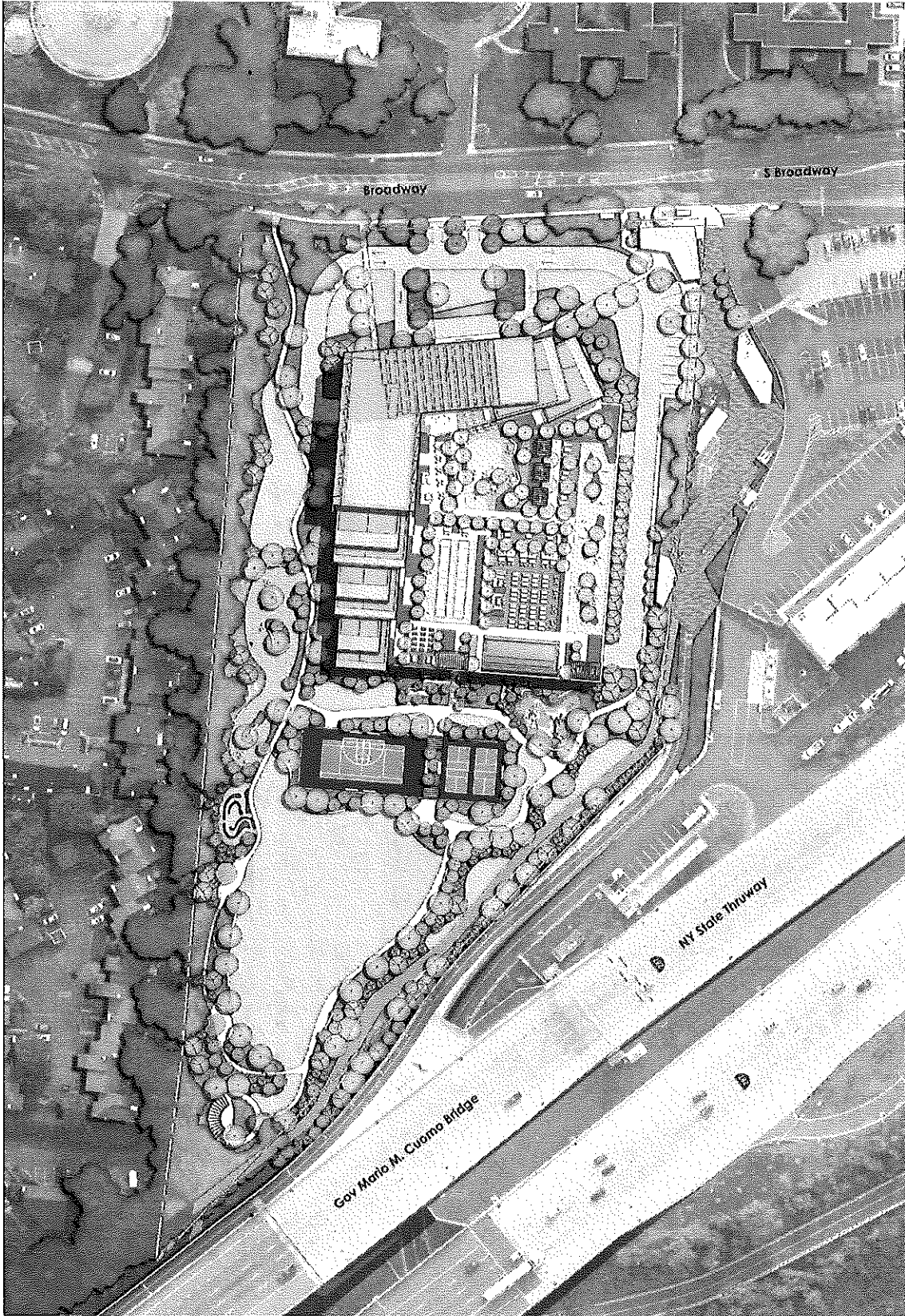
We look forward to meeting with you via Zoom on Thursday. Here are some conceptual site plan images. As Brad mentioned in his July 27th email, we are looking at approximately 300-325 residential units in a carefully designed building that gradually steps up from 6-12 stories. Overall, the impervious area on site drops dramatically from existing conditions, as the amount of landscaped areas increases commensurately. Our client, AmTrust, also sees a genuine opportunity to improve the public access to the Bridge bike path and to be a valuable part of the RiverWalk.

We will have more architectural imagery to share on Thursday. Thanks!

David

David S. Steinmetz, Esq.
Managing Partner

 ZARIN &
STEINMETZ
81 Main Street, Suite 415



PROPOSED SITE PLAN

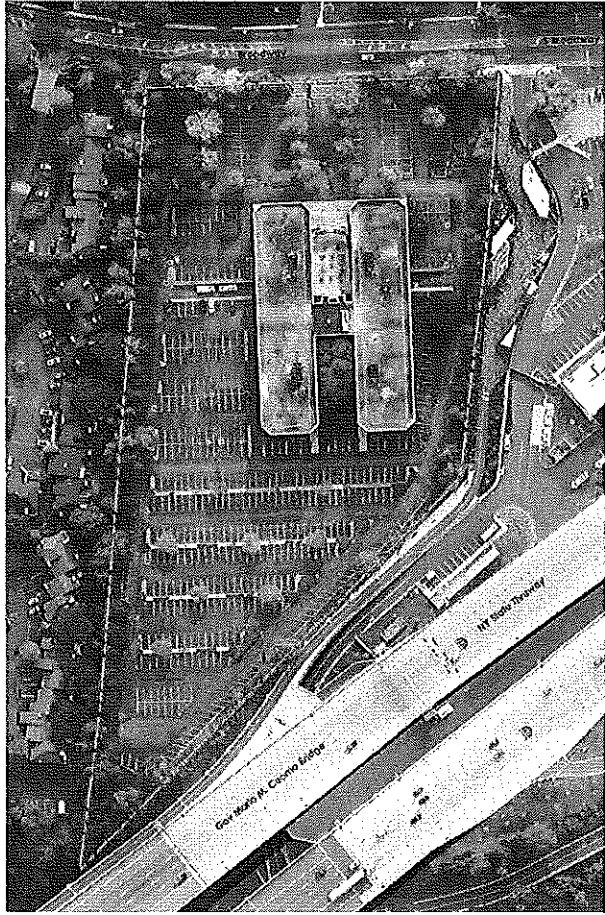
MPPF



303 S BROADWAY

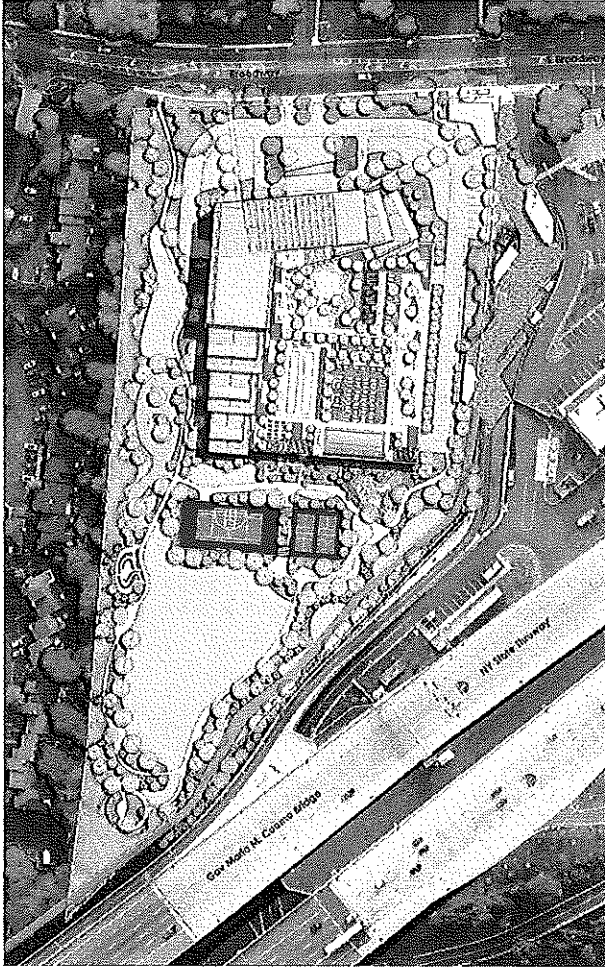
CONCEPT PRESENTATION | TAPPAN TOWN, NY

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EXISTING CONDITIONS

262,491 SF IMPERVIOUS SURFACE (80 % HARDSCAPE)
 61, 644 SF PERVIOUS SURFACE (20% SOFTSCAPE)
 TOTAL SITE : 324,135 SF



PROPOSED SITE PLAN

116,024 SF IMPERVIOUS SURFACE (36 % HARDSCAPE)
 208,111 SF PERVIOUS SURFACE (64% SOFTSCAPE)
 • TOTAL SITE : 324,135 SF

COMPARABLE PREVIOUS VS IMPREVIOUS CALCULATION

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.

3

- 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.

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.

TaSH Winter Market in the Tarrytown Senior Center

2023 Winter Market Dates + Hours

Dates (all Saturdays)

January 14 + 28

February 11 + 25

March 11 + 25

April 8 + 22

Hours

The market is open from 9:30 am – 12:30 pm

Use of senior center from 8:00 am – 1:30 pm for set up and breakdown

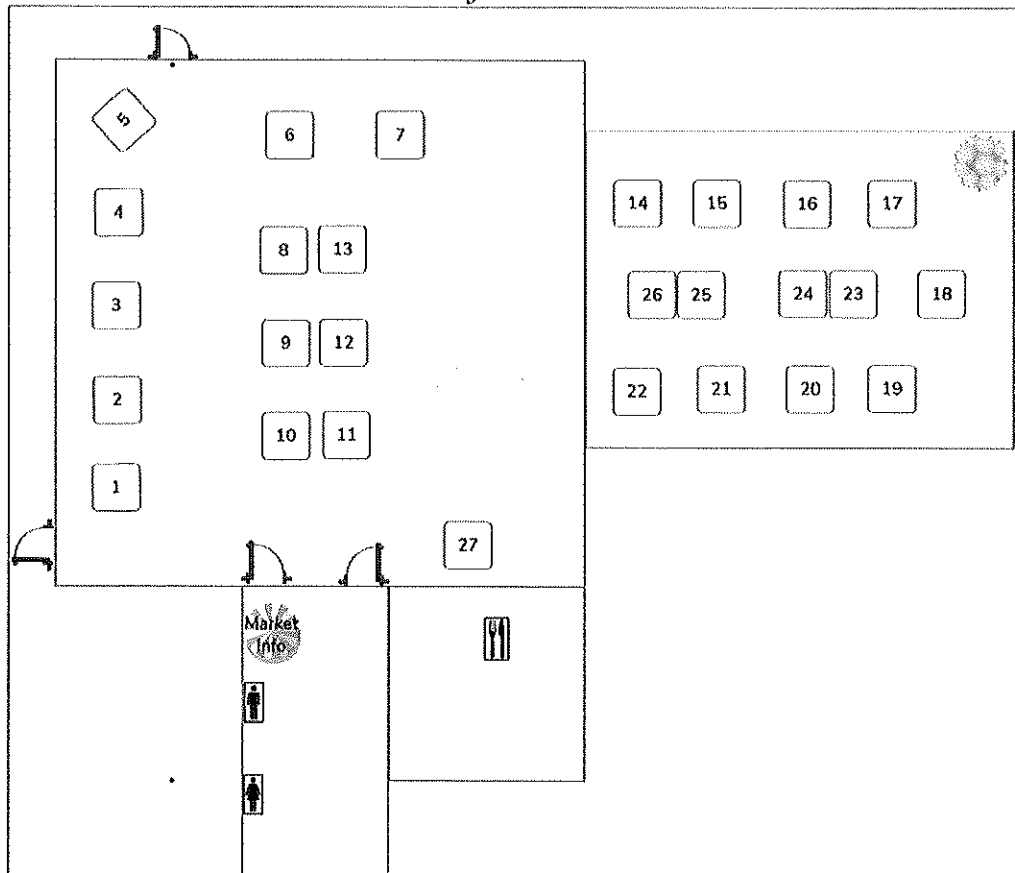
Timeline

8:00 am	TaSH staff and vendors arrive for set up
9:30 am	Market opens
12:30 pm	Market ends market and vendor breakdown
1:30 pm	All out of the senior center, possibly earlier

Number of vendors: 25-27

Draft of layout

Final number of vendors and final layout will depend on how open and empty the space can be made for the market.



4

Use of the kitchen

- We would need access to the kitchen for water
- What would be the cost and procedure of using the kitchen?
 - o We have one vendor that might want to use it, but permitting them to do so would depend on the cost

Mitigation of wear and tear on the building

- Rubber mats (something like this) to put down for the market to keep the wet and dirt from foot traffic off the floor as much as possible.
 - o Could your staff manage this task?
- Vendors will leave the space broom clean as they do outside.

Miscellaneous Items

- Storage: as with operations in Lot D we will need a very small amount of storage space in/near the senior center
- Trash: as with operations in Lot D we will need some trash bins for any waste generated by shoppers
- Parking: do vendors and shoppers need special permission to park in the Recreation Center parking lot, should we direct all to park in Lot D?
- Signage: could we hang a banner on or near the senior center identifying the TaSH is there for the winter?

September 1, 2022

To Whom It May Concern:

I, Frank Schartner, am the owner of the property located at 23 W. Elizabeth Street in Tarrytown. There is a handicapped parking space in front of this house because it was needed by a previous tenant. That person no longer resides in the area. Knowing the parking difficulties in the area, the Village may want to consider removing the handicapped designation from this parking space.

A handwritten signature in black ink, appearing to read "Frank Schartner". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Emergency Tenant Protection Act (ETPA) of 1974 Chapter 576 Laws of 1974 as Last Amended

5 PAGES

AT A GLANCE

This Fact Sheet describes the Housing Stability and Tenant Protection Act (HSTPA) of 2019 and the areas of New York State covered by the Emergency Tenant Protection Act (ETPA) of 1974.

SUMMARY AND HIGHLIGHTS

ETPA stabilizes rents in localities that declare a state of emergency, such as Nassau, Rockland, and Westchester counties.

Scope	<ul style="list-style-type: none"> ETPA covers buildings of six or more units that were built before 1974. Some municipalities limit ETPA to buildings of a specific size — for instance, buildings with 20 or more units.
Process	<ul style="list-style-type: none"> In addition to regulating rent increases, ETPA entitles rent stabilized tenants to receive required services, to have their leases renewed, and to be protected from eviction except on grounds allowed by law. HSTPA provides that any municipality declaring an emergency and adopting local legislation pays the cost of administering ETPA. In turn, each municipality can charge the owners of housing accommodations a fee of \$20 per unit per year. Each county that has declared an emergency and adopted ETPA has a Rent Guidelines Board (RGB) that sets annually the maximum allowable rates for rent increases in stabilized apartments.

DEFINITIONS

Division of Housing and Community Renewal (DHCR):

DHCR is the New York State agency that invests in communities, preserves and protects affordable housing and enforces the state’s rent control and rent stabilization laws.

Emergency Tenant Protection Act (ETPA): Outside New York City, rent stabilization is also known as ETPA, short for the Emergency Tenant Protection Act, and is applicable in some localities in Nassau, Westchester and Rockland counties.

Housing Stability and Tenant Protection Act (HSTPA) of 2019:

The act, which went into effect on June 14, 2019, made changes to how rents can be raised and changed formulas for vacancy leases, Major Capital Improvements (MCI) and Individual Apartment Improvements (IAI).

FACT SHEET #8: IN DETAIL

This bulletin provides only general information concerning ETPA. For specific information, refer to the full text of the Act.

Currently, in Nassau, Rockland, and Westchester counties, rent stabilization applies to non-rent controlled apartments in buildings of six or more units built before January 1, 1974 in localities that have declared an emergency and adopted ETPA. For rents to be placed under regulation, there must be a rental vacancy rate of less than 5% for all or any class or classes of rental housing accommodations. Some municipalities limit ETPA to buildings of a specific size, for instance, buildings with 20 or more units.

With the enactment of the Housing Stability and Tenant Protection Act (HSTPA) on June 14, 2019, any locality in New York State can enact rent stabilization if "a declaration of emergency" regarding available apartments is made in the subject locality pursuant to the Emergency Tenant Protection Act (ETPA) of 1974. "A declaration of emergency" can be made based on the kind of vacancy rate cited above.

It is the responsibility of the locality to secure and obtain a survey of the housing accommodations to determine the existence of an emergency.

Certain types of housing accommodations are not included in the provisions of ETPA, for example: housing accommodations in buildings containing less than six dwelling units; rent controlled apartments; motor courts; tourist homes; certain nonprofit units; certain governmentally supervised housing; and housing accommodations in buildings completed on, or after, January 1, 1974.

Each municipality declaring an emergency and adopting local legislation pays the cost of administering ETPA. In turn, each municipality can charge the owners of housing accommodations a fee of \$20 per unit per year as HSTPA provides.

Each county that has declared an emergency

and adopted the ETPA has a rent guidelines board that sets the maximum allowable rates for rent increases in stabilized apartments. These guidelines rates are set once a year and are effective for leases beginning on or after October 1st of each year.

If a municipality in a county outside of Nassau, Rockland or Westchester county declares a housing emergency, a County Rent Guidelines Board will be created by DHCR based on recommendations made by the local municipal government. If additional municipalities in that county subsequently declare emergencies, DHCR will recreate the County RGB to ensure that all of the participating municipalities are represented on the County RGB. The County RGB sets the rates for rent adjustments in covered housing accommodations in the municipality or municipalities that have declared an emergency.

Nassau County

Village of Baxter Estates
 Village of Cedarhurst
 Village of Floral Park
 Village of Flower Hill
 Village of Freeport
 City of Glen Cove
 Village of Great Neck
 Village of Great Neck Plaza
 Village of Hempstead
 Town of North Hempstead
 City of Long Beach
 Village of Lynbrook
 Village of Mineola
 Village of Rockville Centre
 Village of Russell Gardens
 Village of Thomaston

Rockland County

Town of Haverstraw
 Village of Spring Valley

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Westchester County

Village of Croton-on-Hudson
 Village of Dobbs Ferry
 Town of Eastchester
 Town of Greenburgh
 Town of Harrison
 Village of Hastings-on-Hudson
 Village of Irvington-on-Hudson
 Village of Larchmont
 Town of Mamaroneck
 Village of Mamaroneck
 Village of Mount Kisco
 City of Mount Vernon
 City of New Rochelle
 Village of Ossining
 Village of Sleepy Hollow
 Village of Pleasantville
 Village of Port Chester
 City of Rye
 Village of Tarrytown
 City of White Plains
 City of Yonkers

**#8 ADDENDUM: FREQUENTLY ASKED QUESTIONS -
 MUNICIPALITIES CONSIDERING ADOPTING ETPA**

1. What is rent stabilization?

Rent Stabilization is a system of rent regulation under New York State law that aims to protect tenants from illegal rent increases. Outside New York City, rent stabilization is often referred to by the law that governs the system, the Emergency Tenant Protection Act ("ETPA"). In addition to regulating rent increases, the ETPA entitles rent stabilized tenants to receive required services, to have their leases renewed, and to be protected from eviction except on grounds allowed by law.

Historically, the only municipalities that were eligible to adopt the ETPA outside of New York City were those located in the counties of Westchester, Rockland and Nassau. However, the Housing Stability and Tenant Protection Act of 2019 ("HSTPA"), which was adopted in June 2019, removed this geographic restriction so that any municipality in New York State that decides to adopt ETPA is eligible to do so.

2. Is my municipality subject to rent stabilization?

Not automatically. The ETPA is only applicable to municipalities that pass a local law adopting the system.

3. How do we opt in to the program?

ETPA is designed to address a housing emergency where there is a less than 5% apartment vacancy rate in a given municipality. The first step in opting into the ETPA is to complete a vacancy study of the class or classes of housing accommodations for which the municipality suspects there may be a housing emergency, the cost of which is paid by the municipality. If the vacancy study

6 finds that there is a less than 5% vacancy rate, then the municipality can declare an emergency and enact a local law adopting ETPA.

4. What buildings will rent stabilization apply to?

ETPA generally applies to residential buildings containing 6 or more units that were constructed prior to 1974. However, a municipality may limit the applicability of the ETPA by, for example, increasing the number of units per building that are required to fall under the ETPA.

5. Once ETPA is adopted, how are rents determined?

After a municipality adopts ETPA, a Rent Guidelines Board (“RGB”) is tasked with determining the percentage rent increases applicable to such municipality. An RGB is made up of two tenant representatives, two owner representatives and five public members, each of whom must meet certain criteria set out in the ETPA.

Under the HSTPA, if the municipality adopting ETPA is the first in the county to do so, it must make recommendations of individuals to make up the RGB to the DHCR within 30 days after adopting ETPA. At the time of adoption, the RGB will determine the initial percentage increases for the municipality as well as what the fair market rent should have been for new leases during a period, to be determined by the RGB, prior to the municipality’s adoption of ETPA. Thereafter, if additional municipalities in the same county declare emergencies, the HSTPA requires that the RGB be reconstituted so that every municipality that has adopted ETPA in a given county is represented by the same County RGB. DHCR will provide guidance on this process.

After the first year, the RGB would be tasked with meeting annually, typically in June, to

set the rent guidelines in effect for one- or two-year leases commencing on or after the following October. An RGB is required to make the determination of the appropriate rent guidelines after considering, among other things, comments from the public and data compiled by DHCR’s Research and Analysis Unit.

6. How will landlords in my municipality be affected?

Landlords of rent regulated apartments have obligations to their tenants that market rate landlords do not necessarily have. These include:

- o **Documentation:** Landlords of rent regulated apartments are required to submit documentation to the DHCR each year. These submissions include registration statements for their rent regulated apartments detailing, among other things, the tenant and legal regulated rent for each apartment. Landlords are also required to submit responses to surveys about their annual income and expenses, which are used by the DHCR Research and Analysis Unit to compile data that is considered by the RGB in determining the appropriate yearly percentage rent increases;
- o **Rent Increases:** Landlords of rent regulated apartments are limited to increasing rents by the percentages set by the RGB each year. Aside from these percentage increases, landlords may also be entitled to pass on the cost of certain upgrades made to their buildings and apartments to their rent regulated tenants. However, such increases are usually only allowed after permission is granted by the DHCR and strict limitations on such increases were instituted by the HSTPA. Rent collected in violation of the foregoing is considered an overcharge under the ETPA. Upon the complaint of

a tenant, such overcharges may lead to penalties and interest being assessed on the landlord by the DHCR. See Fact Sheet #26;

- **Renewal Leases:** Landlords of rent regulated apartments are generally obligated to offer one or two-year renewal leases to each tenant prior to the expiration of each tenant's current lease unless the landlord has a valid basis for eviction as set out in the ETPA. Moreover, landlords of rent regulated apartments are generally unable to change the terms of a lease from those contained in an initial vacancy lease. Failure to offer a tenant a proper ETPA lease renewal may, upon the complaint of such tenant, lead to penalties being assessed on the landlord by the DHCR. See Fact Sheet #4;
- **Services:** Landlords are required to maintain their rent regulated apartments in accordance with the standards set forth in the ETPA. While landlords of market rate apartments are bound by state and local building and housing maintenance laws, the ETPA adds another layer of compliance. A landlord who the DHCR determines has failed to comply with these standards may be subject to rent reductions and civil penalties until such services are restored. See Fact Sheet #3.

7. Are there any administrative costs to a municipality that has adopted ETPA?

Yes. Each municipality declaring an emergency and adopting local legislation pays its proportionate share of the yearly cost of DHCR's administration of ETPA. As authorized by the HSTPA, the yearly administrative fee charged by DHCR to each ETPA municipality is equal to \$20.00 per rent regulated unit in the municipality per year. The ETPA permits a municipality to charge owners of rent regulated apartments an assessment of up to \$20.00 per unit per year to offset this cost.

8. Can a municipality opt out of ETPA?

Yes. The ETPA authorizes a municipality that has adopted rent stabilization to wholly opt out of regulation or to remove certain classes of buildings from regulation. However, a municipality looking to opt out must first take certain steps laid out in the ETPA, including holding a public hearing.



➤ **Rent Connect:**
rent.hcr.ny.gov

✉ **Ask a question:**
portal.hcr.ny.gov/app/ask

🗣️ **For translation help:**
hcr.ny.gov/language-accessibility

➤ **Our website:**
hcr.ny.gov/rent

To visit a Borough Rent Office, by appointment only, please contact:

QUEENS
92-31 Union Hall Street
6th Floor
Jamaica, NY 11433
718-482-4041

BROOKLYN
55 Hanson Place
6th Floor
Brooklyn, NY 11217
718-722-4778

UPPER MANHATTAN
163 W. 125th Street
5th Floor
New York, NY 10027
212-961-8930

LOWER MANHATTAN
25 Beaver Street
New York, NY 10004
212-480-6238

BRONX
1 Fordham Plaza
4th Floor
Bronx, NY 10458
718-430-0880

WESTCHESTER
75 South Broadway
3rd Floor
White Plains, NY 10601
914-948-4434

LOCAL LAW __ - 2022

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A local law to amend Chapter 305 of the Tarrytown Code, entitled "Zoning" to add new provisions regarding Cannabis Retail Dispensaries

Be it enacted by the Village Board of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~Strikethrough and bold and underlined~~ to be deleted):

Section 1. Amending Section 305-5 entitled "Word usage, terms defined" to add a new definition of Cannabis Retail Dispensary as follows:

BUSINESS

Any person, firm, association, partnership, corporation or other entity, whether for profit or not for profit.

CANNABIS RETAIL DISPENSARY

A licensed adult-use cannabis retail dispensary in accordance with and subject to New York Cannabis Law

CELLAR

The portion of a building that is partly or entirely below grade which has more than 1/2 of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.

Section 2. Amending Section 305-37 entitled "Neighborhood Shopping NS Zone" to add a new permitted use in subsection A(2) as follows:

(k) Cannabis Retail Dispensary

Section 3. Amending Section 305-39 entitled "Restricted Retail RR Zone" to add a new permitted principal use in subsection A as follows:

(9) Cannabis Retail Dispensary subject to site plan approval and off-street parking requirements, neither of which can be waived by the Building Inspector under section 305-132(C), and further provided that if payment is made into the parking fund in accordance with section 305-63(C)(7)(d), the Cannabis Retail Dispensary must also be within 25 feet of a municipal parking lot.

Section 4. Amending Section 305-40 entitled "General Business GB Zone" to add a new permitted principal use in subsection A as follows:

(18) Cannabis Retail Dispensary

Section 5. Amending Article VII entitled "Commercial Zones" to add a new Cannabis Retail Dispensary Floating/Overlay Zone as follows:

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§ 305-40.2 Cannabis Retail Dispensary Floating/Overlay (CD-O).

A. Introduction. By action of the Board of Trustees, a qualifying parcel of land may be rezoned to the Cannabis Retail Dispensary Floating/Overlay Zone (CD-O), either upon application of the parcel's owner or upon the initiative of the Board of Trustees. Upon approval, this district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the CD-O Zone shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlay district. Its development under the CD-O is governed by the use, dimensional and other provisions of the following regulations.

B. Location/qualifying criteria.

(1) The lot must be currently zoned OB or MU and have frontage on or be wholly or partially within 350 feet of State Route 119.

(2) The lot upon which it is located shall have both been in existence and of the same size, as shown on a plat duly filed in the Office of the Westchester County Clerk, or on the Tax Map of the Town of Greenburgh, as of January 1, 2021.

C. Despite the underlying zones' prohibition of sale of goods at retail, a Cannabis Retail Dispensary shall be allowed in the CD-O when the principal permitted use is an Executive business sales, accounting and general offices and research laboratories in accordance with section 305-34(A)(4) (for the OB zone) and 305-35(A)(3) (for the MU Zone) subject the following conditions:

NEED TO ADD CONDITIONS

- See memo for proposed conditions
- Other conditions:
 - (a) Location (first floor/ground floor)
 - (b) Separate entrance
 - (c) -On-site parking?
 - (d) Square foot limitation
 - (e) Percentage of lot area limitation

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Section 6: 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 6: 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 7: 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.

TYPE OF PERMIT	FEE	Date Amended
Sidewalk Opening Permit	\$3.00/square foot - Minimum Fee: \$100.00 - Security Deposit - \$1,000.00	12/16/2013
Signs	Single faced less than 25 sq. ft. - \$60	5/8/2019
	Single faced 25 sq. ft. or more - \$80	5/8/2019
	same as single	5/8/2019
Signs	Awning Sign - \$50	
	Illumination on Sign - \$25 add'l.	
	Floodlighting - \$30 per floodlight	5/8/2019
	\$600	5/8/2019
	\$250	5/8/2019
Special Use Permit (Board of Trustees)		
Steep Slopes Clearance Application		
Street Opening Permit	\$3.50/square foot - Minimum Fee: \$150.00 - Security Deposit - \$1,000.00	5/8/2019
Taxi/Livery	Business License \$250/year	
	Taxicab Fee \$100 each car	
Taxi Fares	\$5 within Village; \$1 each add'l person to same stop	12/1/2017
	Senior Citizens (62+) \$4 within Village; \$1 each add'l person same stop	12/1/2017
Reproduction of Westchester County Taxi & Commission License	\$10.00	10/15/2012
	\$300 Business License	12/19/2016
Towing Rates	Non-commercial vehicles within the Village of Tarrytown - \$125.00	12/19/2016
	Per mile outside a 2-mile radius of the Village line - \$5.00	8/16/2010
	Flat Bed Service - \$175.00	8/16/2010
	Road Service - \$75.00	8/16/2010
	Winching Rates - \$105.00	8/16/2010
	Rollover - \$200.00	8/16/2010
	Storage Fee Per Day \$50.00	12/19/2016
	Pick up prior to vehicle being hooked to tow truck - \$75.00	12/19/2016
	After hours retrieval of towed vehicle - \$65.00	12/19/2016
	Yard Charge - \$65.00	12/19/2016

STORMWATER FACILITIES MAINTENANCE AND ACCESS EASEMENT AGREEMENT

THIS STORMWATER FACILITIES MAINTENANCE AND ACCESS EASEMENT AGREEMENT (“AGREEMENT”) is made and entered into as of this ___ day of _____, 2022 by and between The Hebrew Congregation of North Tarrytown and Tarrytown a/k/a located at 25 Leroy Avenue, Tarrytown, New York 10591 (the “GRANTOR”) and the VILLAGE OF TARRYTOWN, New York, a municipal corporation with offices at One Depot Plaza, Tarrytown, New York 10591 (the “GRANTEE” or the “VILLAGE”) and

WITNESSETH:

WHEREAS, GRANTOR is the legal or record owner of certain real property located in the Village of Tarrytown, County of Westchester, State of New York, and identified on the Tax Map of the Village as Section 1.110, Block 78, Lot 18, as more particularly described in **Schedule A** attached hereto (the “Property”); and

WHEREAS, the GRANTOR, in connection with the construction of a new “Two Story addition of approximately 2,575 SF building on the GRANTOR’S property in the Town of Greenburgh, intends to construct in the VILLAGE related parking and stormwater improvements on an approximately 3.34 acre portion of the Property (the “Project”); and

WHEREAS, the Planning Board of the VILLAGE (the “Planning Board”) granted site plan approval for the Project by Resolution adopted on August 24, 2020 (the “Site Plan Approval”) for development of the Project in accordance with the “Site Plan Application Plans for Temple Beth Abraham” prepared by Levin/Brown Associates dated December 3, 2019 and last revised August 13, 2020, as well as the Stormwater Pollution Prevention Plan (SWPPP) entitled “Temple Beth Abraham” prepared by & Provident Design Engineering dated November 20, 2019, and last revised December 2021 (collectively, the “Plans”); and

WHEREAS, construction of the Project requires the preparation of a SWPPP under the New York State Department of Environmental Conservation (“NYSDEC”) SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-20-001), as it may be replaced or amended (“SPDES Construction General Permit”); and

WHEREAS, on or about _____ the NYSDEC approved coverage under SPDES Construction General Permit to permit the construction of the Project on the Property in accordance with the Plans; and

WHEREAS, the VILLAGE and NYSDEC require that GRANTOR construct, maintain, repair and/or replace as necessary certain stormwater management and erosion and sediment control facilities constructed in connection with the SPDES Construction General Permit (the “Stormwater Control Measures”) which are referenced in the SWPPP and shown on the Plans; and

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WHEREAS, the GRANTOR and the VILLAGE agree that the Stormwater Control Measures shall be maintained, cleaned and/or repaired by Grantor;

NOW, THEREFORE, in consideration of the sum of \$10.00 and other good and valuable consideration, each to the other in hand paid receipt of which is hereby acknowledged, the parties agree as follows:

1. Binding Effect. The Property shall be held, sold, conveyed, transferred and occupied subject to the following covenants, conditions, and restrictions which are for the benefit of the VILLAGE, as well as for the owners of the Property, and which shall be perpetual so long as the provisions of the SWPPP continue to be required by the SPDES Construction General Permit, as they may be replaced or amended. This Agreement shall run with the land in perpetuity and shall bind all successors, legal representatives, and assigns.
2. Installation and Maintenance Obligations. The GRANTOR hereby acknowledges, covenants, warrants, and represents that it shall install and maintain all Stormwater Control Measures on the Property in accordance with the SWPPP and any legally required and lawfully adopted amendments to the SWPPP in perpetuity so long as the provisions of the SWPPP continue to be required by law.
3. Benefit. The GRANTOR'S installation and maintenance of the Stormwater Control Measures shall be for the benefit of the VILLAGE, as well as for the owners of the Property. The GRANTOR, its successors and assigns, shall inspect the Stormwater Control Measures once every year and maintain inspection reports for submission to the VILLAGE upon request. The purpose of the inspection is to assure safe and proper functioning of the Stormwater Control Measures. The inspections shall cover the entire Stormwater Control Measures, including, without limitation, stormwater basins, water quality control structures, outlet structures, infiltrators, piping, drain inlets, as set forth in the approved plans on file with the Village Engineer. Annual inspection reports shall be performed by a licensed NYS Professional Engineer and shall be provided to the Village Engineer within two (2) weeks of completion. Deficiencies shall be noted in the inspection reports.
4. Subordination of Property Interests. The GRANTOR hereby covenants, warrants, and represents that any mortgage or other transfer of the Property, or any interest therein, shall be subject to the restrictive covenants contained herein pertaining to the installation and maintenance of the Stormwater Control Measures and any deed, mortgage, or other instrument of conveyance shall be subject to and, specifically refer to, the SWPPP and shall specifically state that the interest thereby conveyed is subject to the covenants and restrictions contained herein and therein.
5. Right to Inspect. The GRANTOR hereby acknowledges, covenants and warrants that the VILLAGE, upon reasonable notice to the GRANTOR, or its successors, except in the event of an emergency, shall have the right to inspect the Stormwater Control Measures in accordance with the Construction General Permit. With respect to such

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inspections, the GRANTOR shall designate and provide the VILLAGE reasonable access across the Property to the Stormwater Control Measures.

6. Repair and Maintenance. The GRANTOR hereby acknowledges, covenants and warrants that if the VILLAGE determines that necessary inspections, reports, maintenance, repairs, adjustments, replacement or reconstruction of the Stormwater Control Measures have not been properly performed, the VILLAGE shall have the right to undertake to perform any such work that it finds, in its sole judgment, is necessary to preserve the stormwater management functions of Stormwater Control Measures, at the cost and expense of the GRANTOR and its respective successors, and assigns. In such case, the VILLAGE shall first have provided written notice to the GRANTOR, providing specificity as to the location and nature of the alleged improper performance. The GRANTOR shall then have the opportunity to cure any such alleged violation within 90 days of receipt of such notice, with reasonable extensions granted if inclement weather prohibits cures within that period. Upon expiration of the 90-day notice and cure period, as may reasonably be extended, the VILLAGE shall have the right to access the Stormwater Control Measures to perform any such work that it finds is necessary to preserve the stormwater management functions. With respect to such access, the GRANTOR shall designate and provide the VILLAGE reasonable access across the Property to the Stormwater Control Measures.

7. Performance of Work by VILLAGE. It is expressly understood and agreed that the VILLAGE is under no obligation to maintain or repair said Stormwater Control Measures, and in no event shall this Agreement be construed to impose any such obligation on the VILLAGE. In the event the VILLAGE performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like pursuant to this Agreement, the GRANTOR, its successors and assigns, shall reimburse the VILLAGE upon demand, within thirty (30) days of request thereof for all actual costs incurred by the VILLAGE hereunder. All costs and expenses incurred by the VILLAGE in connection herewith shall be a lien against the Property and shall be collectable against the Property in the same manner as real property taxes. The GRANTOR, and its successors and assigns shall indemnify and hold the VILLAGE harmless from any liability in the event the stormwater management facilities fail to operate properly.

8. Notice. Any notices required under this Agreement shall be in writing and sent by Certified Mail, Return Receipt Requested, or by reputable overnight courier, to the GRANTOR at the following address or such other address as GRANTOR may designate:

The Hebrew Congregation of North Tarrytown and Tarrytown
Temple Beth Abraham
25 Leroy Avenue
Attn:

With copies to:

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Attorney information
Attn:

And to the VILLAGE at:

Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591-3199
Attn: Village Administrator

With a copy to:
Silverberg Zalantis LLC
120 White Plains Rd., Suite 305
Tarrytown, NY 10591
Attn: Katherine Zalantis, Esq.

9. Savings Clause. Should any covenant, easement or restriction herein contained, of any article, section, subsection, sentence, clause, phrase or term of this Agreement be declared to be void, invalid, illegal or unenforceable, for any reason, by the adjudication of any court or other tribunal having jurisdiction, such judgment shall in no way affect the other provisions hereof which are hereby declared to be several and which shall remain in full force and effect.
10. Recording. This Agreement shall be recorded in the Office of the Westchester County Clerk, Division of Land Records, and shall constitute a covenant running with the land, and shall be binding on the GRANTOR, its successors, assigns, heirs and any other successors in interest, including without limitation any owner(s) of the Property or portion thereof.
11. Interpretation. This Agreement shall be interpreted in accordance with the laws of the State of New York.
12. Counterparts. This Agreement may be executed in counterparts, which shall, in the aggregate be signed by both parties; each counterpart shall be deemed an original instrument against any party who has signed it.

[Signature Pages Follow]

IN WITNESS WHEREOF, we have set our hands and seals the day and year first above written.

VILLAGE OF TARRYTOWN

By: _____
Name: Richard Slingerland
Title: Village Administrator

TEMPLE BETH ABRAHAM

By: *Erica Newman*
Name: *Erica Newman*
Title: *Director of Operations and Engagement*

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STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

On _____, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or 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 he executed the same in his/her capacity, and that by his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

On August 30, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Erica Newman personally known to me or 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 he executed the same in his/her capacity, and that by his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stacey A. Torricca
Notary Public

Stacey Notrica
Notary Public, State of New York
No. 01N05075487
Qualified in Westchester County
Commission Expires April 7, 2024

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HARRIS BEACH PLLC
ATTORNEYS AT LAW

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

DARIUS P. CHAFIZADEH
MEMBER
DIRECT: 914.683.1212
FAX: 914.683.1210
DCHAFIZADEH@HARRISBEACH.COM

September 8, 2022

VIA HAND DELIVERY & EMAIL

Mayor Butler
Members of the Board of Trustees
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591

**Re: Compatible Use Permit Letter Application
Mercy College – 828 South Broadway Tarrytown, New York**

Dear Mayor Butler and the Board of Trustees:

This firm represents Mercy College, the owner of the property and the existing buildings located at 828 South Broadway Tarrytown, New York (S/B/L: 1.260-135-1) (the "Site"). Mercy College is submitting this Compatible Use Permit Letter Application¹ to the Village of Tarrytown Village Board of Trustees ("Village Board") according to Article XV of the Village of Tarrytown Code (the "Zoning Code"). As further detailed herein, Mercy College seeks to continue using the Site for administrative offices and limited staff training only, no college courses are taught on Site.

Please note that along with submitting this Compatible Use Permit Letter Application, Mercy College submitted and is processing a site plan application ("Site Plan Application") seeking site plan approval from the Village of Tarrytown Planning Board ("Planning Board"). Mercy College has worked diligently with the Planning Board (including site visits and work sessions) on a concept plan that satisfies the Planning Board's concerns and achieves Mercy College's goal to enhance the Site. Mercy College respectfully refers the Village Board to review the updated Site Plan. *See* attached hereto the Existing Conditions Plans, the amended proposed Site Plans and Site Rendering, as **Exhibit "A."**

According to Zoning Code §§ 305-34(C)(1) and 305-119, Mercy College respectfully submits that the existing use of the Site is a permitted as-of-right use in the Office Building Zoning District ("OB District") and meets the requirements under Zoning Code Article XV (§ 305), including that the existing use is compatible and beneficial to the neighborhood, OB District, and the Village generally.

Accordingly, Mercy College respectfully requests that the Village Board schedule a public hearing on the Compatible Use Permit Application, refer the Compatible Use Permit Application to the Planning Board for a report to be rendered before the date of the public hearing on the Compatible Use Permit Application according to Zoning Code § 305-119, and grant this application for a Compatible Use Permit.

¹ Mercy College understands that the Village Board does not have a prescribed form application and respectfully submits this correspondence as its Application for a Compatible Use Permit.

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THE SITE

Mercy College utilizes the Site as administrative back-office space and periodic faculty/staff training which is a permitted principal use in the OB District according to Zoning Code § 305-34(4). The total lot area of the Site is +/- 10.02 acres. Located on the Site are three existing office buildings and 114 parking spaces. The Site is bounded by S. Broadway (U.S. Route 9) to the west, East Sunnyside Lane to the south, Tarrytown House Estate on the Hudson to the east, and East Belvedere Lane to the north.

Mercy College purchased the Site in November 2019 after leasing the office building for three years. The Site serves as an annex to the nearby main campus located in Dobbs Ferry and provides space for administrative back-offices of the College. The Site is mainly used for administrative office space and includes space for services support, and employee training conference rooms.

Mercy College utilizes the Moller House located on the Site as office space for institutional advancement and community relations enhancements, including space for sporadic alumni events to foster engagement and meetings held by local community organizations. Mercy College also partners with the Coalition for Family Justice and CJ Walker Estate for periodic community events which allows for overflow parking.

Make-A-Wish, an organization supporting the greater Tarrytown/Westchester region, currently uses the "Cottage" building on the Site as its offices.

THE PROPOSED IMPROVEMENTS TO THE SITE

Mercy College is not changing the existing use of the Site. It will continue to be used as office space and periodic faculty and staff training, and not for classroom instruction, again a permitted principal use in the OB District according to Zoning Code § 305-34(4) ("Existing Use"). As detailed in the site plan application, Mercy College applied for site plan approval to make parking, drainage, and accessibility improvements to the Site. The improvements include redesigning the existing parking lots and adding new landscaping, lighting, parking lot islands, pedestrian sidewalks, drainage and stormwater improvements. *See Exhibit "A."*²

² The attached plans have been revised after numerous meetings with the Planning Board and Village Staff.

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**THE PROVISIONS OF ARTICLE XV ARE FULLY MET AND
THEREFORE, THE VILLAGE BOARD SHOULD GRANT THIS
COMPATIBLE USE PERMIT APPLICATION**

I. *Zoning Code § 305-119 - Statement of Benefits*

The Existing Use is permitted on the Site as a general office. *See* Zoning Code § 305-34(4). Under Zoning Code § 305-119(B), there are several benefits to granting this Compatible Use Permit Application, including:

- The Existing Use is in harmony with the existing neighborhood and Site.
- There will be no adverse impacts caused or permitted by Mercy College or the Existing Use. The existing buildings' location, height, size, surfaces, steep slopes, access to transportation, drainage, and landscaping will not be disturbed or affected by the Existing Use. The site improvements will enhance onsite vehicular and pedestrian traffic, as well as stormwater drainage throughout the Site. The intensity of the use of the property will not increase with the site improvements.
- The site improvements will not change the nature or manner of use of the historic and significant structures on the Site, including the Moller House and Cottage.

II. *Zoning Code § 305-120 - Standards of Review*

According to Zoning Code § 305-120, the Village Board shall be guided by the general standards in reaching its decision to grant this Compatible Use Permit application. *See* Zoning Code § 305-120. Mercy College respectfully submits for the Village Board's consideration the following responses to the standards of review.

- A. The Site is designed to accommodate and has accommodated for decades the Existing Use – office space. Mercy College and Make-a-Wish have operated general offices on the Site for years. Thus, the location and size of the Existing Use, the nature and intensity of operations and traffic involved, and the existing streets and parking are in harmony with the OB District. *See* Zoning Code § 305-120(A).
- B. The Existing Use will not alter or affect the exterior of the existing buildings. The site improvements on the Site will not hinder or discourage the appropriate development and use of adjacent lands and buildings in the OB District. *See* Zoning Code § 305-120(B). The site improvements will enhance on Site vehicular and pedestrian traffic while also improving stormwater drainage. The

site improvements also include landscaping and screening measures that align with the neighborhood's character.

- C. The Existing Use is a permitted as-of-right use and will be conducted wholly within the existing buildings. The Existing Use will not result in any noise, fumes, vibrations, lighting, or flashing of lights and will not result in obnoxious odors, noxious fumes, and emissions into the environment. Thus, the Existing Use will not be more objectionable to nearby properties because of noise, fumes, vibrations, lighting, or flashing of lights than the operations of any permitted use not requiring a compatible use permit. *See Zoning Code §§ 305-120(C)*. For the same reasons, the operations in connection with any compatible use permit use will not be more objectionable to nearby properties because of obnoxious odors, noxious fumes, and environmental emissions than would be the operations of any permitted use not requiring a compatible use permit. *See Zoning Code §§ 305-120 (E)*.
- D. The site improvements aim to enhance and improve the on Site parking and vehicular and pedestrian traffic. The Village Board can review the proposed site improvements detailed in **Exhibit "A."** After the site improvements are constructed, the number of parking spaces will be appropriate to accommodate the Existing Use by employees and visitors as well as meet the requirements of the New York State Building Code. In addition, the ingress and egress to Route 9 from the Site will not change. Thus, the parking areas will be suitably screened from the adjoining properties and the surrounding roadways. *See Zoning Code § 305-120(D)*.
- E. The Existing Use will not increase the density of the Site or the OB District. Thus, the nature, location, intensity, or concentration of the Existing Use and the size and location of the Site will not have a materially adverse effect on the density of the Village as a whole or the OB District. *See Zoning Code § 305-120(F)*.
- F. The Existing Use is harmonious with the OB District. The Existing Use will not create hazardous traffic or pedestrian patterns. The Existing Use will not create noise, fumes, or lights that will hinder the normal development of the OB District or impair the use, enjoyment, and value of adjacent land and buildings because the Existing Use will not change and is a permitted use. *See Zoning Code § 305-120(G)*.
- G. The Existing Use and Site are not located in the WD or the WGBD District; therefore, Zoning Code § 305-120(H)-(J) do not apply to this application.

III. *Zoning Code §§ 305-126, 305-129 – Individual Standards and Standards
Applicable to the OB District*

The Site, existing buildings, and the Existing Use conform in all respects to the schedule of regulations for the OB District, the general provisions of Zoning Code Article XVI (§ 305), and, where applicable, the more restrictive regulations set forth in Zoning Code § 305-129. *See Exhibit “A”* at the Zoning Compliance Form; Zoning Schedule, OB District (Attachment 7 to the Zoning Code).

RULING SOUGHT

Based on the foregoing, the standards outlined in Zoning Code Article XI (§ 305) have been fully met, and this Compatible Use Permit Application should be granted. *See* Zoning Code § 305-121. It is thus respectfully requested that the Village Board grant this Compatible Use Permit application finding that the Existing Use meets the requirements of Zoning Code Article XV and is compatible and beneficial to the neighborhood, OB District, and the Village in general.

Very truly yours,

HARRIS BEACH PLLC

/s/ Darius P. Chafizadeh

Darius P. Chafizadeh

DPC:jjk

Enclosures

cc: Katherine Zalantis (Attorney for the Village Board)
Richard Slingerland (Village Administrator)
Robert Galvin (Village Planner)
Donato Pennell, P.E. (Village Engineer/Building Inspector)
Thomas Simmonds and Salena Alamprese (Mercy College)
Deanne L. Pericak, P.E. (Foit Albert Associates, Mercy College Consulting Engineers)

EXHIBIT "A"

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HARRIS BEACH PLLC
ATTORNEYS AT LAW

June 7, 2022

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

VIA HAND DELIVERY & EMAIL

Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
Attn: Joan Raiselis, Chair to the Planning Board

DARIUS P. CHAFIZADEH
MEMBER
DIRECT: 914.683.1212
FAX: 914.683.1210
DCHAFIZADEH@HARRISBEACH.COM

Re: Site Plan Application
Mercy College - 828 S Broadway Tarrytown, New York

Dear Chairperson Raiselis,

This firm represents Mercy College (“Applicant”) in its application for site plan approval to allow the construction of expanded parking and accessibility improvements at the Applicant’s existing Tarrytown offices located at 828 S Broadway (U.S. Route 9) Tarrytown, New York (“Property”) as well as a ground-mounted freestanding sign. The Applicant’s engineer is Foit Albert Associates, represented by Deanne L. Pericak, P.E., RLA, LEED AP.

THE PROPERTY

The Applicant utilizes the Property as office space and periodic faculty and staff training, and not for classroom instruction. The Property is located in the Village’s OB – Office Building Zoning District (“OB District”) and includes the following tax parcel identification number (S/B/L: 1.260-135-1). The total lot area of the Property is +/- 10.02 acres. The Property is improved by three existing office buildings and 114 parking spaces. The Property is bounded by S. Broadway (U.S. Route 9) to the west, East Sunnyside Lane to the south, Tarrytown House Estate on the Hudson to the east, and East Belvedere Lane to the north.

MERCY COLLEGE

Mercy College purchased the Property in November 2019 after leasing the office building for three years. The Property serves as an annex to the nearby main campus located in Dobbs Ferry and provides space to meet expanding needs of Mercy College. The Property is mainly used for office space and also provides space for programmatic support, including state-of-the-art faculty and employee training/conference rooms. The Property also increases efficiencies of operational support services such as central receiving, mail and print center operations, back of the house operations, and the Informational Technology Center, which provides state-of-the-art technology for online learning and interactive instructional space and improves connectivity.

Mercy College utilizes the Moller House located on the Property for community relations enhancements, including space for alumni events to foster alumni engagement and meetings held by local community organizations. For instance, Make-A-Wish, an organization supporting the greater Tarrytown/Westchester region, currently uses the “Cottage” building located on the Property. Mercy College also partners with the Coalition for Family Justice and CJ Walker Estate for community events.

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PROJECT NARRATIVE

The Applicant seeks approval to make parking, drainage and accessibility improvements to the Property. The improvements comprise new landscaping, new lighting, expanded parking lots, a new pedestrian sidewalk, a new parking lot island and drainage and stormwater improvements. The total number of additional parking lot spaces proposed is 83, totaling 197 parking spaces after construction. Forty-six additional parking lot spaces will be added to the southern portion of the Property. Thirty-seven parking lot spaces will be added to the northern portion of the Property as part of a redesign of the parking lot to improve vehicular circulation around a parking lot island. Eight of the additional parking lot spaces will be designated ADA spaces. The parking additions and improvements will be completed in three phases. The parking areas are connected via access drives from South Broadway and among each other. Access to the Property is currently made via the southern ingress/egress point on Broadway, and the northern ingress/egress point is used for emergency use only. The plan is to continue the ingress/egress to the Property via the southern ingress/egress point going forward.

The total area of disturbance is 1.39 acres. The proposed parking lot spaces are open, and the parking facilities will be graded, surfaced, drained, and maintained throughout their use on the Property. Additional enhancements include site lighting with dark sky features and appropriate low-level lighting, bio-retention areas on the north and south sides of the Property, improved stormwater drainage, EV charging stations, and landscaping.

a. Parking Analysis

The total gross floor area of the three office buildings equals 40,359 square feet.¹ Thus, for the Property, the minimum number of parking spaces (1 space for every 300 square feet of gross floor area) required under the Village Code is 135 spaces. The addition of 83 parking lot spaces increases the total number of parking spaces on the Property to exceed the minimum number of required spaces under the Village Code, but is needed for enhanced circulation and programmatic considerations.

b. Sign Description

The Applicant also seeks approval to install a ground-mounted freestanding sign on the Property. The proposed sign will designate the name of the site as “Mercy College” (colored in bolded blue lettering) and will be located along South Broadway at the entrance to the Property. The sign will be constructed using layered brick and a capstone.

¹ The three office buildings are known as and consist of the following size respectively: 828 S. Broadway (Office Building) – 27,314 rsf, 830 S. Broadway (Moller House) – 9,070 rsf, and 832 S. Broadway (Cottage) – 3,975 rsf.

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APPLICATION MATERIALS

Enclosed are the following submissions in furtherance of the Applicant's proposed project:

- Site Plan Application Form
- Building Permit Application and Denial Letter
- Completed Environmental Assessment Form
- Completed Zoning Compliance Form
- Complete Environmental Clearance Form
- Copy of the Deed and all easements
- 12 copies of the Proposed Site Plan
- Site Plan Application Fee - A check made payable to the Village of Tarrytown in the amount of \$3,090.00
- Escrow Fee – A check made payable to the Village of Tarrytown in the amount of \$2,500.00
- Sign Permit Application with drawings

Should you have any questions or comments, please do not hesitate to contact us. Thank you for your time and attention to this matter, and we look forward to working with you and the Village.

VERY TRULY YOURS,

/s/ DARIUS CHAFIZADEH

DARIUS P. CHAFIZADEH

DPC;jjk

Enclosures

cc: Elizabeth Meszaros (Secretary to the Planning Board)
Katherine Zalantis (Attorney for the Planning Board)
Robert Galvin (Village Planner)
Donato Pennell, P.E. (Village Engineer/Building Inspector)
Feliciano Valvano (Building Inspector)

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Mercy College – Site Plan & Sign Permit Applications
June 7, 2022
Page 4

HARRIS BEACH PLLC
ATTORNEYS AT LAW

Thomas Simmonds and Salena Alamprese (Mercy College)
Deanne L. Pericak (Foit Albert Associates, Mercy College Consulting Engineers)



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3199

CHECKLIST FOR SITE PLAN SUBMISSION

Applicant Name: Mercy College **Proposed Project Address:** 828 S Broadway Tarrytown, New York

A building permit must be filed and reviewed by the Building Department prior to submitting a site plan application.

Checks for Applicable fees and for Escrow

Applicant must submit One (1) complete application with entire plans in Digital Format (pdf.) with Twelve (12) paper copies of the following:

Cover letter: (a) describing/introducing the Project; (b) listing all materials submitted; and (c) providing a narrative: (i) detailing the reasons the Board should consider granting any requested waivers; and (ii) giving further detail on Environmental Clearance Form items

Completed Site Plan Application Form with Completed Checklist

Completed Building Permit Application with Denial Letter

Completed Environmental Assessment Form (use Long Form EAF for Type I Actions)

Completed Zoning Compliance Form indicating any necessary variances

Completed Environmental Clearance Form

Copy of all easements and restrictive covenants both in place and proposed

Proposed site plan set complying with Village of Tarrytown Zoning Code Article XVI and prepared by a N.Y.S. licensed professional (with plans folded to 8 1/2" x 11" with title box showing) that should include the following:

- a. Cover Sheet
- b. Boundary and certified topographical survey of property, including survey of existing trees and structures
- c. Site Plan (must have any steep slopes (slopes 25% or greater), wetlands and wetland buffers, ridge lines and hilltops clearly delineated)
- d. Detailed elevation plans for any proposed buildings/structures
- e. Streetscape (photo montage or line drawing showing elevations)
- f. Stormwater/Drainage Plan (must consider green infrastructure)
- g. Site Grading/Utility plan
- h. Erosion and Sediment Control Plan
- i. **Separate** Landscaping plan (all plantings should be of non-invasive native species and new trees must be 4" caliper or greater)
- j. Tree removal plan
- k. Lighting Plan
- l. Details
- m. Projection of Utility Costs

Letter of Explanation: if all plans (a-m) are not submitted, a letter from a N.Y.S. licensed professional must be provided detailing the reason (for example: "f, h, i, j, k not submitted as the application involves only interior renovation to an existing commercial space.")

[Signature]
Applicant's Signature

05/11/2022
Date

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Planning Application #: _____

Application Received: _____

Fee Amount: \$ _____

Check #: _____

Date: _____

(For Village Use Only)

VILLAGE OF TARRYTOWN

**APPLICATION FOR SITE PLAN REVIEW
BY THE PLANNING BOARD**

Application Fees: \$600.00 + \$60.00 each dwelling unit + \$30.00 per parking space +
Escrow Fee: \$2,500.00 to be submitted with application.
(Additional escrow may be determined by Planning Board)

TO THE PLANNING BOARD:

Application is hereby made for site plan review of the following proposed project (note that this Application must be made in the name of the person or entity that has a possessory interest in the Property such as the property owner, tenant or contract vendee and not in the name of the Applicant's representatives such as an architect):

1. Property:

a. Description of Property (tax map designation):

Sheet 1.260 Block 135 Lot 1 or Parcel _____ Zone OB

b. Property's Post Office Address: 828 S Broadway Tarrytown, New York 10591

2. Record Owner of Property:

Name: Mercy College

Address: 555 Broadway Dobbs Ferry, New York 10522

Daytime Telephone: 914-674-7473

****If title was acquired within the past two years, a copy of the Deed must be submitted**

3. Applicant:

Name: Same as Above

Address: _____

Daytime Telephone: _____

4. Applicant's Interest in the Property:

a. Is the Applicant the Record Owner of the Property? YES or NO

IF YES, SKIP TO QUESTION 5

b. If Applicant is not the Record Owner of the Property, provide the information requested in subsections 1 and 2 below

1. Describe your relationship to the property (i.e. tenant, contract vendee, etc.) and the date said relationship commenced:

2. The following CONSENT OF OWNER STATEMENT must be completed and signed by the Record Owner of the Property:

CONSENT OF OWNER STATEMENT

I, _____, am the Record Owner of the Property identified in this application or a duly authorized officer, shareholder or member of the Record Owner of the Property identified in this application. I have reviewed the completed application packet seeking site plan approval and acknowledge that the Applicant is seeking site plan approval in connection with my property (or the Property I retain a duly authorized interest in). I consent and authorize _____ (the Applicant) to seek site plan approval for the property from the Village of Tarrytown Planning Board.

PRINT NAME: _____

Sworn to before me this
__ day of _____, 20__

NOTARY PUBLIC

5. Description of Project:

A. Fully describe the proposed project. Attach additional information and drawings as required by Chapter 305 of the Zoning Code (see also Checklist Requirements for Site Plan submission).

A topographic map MUST be included with this application and slopes of 25% or greater must be delineated:

Please see the attached Cover Letter & Project Narrative for a full description of the project.

B. Does the project propose 5,000 square feet or more of new or renovated floor area or 10,000 square feet or more of land disturbance? YES or NO

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C. Check the box if the subject property is within 500 feet of:

- A boundary of a city, town, or village
- A boundary of an existing or proposed state or county park or any other state/county recreation area
- The right-of way of an existing or proposed state or county road
- An existing or proposed county drainage channel line
- The boundary of state or county owned land on which a public building/institution is located
- The boundary of a farm located in an agricultural district

6. Historic Designation:

Is the Property or any building or feature on the Property historically designated?
 YES or X NO

IF YES, specify the nature of the historical designation and provide specific details:

7. Duly Authorized Representatives:

For both the Record Owner and Non-Record Owner Applicants, if someone else is authorized to act as your representative before this Board (including an attorney, architect, engineer or other consultant), provide his or her contact information:

Name: Darius P. Chafizadeh, Esq.
 Address: 445 Hamilton Avenue, Suite 1206, White Plains, New York 10601
 Telephone: 914-683-1212

Name: Deanne Pericak
 Address: 290 Main St, Buffalo, New York 14203
 Telephone: 716-856-3933

(Use Rider if additional representative information).

8. E-mail address: dchafizadeh@harrisbeach.com Please check if preferred form of communication

Signature of Applicant: 

Date: 05/11/2022



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3199

Planning and Zoning
914-631-1487

Building/Engineering
914-631-3668

FAX NO. 914-631-1571

VILLAGE OF TARRYTOWN POLICIES AND PROCEDURES OF THE PLANNING BOARD

PLANNING BOARD MEETINGS:

The Planning Board (the "Board") meetings are as follows unless otherwise specified or noticed by the Board:

- Fourth Monday of each month – regular working meeting at which time a review of applications will occur. Review of site-specific applications and environmental issues will be discussed at these meetings.
- Special meetings may be schedule from time to time. These meetings are subject-specific. These meetings will be noticed on the Village's scroll and website.
- In the event a regularly scheduled meeting of the Planning Board falls on a holiday, the regular meeting will be held the following day.
- On the Monday prior to the meeting, the Planning Board agenda will be finalized. Applications will be schedule on the agenda in order of submission.
- Meetings begin at 6:00 p.m. (may change as determined by the Planning Board)

SUBMISSIONS:

The Tarrytown Village Code, specifically Chapters 263 (Subdivision of Land) and 305 (Zoning), outline the information/documentation that is required to be submitted by an applicant. All required new application information must be submitted to the Planning and Zoning Office at least eighteen (18) days prior to the next regularly scheduled meeting. Twelve (12) complete assembled sets of an application must be submitted for distribution. All drawings must be folded by the applicant and be part of the assembled packet. Modified submittal information must be received by the Planning and Zoning Office at least ten (10) calendar days prior to the next regularly scheduled meeting.

A topographic map MUST be included with this application; slopes of 25% or greater must be delineated.

New applications will be placed on the agenda for Board determination of completeness. When the Board determines the materials submitted are sufficient to move an application forward, a public hearing will be scheduled.

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NOTICE OF PUBLIC HEARING - §305-141 OF THE TARRYTOWN VILLAGE CODE

All applicants, at least ten (10) days prior to the public hearing, shall send written notice by certified mail, to all owners within 100 ft. of the affected property and to any other such persons as the applicable Board may deem necessary, all at the expense of the applicant. Property owners entitled to notice shall be those listed as owners on the record in the Village of Tarrytown Tax Assessor's Office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper, and proof of mailing receipts must be furnished prior to the public hearing. Any person making an application is further required to erect a sign facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held. Such signs shall be obtained from the Building Department. Signs are to be displayed for a period of not less than ten (10) days immediately preceding the hearing date or any adjourned hearing date. The sign shall not be set back more than ten (10) feet from any property or street line and shall not be less than 2 feet or more than 6 feet above the grade at the property line. Said sign shall be affixed to a suitable frame, which will assure visibility from the street at all times. At the commencement of the public hearing, the applicant is required to file an affidavit which states that the aforementioned public notice requirements have been complied with.

ESCROW ACCOUNTS - §305-138C OF THE TARRYTOWN VILLAGE CODE

At the time of submission of any application before the Planning Board, the Planning Board will require the establishment of an escrow account from which withdrawals shall be made to reimburse the village for the cost of professional review services. The applicant shall then provide funds to the village for deposit into such account in the amount to be determined by the Planning Board based on its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any village voucher for such services as they are submitted to the Village. When the balance in such escrow account is reduced to ½ of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Planning Board may suspend its review of the application. A building permit or certificate of occupancy shall not be issued unless all professional fees charged in connection with the applicant's project have been reimbursed to the village. After all pertinent charges have been paid, the village shall refund to the applicant any funds remaining on deposit.



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3199

Planning & Zoning
914-631-1487

Building & Engineering
914-631-3668

Fax No. 914-631-1571

PLANNING BOARD ESCROW FUND AGREEMENT

The undersigned does hereby agree to the following:

Mercy College is

1. I ~~(WE)~~ am ~~(are)~~ the owner(s) of premises located at:

828 S Broadway Tarrytown, New York 10591

For which application is being submitted to the Village of Tarrytown Planning Board for review.

2. I understand and agree that there are certain consulting fees for which I am responsible in conjunction with said application.
3. I understand that the Planning Board may seek the consultation of professional planners, engineers, surveyors, etc., as well as any special counsel that the Board deems necessary. I will be responsible for any and all costs incurred by the Planning Board for such consultations and professional opinions at the prevailing hourly rate agreed upon by the Village. I understand that no employee of the Village or any member of the Planning Board can advise me, in advance, of what the total consulting fees might be. I also understand that I may be obligated to pay into the village Recreation Fund, Parking Fund, or Tree fund, as determined by the established village codes.
4. I shall provide a minimum retainer of \$2,500.00 up to a maximum initial amount of \$10,000.00, as determined by the Planning Board, payable to the Village of Tarrytown, to be held in escrow and applied toward the payment of consultation and professional fees incurred by the Village with regard to my application. When the balance in such escrow account is reduced to 1/2 of the initial escrow amount or the amount established by the Planning Board, whichever is higher, I shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit.
5. The Village Treasurer shall record the amount of expenses incurred and the amount of monies withdrawn from said account. A replenishment letter will be sent, when necessary, requesting additional funds.

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- 6. I understand that if, at any time, the minimum balance in said escrow account falls below the initial deposit set by the Planning Board and is not replenished within thirty (30) days after I am notified, in writing, the Planning Board may suspend the review of my application and refuse to issue permits and/or certificates with regard to the premises.
- 7. I understand that if I withdraw my application prior to any action being taken by the Planning Board, I am still responsible for any expenses incurred by the Village with regard to my application prior to such withdrawal.
- 8. I understand that it is my responsibility to request the return of the unexpended escrow fund balance by submitting a letter to the Building Department. The refund, if any, will be made approximately two (2) months from receipt in order to allow for the consultants' bills to be presented.
- 9. If at the termination of the Planning Board process, I still am indebted to the Village of Tarrytown for any fees mentioned herein above, I understand that the amount of money still owed may be added to my property tax bill and become a lien against the property, or the Village may take whatever legal action necessary against each owner, either individually or jointly, to collect such funds.
- 10. Be advised that this agreement is subject to Local Law No. 7 – 2004 Village of Tarrytown Policy on Resolution of Violations and Payment of Fees. No permits, variances, licenses, subdivision, site plan or other approvals or authorizations shall be issued, no applications therefore shall be considered and no informal conference, preliminary review or other procedure in relation thereto shall be conducted by the Village Board, the Planning Board, Architectural Review Board, Zoning Board of Appeals, the Building Inspector, or any other board, commission or agency of the Village unless and until (1) all outstanding code violations chargeable to the owner, possessor, contractor, contract vendee or applicant together with all penalties thereon shall have been paid or resolved, and (2) all outstanding fees including but not limited to inspection, consult and recreation fees due the Village from the owner, possessor, contractor, contract vendee or applicant are paid.

Date: 05/11/2022



Owner Thomas Simmonds, VP Operations & Facilities

Mercy College

Owner

828 S Broadway Tarrytown, New York 10591

Property Address

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AFFIDAVIT OF PUBLIC NOTICE REQUIREMENTS

PLANNING BOARD, ZONING BOARD AND ARB APPLICATIONS

PLEASE RETURN THIS FORM WITH THE REQUIRED DOCUMENTATION

I hereby certify that I have read and am fully familiar with the requirements with 305-111 of the Code of the Village of Tarrytown and that in accordance therewith I have caused written notice to be sent by certified mail, to all interested parties as directed in the Code and have caused signs, which comply with requirements of the applicable section of the aforesaid Code, to be prominently displayed on the subject property in the required manner, giving notice to the public of the pending application, the date, time and place of the public hearing. The said signs will be continually displayed on the property for a period of ten (10) days immediately preceding the public hearing date and shall be updated for each meeting until there is a determination of the Board. A dated photograph of the sign displayed on the property shall be submitted as proof. I make this affidavit knowing that it shall be relied upon by the appropriate officials as proof of compliance with the requirements of the Code of the Village of Tarrytown.

Name: _____

Address: _____

Signature: _____

Address: _____

Dated: _____

Sworn to before me on the ____ day
of _____, 20__

Notary Public

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VILLAGE OF TARRYTOWN

BUILDING DEPARTMENT

ENGINEERING • PLANNING • ZONING • ARB

One Depot Plaza, Tarrytown, New York 10591-3199

Telephone (914) 631-3668 Fax (914) 631-1571

www.tarrytowngov.com

June 3, 2022

Mercy College
555 Broadway
Dobbs Ferry, NY 10522

RE: Building Permit Application 2022-10906:
828 South Broadway – **Mercy College** Administrative Offices
Sitework: Parking expansion and accessibility improvements for individuals with disabilities
Parcel Id: 1.260-135-1

LETTER OF PERMIT DENIAL

PLEASE TAKE NOTICE that your application for a building permit with plans received on April 1, 2022 with the latest resubmission received on April 22, 2022 as prepared by your design professional Foit Albert Associates, Architecture, Engineering, Surveying, Environmental for expansion of existing parking areas including improvements to provide accessibility to individuals with disabilities in the **OB - Office Building Zoning District** in the Village of Tarrytown, has been denied due to the required Land Use Board approvals listed below:

- **Planning Board: §305-132. A. Uses subject to site plan review.**
 - (1) The erection, **enlargement, rehabilitation**, conversion, change of use that requires an increase in the minimum off-street parking requirements..., **The Planning Board shall have the authority to review and approve site plans upon those proposed lots which it deems appropriate in the interest of the general welfare and to minimize any potential adverse impact.**
 - (2) **All uses of land where no building is proposed**, including the proposed use and development of all land within proposed subdivisions.
- **Board of Trustees: §305-18. C.(1) & §305-128. Uses requiring compatible use permits.** A public, sectarian or private elementary or secondary school, college, university, theological or trade or industrial school with or without assembly and residence halls with customary incidental facilities, whether or not operated for gain or profit.
- **Zoning Board:** The required variances are required to be obtained from the Zoning Board of Appeals.

§305-34. Office Building OB Zone

In the Office Building OB Zone, all uses shall be subject to site plan approval by the Planning Board. All permitted buildings, structures and paved areas shall be at least **100 feet** from the right-of-way of any public street or **any residential zoning district**.

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§305-47. Yards; Setbacks.

- B. Obstructions in yards. No building, paving, **parking**, structures or **any use whatsoever** or any projection from buildings or structures on any site in any district shall be permitted in a required yard (principal or accessory) in accordance with §305 Attachment 7:1, OB Zone.
- C. Special Setbacks. The following special setbacks shall be required for purposes of maintaining the Village's historic and scenic character and vistas.

(1) A one-hundred-foot setback along both sides of Broadway, New York State Route 9, as measured from the historic walls on either side of said road or from the right-of-way of said road, whichever results in the greater setback, along said road from the southernmost border of the Village of Tarrytown to the center of the Route 9 bridge which crosses over the New York State Thruway, I-87.

Code Section: OB – Office Building	Required	Proposed	Existing	Variance Required
§305-34 Parking "Additional Parking Area" North	100 feet	20 feet	-	80 feet
§305-34 Parking "Phase 3" South	50 feet	20 feet	-	30 feet
§305-47. C. (3) Special setback Broadway West	100 feet	80 feet	-	20 feet

- **Architectural Review Board:** Section §9-4 A. (1) Referral of applicants for building permit requires that approval from the Architectural Review Board be obtained prior to the issuance of a building permit where; Rehabilitation of buildings that involves replacement or introduction to new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not of the same kind and style as the existing building, and which are visible from a public street, you may proceed with the submission of an application and provide the required documentation per §9-3.

Please revise your plans to fully comply with the section(s) of the Zoning Code referenced above. Alternatively, in accordance with Zoning Code § 305-109 and 305-118 and NY Village Law § 7-712-a, you may submit an application to the Village of Tarrytown Zoning Board of Appeals within 60 days of the date of this letter seeking (1) to appeal this interpretation of the application and/or (2) seek variances from the provision(s) of the Code referenced above.

You may proceed with the submission of the applications to the respective Boards and provide the required documentation per §305-134 to the Planning Board, §305-118 to the Zoning Board of Appeals and §9-3 Architectural Review Board.

Should you have any questions, please feel free to contact me.

Very truly yours,



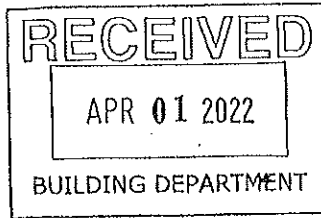
Donato R. Pennella, P.E.
Village Engineer/Building Inspector

c: Via email: Darius Chafizadeh, DChafizadeh@HarrisBeach.com, Applicant's Attorney

- Feliciano Valvano, Building Inspector
- Katherine Zalantis, Attorney for the Planning Board
- Robert Galvin, Village Planner
- Liz Meszaros, Secretary to Planning and Zoning
- Christie K. Tomm-Addona, Attorney for the Zoning Board of Appeals
- Carla Sapienza, Secretary to the Architectural Review Board

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HARRIS BEACH
ATTORNEYS AT LAW



445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

DARIUS P. CHAFIZADEH
MEMBER
DIRECT: 914.683.1212
FAX: 914.683.1210
DCHAFIZADEH@HARRISBEACH.COM

April 1, 2022

VIA HAND DELIVERY & EMAIL

Village of Tarrytown
Building Department
One Depot Plaza
Tarrytown, New York 10591

**Re: Building & Sign Permit Applications
Mercy College 828 S Broadway Tarrytown, New York**

Dear Mr. Pennella

This firm represents Mercy College ("Applicant") in its applications for a building and sign permit to allow the construction of expanded parking and accessibility improvements at the Applicant's Tarrytown offices located at 828 S Broadway (U.S. Route 9) Tarrytown, New York ("Property") as well as a ground-mounted freestanding sign. The Applicant's engineer is Foit Albert Associates, represented by Deanne L. Pericak, P.E., RLA, LEED AP.

THE PROPERTY

The Property is located in the Village's OB – Office Building Zoning District ("OB District") and includes the following tax parcel identification number (S/B/L: 1.260-135-1). The total lot area of the Property is +/- 10.02 acres. The Property is improved by three existing office buildings and 114 parking spaces. The Property is bounded by S. Broadway (U.S. Route 9) to the west, East Sunnyside Lane to the south, Tarrytown House Estate on the Hudson to the east, and East Belvedere Lane to the north.

MERCY COLLEGE

Mercy College purchased the Property in November 2019 after leasing the office building for three years. The Property serves as an annex to the nearby main campus located in Dobbs Ferry and provides space to meet expanding needs of Mercy College. Purchasing the Property has enhanced learner-centered environments and strengthened student life experiences for the ~4,500 students attending Mercy College while advancing shared community facility resource initiatives. The Property also provides space for programmatic support, including state-of-the-art training rooms for a faculty development center, an employee training center, and small meeting rooms, which act as interview rooms supporting student career preparation needs. The Property also increases efficiencies of operational support services such as central receiving, mail and print center operations, back of the house operations, and the Informational Technology Center, which provides state-of-the-art technology for online learning and interactive instructional space and improves connectivity.

Mercy College utilizes the Moller House located on the Property for community relations enhancements, including space for alumni events to foster alumni engagement and meetings held

by local community organizations. For instance, Make-A-Wish, an organization supporting the greater Tarrytown/Westchester region, currently uses the “Cottage” building located on the Property. Mercy College also partners with the Coalition for Family Justice and CJ Walker Estate for community events.

PROJECT NARRATIVE

The Applicant seeks approval to make parking, drainage and accessibility improvements to the Property. The improvements comprise new landscaping, new lighting, expanded parking lots, a new pedestrian sidewalk, a new parking lot island and drainage and stormwater improvements. The total number of additional parking lot spaces proposed is 84, totaling 198 parking spaces after construction. Forty-six additional parking lot spaces will be added to the southern portion of the Property. Thirty-eight parking lot spaces will be added to the northern portion of the Property as part of a redesign of the parking lot to improve vehicular circulation around a parking lot island. Eight of the additional parking lot spaces will be designated ADA spaces. The parking additions and improvements will be completed in three phases. The parking areas are connected via access drives from South Broadway and among each other. Access to the Property is currently made via the southern ingress/egress point on Broadway, and the northern ingress/egress point is used for emergency use only. The plan is to continue the ingress/egress to the Property via the southern ingress/egress point going forward.

The total area of disturbance is 1.39 acres. The proposed parking lot spaces are open, and the parking facilities will be graded, surfaced, drained, and maintained throughout their use on the Property and will avoid nuisances. Additional enhancements include site lighting with dark sky features and appropriate low-level lighting, bio-retention areas on the north and south sides of the Property, improved stormwater drainage, EV charging stations, and landscaping.

a. Parking Analysis

The total gross floor area of the three office buildings equals 40,359 square feet.¹ Thus, for the Property, the minimum number of parking spaces (1 space for every 300 square feet of gross floor area) required under the Village Code is 135 spaces. The addition of 84 parking lot spaces increases the total number of parking spaces on the Property to exceed the minimum number of required spaces under the Village Code, but is needed for enhanced circulation and programmatic considerations.

¹ The three office buildings are known as and consist of the following size respectively: 828 S. Broadway (Office Building) – 27,314 rsf, 830 S. Broadway (Moller House) – 9,070 rsf, and 832 S. Broadway (Cottage) – 3,975 rsf.

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b. Sign Description

The Applicant also seeks approval to install a ground-mounted freestanding sign on the Property. The proposed sign will designate the name of the site as “Mercy College” (colored in bolded blue lettering) and will be located along South Broadway at the entrance to the Property. The sign will be constructed using layered brick and a capstone.

APPLICATION MATERIALS

Enclosed are the following submissions in furtherance of the Applicant’s proposed project:

- Building Permit Application
- One copy of the Deed
- 3 Sets of Plans 24” x 36”
- A topography map
- 1 set of specifications
- 1 plot plan
- Building Permit Application Fee - A check made payable to the Village of Tarrytown in the amount of \$15,290.50. The estimated cost of construction is \$799,500.00.
- Sign Permit Application
- Sign Permit Application Fee – A check made payable to the Village of Tarrytown in the amount of \$122.50. The estimated cost of construction is \$10,000.00.

Should you have any questions or comments, please do not hesitate to contact us. Thank you for your time and attention to this matter, and we look forward to working with you and the Village.

VERY TRULY YOURS,

/s/ DARIUS CHAFIZADEH

DARIUS P. CHAFIZADEH

DPC;jjk
Enclosures

Mercy College – Building & Sign Permit Application
April 1, 2022
Page 4

HARRIS BEACH PLLC
ATTORNEYS AT LAW

13

cc: Thomas Simmonds and Salena Alamprese (Mercy College)
Deanne L. Pericak (Foit Albert Associates, Mercy College Consulting Engineers)

13

OFFICE OF THE BUILDING INSPECTOR
VILLAGE OF TARRYTOWN
APPLICATION FOR BUILDING PERMIT

Check No. _____ Amount \$ _____
APPLICATION # _____

Permit No. _____ Sheet _____ Block _____ Lot _____ Zone _____

Permit Type:

- | | | |
|--|--|---|
| <input type="checkbox"/> Residential(New) | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Demolition |
| <input type="checkbox"/> Residential (Addition/Alteration) | <input type="checkbox"/> Pools and Decks | <input type="checkbox"/> Topographic alteration
(Excavation or fill) |
| <input type="checkbox"/> Assembly (Includes Restaurants) | <input type="checkbox"/> Steep slopes | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Commercial/Business | <input type="checkbox"/> Wetlands | |

Describe proposed scope of work: Parking and Accessibility Improvements

Address of Proposed Work: 828 S Broadway Tarrytown, New York 10591

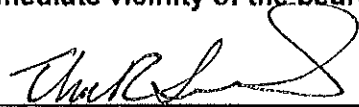
Construction Classification: Type: 1A/B 2A/B 3A/B 4 5A/B

TOTAL ESTIMATED COST \$ 799,500.00

(Note: The estimated cost shall include all labor, material, scaffolding, fixed equipment, professional fees and material and labor which may be donated gratis)

A signed contract listing the construction cost must be included with the application. If construction costs are \$20,000 or more, the affidavit of construction must be signed and sealed by the licensed engineer or architect.

All residential work shall have smoke detectors that comply with RCNYS 2020 (in each sleeping room, outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling).

Owner Signature: 

Owner's Name Mercy College Tel. No. 914-674-7473

Address 555 Broadway Dobbs Ferry, NY 10522 Email _____

Architect's or Engineer's Name Folt Albert Associates Tel. No. 716-856-3933

Address 290 Main St, Buffalo, NY 14203 License or Registration No. _____

General Contractor's Name _____ Tel. No. _____

Address _____ Email _____

Additional Contacts Darius P. Chafizadeh, Esq. Tel. No. 914-683-1212

Email dchafizadeh@harrisbeach.com

The undersigned hereby agrees that the provisions of the Building Code and the Zoning Ordinance of the Village of Tarrytown and Supplements thereto shall be complied with, whether the same are specified herein or not, and that all workmen will be protected by compensation insurance in accordance with the provisions of the Workmen's Compensation Law. I further agree to carry public Liability Insurance in an amount and form satisfactory to the Corporate Counsel.

Type of erosion control to be implemented: _____
(Hay bales, silt fence, vegetation, etc.)

Prior to the commencement of construction work on a project involving any disturbance of land, an Erosion Control Inspection must be requested, performed and approved. The plans must reflect the type of erosion control to be implemented and the Building Inspector must inspect for compliance with the plans and that the controls in place will be adequate to control erosion.

AFFIDAVIT OF OWNERSHIP:

State of New York, County of Westchester,

Thomas R. Simmonds being duly sworn deposes and says they are the owner or authorized representative by attached completed proxy statement and are duly authorized to perform or have performed said work and to make and file this application: that all statements are true to the best of their knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

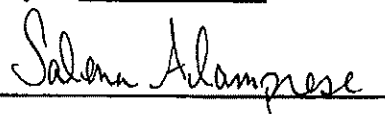
Sworn to before me

this 25th day of MARCH 2022

Owner or Authorized Representative

Signature: 

Print Name: Thomas R. Simmonds

Notary Public: 

SALENA ALAMPRESE
Notary Public, State of New York
No.01AL6234106
Qualified in Westchester County
Commission Expires January 10, 2023

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**VILLAGE OF TARRYTOWN
ZONING COMPLIANCE FORM**

OWNER: Mercy College DATE: _____

PROPERTY LOCATION: 828 S Broadway Tarrytown, New York 10591

SHEET: 1.260 BLOCK: 135 LOT: 1 ZONE: OB

	Permitted	Existing	Proposed	Variance
MINIMUM LOT SIZE (SQ. FT.)		X		
REQUIRED MINIMUM STREET FRONTAGE (FT.)		X		
PRINCIPAL BUILDING COVERAGE (%)		X		
ACCESSORY BUILDING COVERAGE (%)		X		
TOTAL COVERAGE (ALL BUILDINGS) (%)		X		
MINIMUM FRONT YARD (FT.)		X		
MINIMUM FOR EACH SIDE YARD (FT.)		X		
MINIMUM 2 SIDE YARDS (FT.)		X		
MINIMUM REAR YARD (FT.)		X		
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO PRINCIPAL BUILDING (FT.)		X		
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO SIDE LOT LINE (FT.)		X		
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO REAR LOT LINE (FT.)		X		
MAXIMUM HEIGHT (STORIES)		X		
MAXIMUM HEIGHT (FT.)		X		
MINIMUM FLOOR AREA PER DWELLING UNIT (S.F.)		X		
MAXIMUM LIVABLE AREA		X		
TOTAL GROSS FLOOR AREA (F.A.R.)		X		
IMPERVIOUS SURFACE		X		
PARKING SETBACKS:				
PRINCIPAL BUILDING		6.55'	6.55'	
FRONT		252'	212'	
ONE SIDE		119'	119'	
OTHER SIDE		18.5'	18.5'	
TOTAL OF BOTH SIDES		137.5'	137.5'	
REAR LOT LINE (FT.)		28'	28'	
TOTAL PARKING SPACES		114	198	
LOADING AREA		122'	122'	
BUILDING HEIGHT				
NUMBER OF STORIES				
TOTAL HEIGHT				
CORNER LOTS:				
MINIMUM FRONT YARD (FT.)		X		
MINIMUM FRONT YARD (FT.)		X		
MINIMUM SIDE YARD (FT.)		X		
MINIMUM REAR YARD (FT.)		X		
AREA OF STEEP SLOPES 25% OR GREATER		S.F.		%

VILLAGE OF TARRYTOWN
BUILDING DEPARTMENT

TO BE COMPLETED BY LICENSED ARCHITECT OR ENGINEER IF ESTIMATE COST IS
\$20,000 OR MORE

I, Deanne L. Pericak do hereby affirm and certify as follows: (i) I am an architect/engineer (circle one) licensed by the State of New York; (ii) I have prepared the plans, drawings and specifications for this application at 828 S Broadway Tarrytown, NY and I am fully familiar with the proposed construction; (iii) based on my training and experience I estimate the total cost of construction, including all labor, all materials, all professional fees and all associated costs, to be approximately \$ 799,500.00; and (iv) Pursuant to Penal Law § 210.45, I acknowledge that a false written statement made knowingly is a class A misdemeanor.

Signature: *Deanne L. Pericak* Date: 4/1/2022

SIGN AND AFFIX
PROFESSIONAL SEAL



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VILLAGE OF TARRYTOWN

Building Department
One Depot Plaza
Tarrytown, NY 10591
Phone 914-631-3668 Fax 914-631-1571
www.tarrytowngov.com

PROXY STATEMENT

Mercy College is the owner of the property located at
828 S Broadway Tarrytown, NY 10591 and has authorized
Darius P. Chafizadeh to make the attached application
for Mercy College and to represent them at
all Board meetings.



Signature of Owner

Sworn to before me

this 25th day of MARCH 2022

Notary Public: Salena Alamprese

SALENA ALAMPRESE
Notary Public, State of New York
No. 01AL6234106
Qualified in Westchester County
Commission Expires January 10, 2023

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



593223263DED001Z

12

Westchester County Recording & Endorsement Page

Submitter Information

Name: The Great American Title Agency, Inc. Phone: 914 761 1776
 Address 1: 170 Hamilton Ave, Ste 207 Fax: 914 761 1770
 Address 2: Email: azhina@gamericantitle.com
 City/State/Zip: White Plains NY 10601 Reference for Submitter: GA1950356

Document Details

Control Number: **593223263** Document Type: **Deed (DED)**
 Package ID: 2019111800137001001 Document Page Count: **5** Total Page Count: **6**

Parties

Additional Parties on Continuation page
 1st PARTY 2nd PARTY
 1: DP 18 LLC - Other 1: MERCY COLLEGE - Other
 2: 2:

Property

Additional Properties on Continuation page
 Street Address: 828 -832 S BROADWAY Tax Designation: 1.260-135-1
 City/Town: GREENBURGH Village: TARRYTOWN

Cross-References

Additional Cross-Refs on Continuation page
 1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
 Page Fee: \$30.00
 Cross-Reference Fee: \$0.00
 Mortgage Affidavit Filing Fee: \$0.00
 RP-5217 Filing Fee: \$250.00
 TP-584 Filing Fee: \$5.00
 Total Recording Fees Paid: **\$325.00**

Mortgage Taxes

Document Date:
 Mortgage Amount:
 Basic: \$0.00
 Westchester: \$0.00
 Additional: \$0.00
 MTA: \$0.00
 Special: \$0.00
 Yonkers: \$0.00
 Total Mortgage Tax: **\$0.00**
 Dwelling Type: Exempt:
 Serial #:

Transfer Taxes

Consideration: \$7,950,000.00
 Transfer Tax: \$31,800.00
 Mansion Tax: \$0.00
 Transfer Tax Number: 5744

Record and Return To

Pick-up at County Clerk's office

HARRIS BEACH PLLC
 445 HAMILTON AVENUE, SUITE 1206

WHITE PLAINS, NY 10601
 Attn: DAVID M ROTHMAN

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 11/22/2019 at 09:02 AM
 Control Number: **593223263**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

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BARGAIN & SALE DEED WITH COVENANTS

THIS INDENTURE, made the 19th day of November 2019

BETWEEN

DP 18 LLC, a New York limited liability company, having an address c/o
Diamond Properties, LLC, 333 North Bedford Road, Mount Kisco New York 10549;

party of the first part, and

MERCY COLLEGE, a New York not-for-profit education corporation
having an address at 555 Broadway, Dobbs Ferry, New York 10522

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the **VILLAGE OF TARRYTOWN, TOWN OF GREENBURGH, COUNTY OF WESTCHESTER AND STATE OF NEW YORK**, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof;

See SCHEDULE A annexed hereto.

PREMISES being known as 828-830-832 South Broadway (US Route 9), whose tax parcel number is 1.260-135-1.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to (a) all buildings, structures, improvements and fixtures located on the premises, including, without limitation, life safety, fire protection, elevators, heating, plumbing, electrical, telecommunications and air conditioning systems (collectively, the "Improvements"), (b) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances on or appertaining to the premises, including, without limitation, all oil, gas and mineral rights, surface and subsurface rights, air rights and development rights, (c) the equipment, furnishings, furniture, machinery and other personal property, if any (collectively, the "Personal Property") owned by party of the first part located on or about the premises, and (d) all strips and gores and any land lying in the bed of any public or private street, road or alley, open or proposed, driveways, and rights of way adjoining such premises;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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AND the party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Fidelity Title Insurance Company

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Policy No. 2730632-218234173
Title No. GA1950356

SCHEDULE A
DESCRIPTION OF PREMISES

ALL that certain parcel of land situate in the Village of Tarrytown, Town of Greenburgh, County of Westchester, and State of New York that was heretofore conveyed by American Booksellers Association, Inc. to DB 18 LLC by that certain deed dated June 30, 2004, and recorded in the Westchester County Clerk's office as Document No. 442430498, that is bounded and described as follows:

BEGINNING at the point on the easterly line of Broadway, also known as U.S. Route 9, where it is met by the line dividing the lands so conveyed to DB 18 LLC, on the south, from lands formerly of Perry, formerly of Forkhill and now shown on that certain "Subdivision Map HAS UWC Belvedere ...," which was filed in the Westchester County Clerk's office on November 18, 1996, as Map No. 25837, on the north, as the said line was established by the agreement between Philip G. Cole and John J. Perry by that certain agreement recorded in the Westchester County Clerk's Liber 3381 of deeds at page 363, which point occupies coordinate position

N 808,458.82 (y)
E 668,375.47 (x)

of the New York State Coordinate System, East Zone (NAD 83, expressed in feet).

THENCE from the said point of beginning along the said agreed line and the southerly line of Filed Map No. 25837

S 80°41'00" E 467.47 feet,

to a point at the line of lands formerly of Bierstadt and now or formerly of LH Tarrytown Holding, LLC. Thence along the said LH Tarrytown Holding, LLC lands and continuing along lands formerly of Ferris & Morgan, formerly of Harris and now or formerly of said LH Tarrytown Holding, LLC, first the following courses;

S 10°10'10" E 181.77 feet,
S 02°50'30" E 75.19 feet,
S 01°34'30" W 28.28 feet,
S 11°40'30" W 38.02 feet, and
S 14°10'30" W 36.09 feet

then on a tangent curve to the right, the central angle of which is 16°30'40", the radius of which is 99.99 feet for 28.82 feet, then on a curve compounding to the right, the center of which bears N59°18'50"W, the central angle of which is 73°47'20", the radius of which is 19.34 feet for 24.91 feet, and then

N 75°31'30" W 25.35 feet, and
S 04°05'30" W 498.77 feet,

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Fidelity Title Insurance Company

Policy No. 2730632-218234173

Title No. GA1950356

SCHEDULE A
DESCRIPTION OF PREMISES

To a point on the northerly line of Sunnyside Lane. Thence westerly along the northerly line of Sunnyside Lane the following, first

S 67°04'30" W 12.89 feet, and

S 83°36'40" W 347.37 feet

then on a tangent curve to the right, the central angle of which is 52°15'50", the radius of which is 31.20 feet for 28.46 feet, then

N 47°39'30" W 27.21 feet

and then on a non-tangent curve to the right, the center of which bears N28°11'50"E, the central angle of which is 61°39'20", the radius of which is 26.67 feet for 28.70 feet to another point on the easterly line of Broadway. Thence northerly along the easterly line of Broadway, the following courses:

N 00°08'50" W 193.06 feet,

N 02°08'30" W 73.99 feet,

N 03°30'20" W 172.09 feet,

N 01°50'40" E 167.10 feet, and

N 06°21'30" E 345.72 feet

to the point or place of **BEGINNING**.

N.B. The meridian (North Point) and coordinate values used in the foregoing description refer to the New York State Coordinate System, East Zone, NAD 1983, expressed in feet. The meridian is True North at 74°30'00" West Longitude. The distances used in this description are Grid Distances. To obtain Ground Distances divide the Grid Distances by the Combined Scale Factor 0.99992390. The substance of this note should remain with this description in any instrument to which it may become a part.

**THIS APPLICATION SHOULD BE ACCOMPANIED BY 2 SETS OF
DRAWINGS AND/OR A PLOT PLAN**

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Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591

SIGN PERMIT APPLICATION

Application # _____

Permit # _____

APPLICATION IS HEREBY MADE TO THE BUILDING DEPARTMENT OF THE VILLAGE OF TARRYTOWN FOR THE APPROVAL OF PLANS AND DETAILED STATEMENT OF THE SPECIFICATIONS FOR THE HANGING OR SETTING OF A SIGN AS HEREIN SET FORTH. ALL PROVISIONS OF THE LAW SHALL BE COMPLIED WITH IN THE ERECTION OF SAID SIGN, WHETHER SPECIFIED HEREIN OR NOT.

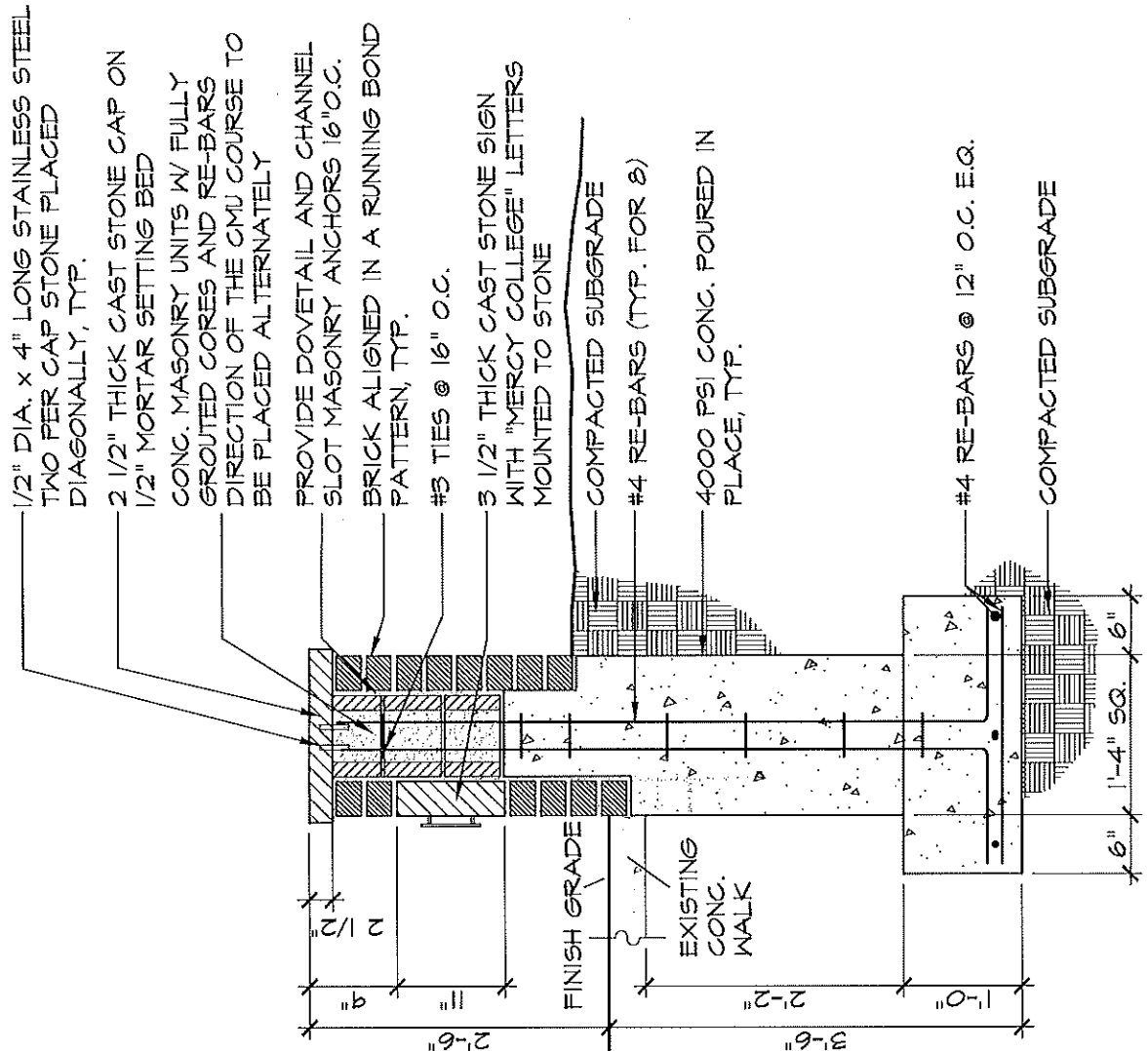
Date 3/25/2022 Signature of Applicant 

Estimated Cost \$ _____

1. Location, Number and Street 828 S Broadway Tarrytown, New York 10591
2. Inscription Mercy College
3. Owner of Building Mercy College
Address 555 Broadway Dobbs Ferry, New York 10522
4. Owner of Sign Same as above
Address _____
5. Sign Contractor Chris Tramutola, Peter Gisolfi Associates
Address 566 Warburtun Avenue, Hastings-on-Hudson, New York 10706
6. Type of sign to be erected Ground-mounted, Freestanding
7. Does sign interfere with other signs at the same location YES _____ NO X
8. How is the sign to be secured See attached drawing
9. Is the sign stationary or swinging stationary
10. How far from the building line does it project _____
11. Weight of sign _____ Height See attached drawing
12. Do fastenings interfere with egress or ingress of any window or door openings No
13. Of what is the sign made Stone, concrete, brick
14. Give height above sidewalk See attached feet
15. Size of letters 6 inches.

IF APPLYING FOR AN ELECTRIC SIGN PLEASE GIVE THE NAME OF YOUR ELECTRICIAN WHO MUST HAVE A WESTCHESTER COUNTY LICENSE AND FILE A SEPARATE ELECTRICAL PERMIT APPLICATION.

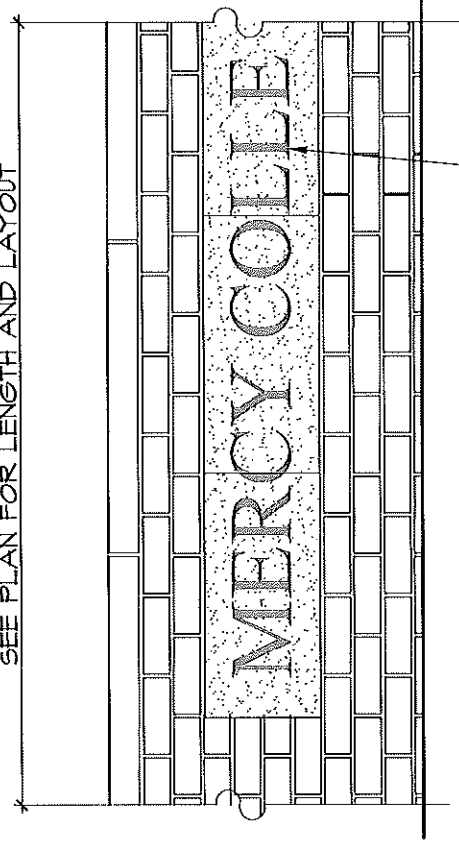
Name _____ License # _____



SECTION



SEE PLAN FOR LENGTH AND LAYOUT



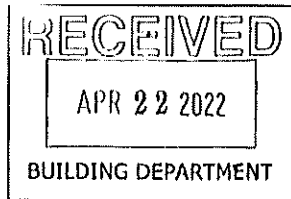
1/4" THICK 6" HT. STEEL LETTERS GALVANIZED AND POWDERCOATED W/ STAINLESS STEEL DOWELS WELDED TO LETTERS TO BE GROUTED & EMBEDDED INTO WALL CENTER TEXT ON CAST STONE PANELS

NOTE: SUBMIT DETAILED SHOP DRAWINGS FOR DIMENSIONS AND MATERIALS PRIOR TO INSTALLATION FOR APPROVAL BY LANDSCAPE ARCHITECT

April 22, 2022

VIA HAND DELIVERY

Village of Tarrytown
Building Department
One Depot Plaza
Tarrytown, New York 10591



HARRIS BEACH ^{PLLC}
ATTORNEYS AT LAW

445 HAMILTON AVENUE, SUITE 1206
WHITE PLAINS, NEW YORK 10601
914.683.1200

DARIUS P. CHAFIZADEH
MEMBER
DIRECT: 914.683.1212
FAX: 914.683.1210
DCHAFIZADEH@HARRISBEACH.COM

RE: Building & Sign Permit Applications (Application No. 2022-10906)
Mercy College 828 S Broadway Tarrytown, New York

Dear Mr. Valvano,

As discussed and in response to your comments dated April 12, 2022, to the Building and Sign Permit applications submitted by Mercy College, we are enclosing the following:

1. The impervious calculations/stormwater plan identified as the "Stormwater Pollution Prevention Plan (SWPPP) for Mercy College – Tarrytown Offices" and prepared by Foit-Albert Associates; and
2. The parking analysis, submitted to the Village on April 1, 2022 as part of the Cover Letter and Project Narrative, which explains that the addition of 84 parking spaces to the Site increases the total number of parking spaces on the Site to 198, exceeding the minimum parking space requirements (135 parking spaces) for 40,359 square feet of office space under Village Code 305-63(D)¹; and
3. A check made payable to the Village of Tarrytown in the amount of \$110.00 for the resubmission fee.

Should you have any questions or comments, please do not hesitate to contact us. Thank you for your time and attention to this matter, and we look forward to working with you and the Village.

Very truly yours,

HARRIS BEACH PLLC

/s/ Darius Chafizadeh

Darius P. Chafizadeh

DPC:jjk
Enclosures

¹ Under the Village Code, the minimum number of parking spaces required for office space is 1 parking space for every 300 square feet of gross floor area. Village Code § 305-63(D). Please see the detailed Site Plans showing the location and size of the existing and new parking spaces serving the Site.

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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

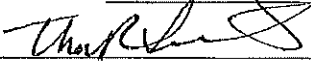
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

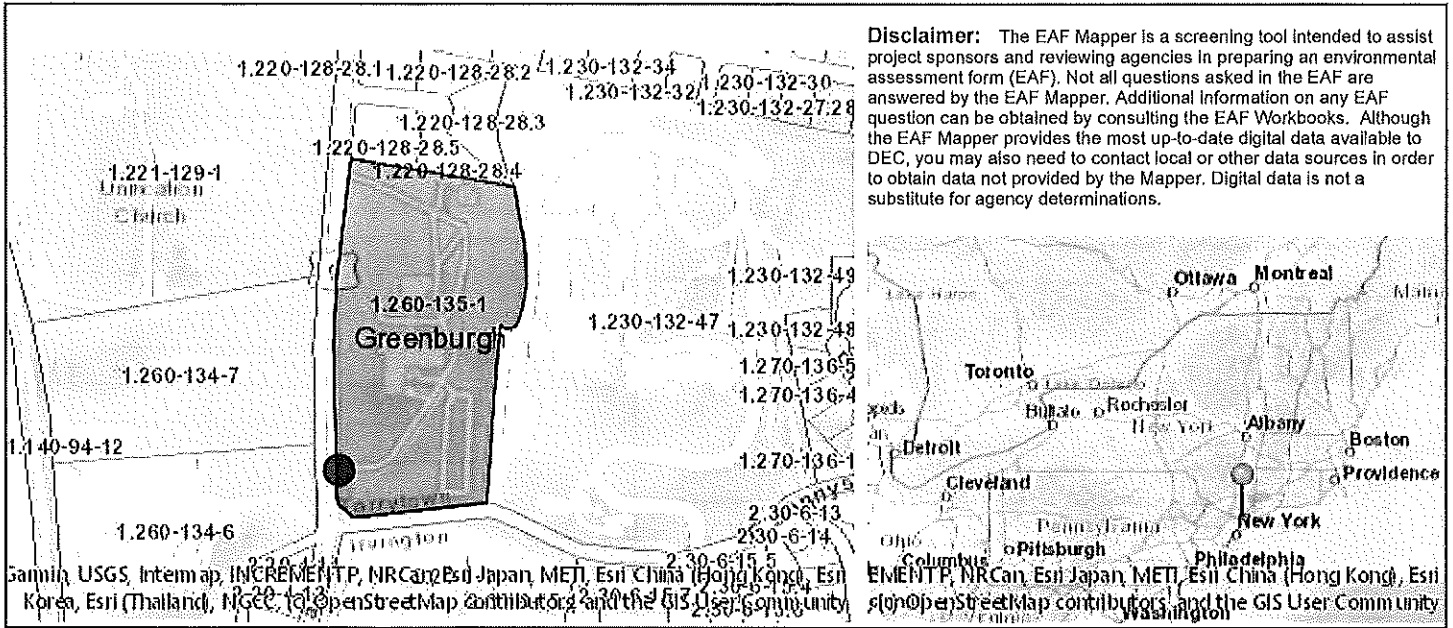
Part 1 – Project and Sponsor Information			
Mercy College Parking & Accessibility Improvements			
Name of Action or Project: 828 S Broadway Tarrytown, New York 10591			
Project Location (describe, and attach a location map): Addition of Parking Spaces and On-site Vehicular and Pedestrian Traffic Improvements & construction of a sign			
Brief Description of Proposed Action: The improvements comprise new landscaping, new lighting, expanded parking lots, a new pedestrian sidewalk, a new parking lot island and drainage and stormwater improvements. The total number of additional parking lot spaces proposed is 83, totaling 197 parking spaces after construction. Forty-six additional parking lot spaces will be added to the southern portion of the property. Thirty-seven parking lot spaces will be added to the northern portion of the property as part of a redesign of the parking lot to improve vehicular circulation around a parking lot island. Eight of the additional parking lot spaces will be designated ADA spaces. The parking additions and improvements will be completed in three phases. The parking areas are connected via access drives from South Broadway and among each other. Access to the property currently made via the southern ingress/egress point on Broadway, and the northern ingress/egress point is used for emergency use only. The plan is to continue the ingress/egress to the property via the southern ingress/egress point going forward. The proposed spaces are open, and will be graded, surfaced, drained and maintained throughout use on the property so as to avoid nuisances. The total area of disturbance is 1.39 acres. Mercy College also seeks approval to construct a ground-mounted freestanding sign.			
Name of Applicant or Sponsor: Mercy College		Telephone: 914-674-7473	
		E-Mail:	
Address: 555 Broadway			
City/PO: Dobbs Ferry		State: NY	Zip Code: 10522
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	YES
		<input checked="" type="checkbox"/>	<input 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: Village of Tarrytown Planning Board, Village of Tarrytown Architectural Review Board, SPDES General Permit for Construction Activities		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		10.02 +/- acres	
b. Total acreage to be physically disturbed?		1.39 +/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		10.02 +/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Hudson River, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90 If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Project area is a parking lot. Energy code requirements do not apply to this project. _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Project area is a parking lot that is not currently supplied by a private water supply. Private water supply will not be added as part of this work. _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ No sanitary system will be installed or altered as part of this project. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Shortnos...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Existing parking lots tie into existing storm drains that carry flow offsite. Proposed parking lot will maintain the existing connection to the stormwater drains. New bioretention basins will be used to attenuate flow to the storm drainage system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Thomas Simmonds e/b/o Mercy College</u> Date: <u>05/11/2022</u> Signature: <u></u> Title: <u>VP Operations & Facilities</u>		

PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Hudson River, Reason:Exceptional or unique character, Agency:Westchester County, Date:1-31-90
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

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**VILLAGE OF TARRYTOWN
ZONING COMPLIANCE FORM**

OWNER: Mercy College DATE: _____

PROPERTY LOCATION: 828 S Broadway Tarrytown, New York 10591

SHEET: 1.260 BLOCK: 135 LOT: 1 ZONE: OB

	Permitted	Existing	Proposed	Variance
MINIMUM LOT SIZE (SQ. FT.)		X		
REQUIRED MINIMUM STREET FRONTAGE (FT.)		X		
PRINCIPAL BUILDING COVERAGE (%)		X		
ACCESSORY BUILDING COVERAGE (%)		X		
TOTAL COVERAGE (ALL BUILDINGS) (%)		X		
MINIMUM FRONT YARD (FT.)		X		
MINIMUM FOR EACH SIDE YARD (FT.)		X		
MINIMUM 2 SIDE YARDS (FT.)		X		
MINIMUM REAR YARD (FT.)		X		
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO PRINCIPAL BUILDING (FT.)		X		
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO SIDE LOT LINE (FT.)		X		
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO REAR LOT LINE (FT.)		X		
MAXIMUM HEIGHT (STORIES)		X		
MAXIMUM HEIGHT (FT.)		X		
MINIMUM FLOOR AREA PER DWELLING UNIT (S.F.)		X		
MAXIMUM LIVABLE AREA		X		
TOTAL GROSS FLOOR AREA (F.A.R.)		X		
IMPERVIOUS SURFACE		X		
PARKING SETBACKS:				
PRINCIPAL BUILDING		6.55'	6.55'	
FRONT		252'	212'	
ONE SIDE		119'	119'	
OTHER SIDE		18.5'	18.5'	
TOTAL OF BOTH SIDES		137.5'	137.5'	
REAR LOT LINE (FT.)		28'	28'	
TOTAL PARKING SPACES		114	197	
LOADING AREA		122'	122'	
BUILDING HEIGHT				
NUMBER OF STORIES				
TOTAL HEIGHT				
CORNER LOTS:				
MINIMUM FRONT YARD (FT.)		X		
MINIMUM FRONT YARD (FT.)		X		
MINIMUM SIDE YARD (FT.)		X		
MINIMUM REAR YARD (FT.)		X		
AREA OF STEEP SLOPES 25% OR GREATER		S.F.		%

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Coastal Resources:

- a. Is the property within a Coastal Area, or the waterfront area of a Designated Inland Waterway?
 Yes No
- b. Is the property within a Coastal Erosion Hazard Area? Yes No

Vegetation:

- a. Does the property contain "significant amounts of existing vegetation" (as defined in Zoning Code § 305-67(A)(2)(e)): Yes No
- b. Is there any tree proposed to be removed that exceeds 4" in diameter at a height of 4'6":
 Yes No
 If yes, specify such trees to be removed and proposed replacement trees: _____
- c. Is any tree proposed to be removed a "specimen tree" (see Chapter 281)? Yes No
 If yes, specify such trees to be removed and proposed replacement trees: _____

Historic District and Landmarks (as such terms are defined in Chapter 191):

- a. Is the property located within or partially within a historic district? Yes No
- b. Does the property contain a historic landmark? Yes No
- c. Is the proposed project wholly or partly within, or substantially contiguous to a historic district or landmark (as such terms are defined in Chapter 191)? Yes No
- d. Is the proposed project wholly or partially within, or substantially contiguous to a site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places? Yes No

Involved Agencies; Approvals

- a. Is the proposed action located on property within 500 feet of:
 - (1) The boundary of any adjoining city, town or village Yes No
 If yes, state which municipality/ies: _____
 - (2) the boundary of any existing or proposed state or county park, recreation area or road right of way?
 If yes, who has jurisdiction? Westchester County NYSDOT NYSOPRHP
 - (3) an existing or proposed drainage channel line? Yes No
 - (4) the boundary of state- or county-owned land on which a public building/institution is located?
 Yes No
 - (5) the boundary of a farm located in an agricultural district? Yes No
- b. Will a sewer district have to be expanded for the project? Yes No

c. Are governmental approvals, funding or sponsorship required from any of the following:

(1) Village Board of Trustees Yes No
If yes, specify what is required: _____

(2) Planning Board Yes No
If yes, specify what is required: Site Plan Application

(3) Zoning Board of Appeals Yes No
If yes, specify what is required: _____

(4) Architectural Review Board Yes No
If yes, specify what is required: _____

(5) Other local agencies Yes No
If yes, specify what is required: _____

(6) County agencies Yes No
If yes, specify what is required: _____

(7) Regional agencies Yes No
If yes, specify what is required: _____

(8) State agencies Yes No
If yes, specify what is required: NYSDEC - SPDES Permit for Construction Activities

(9) Federal agencies Yes No
If yes, specify what is required: _____

Easements/Restrictive Covenants:

Does the property contain any easements or restrictive covenants of record? Yes No
If yes, provide copies and depict any easement on the site plan.

N.Y.S. Professional of Record (P.E., L.S. or R.A.):

I certify that the information provided is true to the best of my knowledge

Professional's Signature: *Deanne Pericak*

Name: Deanne Pericak

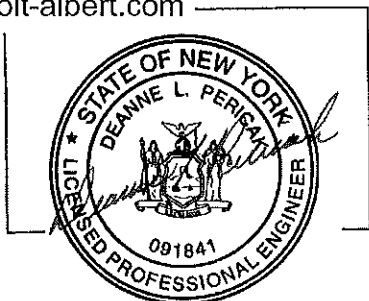
License Number 091841

Address: 295 Main Street, Ste. 200, Buffalo, NY 14201

Telephone number: (716) 856-3933 x 250

Email: dpericak@foit-albert.com

Professional Seal:



The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



593223263DED001Z

Westchester County Recording & Endorsement Page

Submitter Information

Name:	The Great American Title Agency, inc.	Phone:	914 761 1776
Address 1:	170 Hamilton Ave, Ste 207	Fax:	914 761 1770
Address 2:		Email:	azhina@gamericantitle.com
City/State/Zip:	White Plains NY 10601	Reference for Submitter:	GA1950356

Document Details

Control Number:	593223263	Document Type:	Deed (DED)
Package ID:	2019111800137001001	Document Page Count:	5
		Total Page Count:	6

Parties

1st PARTY		2nd PARTY	
1:	DP 18 LLC	1:	MERCY COLLEGE
2:	- Other	2:	- Other

Property

Street Address:	828 -832 S BROADWAY	Tax Designation:	1.260-135-1
City/Town:	GREENBURGH	Village:	TARRYTOWN

Cross-References

1:	2:	3:	4:
----	----	----	----

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$30.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$250.00
TP-584 Filing Fee:	\$5.00
Total Recording Fees Paid:	\$325.00

Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
Total Mortgage Tax:	\$0.00

Transfer Taxes

Consideration:	\$7,950,000.00
Transfer Tax:	\$31,800.00
Mansion Tax:	\$0.00
Transfer Tax Number:	5744

Dwelling Type: _____ Exempt:

Serial #: _____

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 11/22/2019 at 09:02 AM
 Control Number: **593223263**
 Witness my hand and official seal

Timothy C. Idoni
 Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

HARRIS BEACH PLLC
 445 HAMILTON AVENUE, SUITE 1206

WHITE PLAINS, NY 10601
 Attn: DAVID M ROTHMAN

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BARGAIN & SALE DEED WITH COVENANTS

THIS INDENTURE, made the 19th day of November 2019

BETWEEN

DP 18 LLC, a New York limited liability company, having an address c/o
Diamond Properties, LLC, 333 North Bedford Road, Mount Kisco New York 10549;

party of the first part, and

MERCY COLLEGE, a New York not-for-profit education corporation
having an address at 555 Broadway, Dobbs Ferry, New York 10522

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the **VILLAGE OF TARRYTOWN, TOWN OF GREENBURGH, COUNTY OF WESTCHESTER AND STATE OF NEW YORK**, bounded and described more particularly as set forth in Schedule A annexed hereto and made a part hereof;

See **SCHEDULE A** annexed hereto.

PREMISES being known as 828-830-832 South Broadway (US Route 9), whose tax parcel number is 1.260-135-1.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to (a) all buildings, structures, improvements and fixtures located on the premises, including, without limitation, life safety, fire protection, elevators, heating, plumbing, electrical, telecommunications and air conditioning systems (collectively, the "Improvements"), (b) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances on or appertaining to the premises, including, without limitation, all oil, gas and mineral rights, surface and subsurface rights, air rights and development rights, (c) the equipment, furnishings, furniture, machinery and other personal property, if any (collectively, the "Personal Property") owned by party of the first part located on or about the premises, and (d) all strips and gores and any land lying in the bed of any public or private street, road or alley, open or proposed, driveways, and rights of way adjoining such premises;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to the premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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AND the party of the first part covenants that it has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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Fidelity Title Insurance Company

Policy No. 2730632-218234173
Title No. GA1950356

SCHEDULE A
DESCRIPTION OF PREMISES

ALL that certain parcel of land situate in the Village of Tarrytown, Town of Greenburgh, County of Westchester, and State of New York that was heretofore conveyed by American Booksellers Association, Inc. to DB 18 LLC by that certain deed dated June 30, 2004, and recorded in the Westchester County Clerk's office as Document No. 442430498, that is bounded and described as follows:

BEGINNING at the point on the easterly line of Broadway, also known as U.S. Route 9, where it is met by the line dividing the lands so conveyed to DB 18 LLC, on the south, from lands formerly of Perry, formerly of Forkhill and now shown on that certain "Subdivision Map HAS UWC Belvedere ...," which was filed in the Westchester County Clerk's office on November 18, 1996, as Map No. 25837, on the north, as the said line was established by the agreement between Philip G. Cole and John J. Perry by that certain agreement recorded in the Westchester County Clerk's Liber 3381 of deeds at page 363, which point occupies coordinate position

N 808,458.82 (y)
E 668,375.47 (x)

of the New York State Coordinate System, East Zone (NAD 83, expressed in feet).

THENCE from the said point of beginning along the said agreed line and the southerly line of Filed Map No. 25837

S 80°41'00" E 467.47 feet,

to a point at the line of lands formerly of Bierstadt and now or formerly of LH Tarrytown Holding, LLC. Thence along the said LH Tarrytown Holding, LLC lands and continuing along lands formerly of Ferris & Morgan, formerly of Harris and now or formerly of said LH Tarrytown Holding, LLC, first the following courses;

S 10°10'10" E 181.77 feet,
S 02°50'30" E 75.19 feet,
S 01°34'30" W 28.28 feet,
S 11°40'30" W 38.02 feet, and
S 14°10'30" W 36.09 feet

then on a tangent curve to the right, the central angle of which is 16°30'40", the radius of which is 99.99 feet for 28.82 feet, then on a curve compounding to the right, the center of which bears N59°18'50"W, the central angle of which is 73°47'20", the radius of which is 19.34 feet for 24.91 feet, and then

N 75°31'30" W 25.35 feet, and
S 04°05'30" W 498.77 feet,

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Fidelity Title Insurance Company

Policy No. 2730632-218234173
Title No. GA1950356

SCHEDULE A
DESCRIPTION OF PREMISES

To a point on the northerly line of Sunnyside Lane. Thence westerly along the northerly line of Sunnyside Lane the following, first

- S 67°04'30" W 12.89 feet, and
- S 83°36'40" W 347.37 feet

then on a tangent curve to the right, the central angle of which is 52°15'50", the radius of which is 31.20 feet for 28.46 feet, then

N 47°39'30" W 27.21 feet

and then on a non-tangent curve to the right, the center of which bears N28°11'50"E, the central angle of which is 61°39'20", the radius of which is 26.67 feet for 28.70 feet to another point on the easterly line of Broadway. Thence northerly along the easterly line of Broadway, the following courses:

- N 00°08'50" W 193.06 feet,
- N 02°08'30" W 73.99 feet,
- N 03°30'20" W 172.09 feet,
- N 01°50'40" E 167.10 feet, and
- N 06°21'30" E 345.72 feet

to the point or place of **BEGINNING**.

N.B. The meridian (North Point) and coordinate values used in the foregoing description refer to the New York State Coordinate System, East Zone, NAD 1983, expressed in feet. The meridian is True North at 74°30'00" West Longitude. The distances used in this description are Grid Distances. To obtain Ground Distances divide the Grid Distances by the Combined Scale Factor 0.99992390. The substance of this note should remain with this description in any instrument to which it may become a part.

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THIS APPLICATION SHOULD BE ACCOMPANIED BY 2 SETS OF DRAWINGS AND/OR A PLOT PLAN

Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591

SIGN PERMIT APPLICATION

Application # _____

Permit # _____

APPLICATION IS HEREBY MADE TO THE BUILDING DEPARTMENT OF THE VILLAGE OF TARRYTOWN FOR THE APPROVAL OF PLANS AND DETAILED STATEMENT OF THE SPECIFICATIONS FOR THE HANGING OR SETTING OF A SIGN AS HEREIN SET FORTH. ALL PROVISIONS OF THE LAW SHALL BE COMPLIED WITH IN THE ERECTION OF SAID SIGN, WHETHER SPECIFIED HEREIN OR NOT.

Date 3/25/2022 Signature of Applicant 

Estimated Cost \$ _____

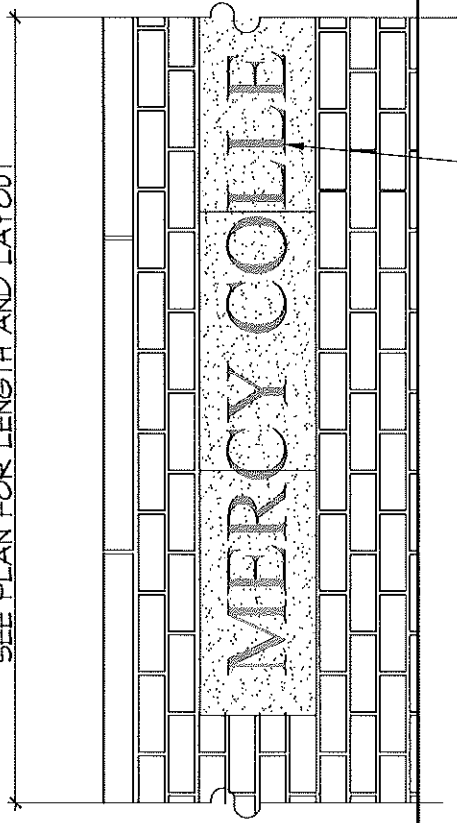
1. Location, Number and Street 828 S Broadway Tarrytown, New York 10591
2. Inscription Mercy College
3. Owner of Building Mercy College
Address 555 Broadway Dobbs Ferry, New York 10522
4. Owner of Sign Same as above
Address _____
5. Sign Contractor Chris Tramutola, Peter Gisolfi Associates
Address 566 Warburtun Avenue, Hastings-on-Hudson, New York 10706
6. Type of sign to be erected Ground-mounted, Freestanding
7. Does sign interfere with other signs at the same locatlon YES _____ NO x
8. How is the sign to be secured See attached drawing
9. Is the sign stationary or swinging stationary
10. How far from the building line does it project _____
11. Weight of sign _____ Height See attached drawing
12. Do fastenings interfere with egress or ingress of any window or door openings No
13. Of what is the sign made Stone, concrete, brick
14. Give height above sidewalk See attached feet
15. Size of letters 6 inches.

IF APPLYING FOR AN ELECTRIC SIGN PLEASE GIVE THE NAME OF YOUR ELECTRICIAN WHO MUST HAVE A WESTCHESTER COUNTY LICENSE AND FILE A SEPARATE ELECTRICAL PERMIT APPLICATION.

Name _____ License # _____

A

SEE PLAN FOR LENGTH AND LAYOUT



1/4" THICK 6" HT. STEEL LETTERS GALVANIZED AND POWDERCOATED W/ STAINLESS STEEL DOWELS WELDED TO LETTERS TO BE GROUTED & EMBEDDED INTO WALL CENTER TEXT ON CAST STONE PANELS

1/2" DIA. x 4" LONG STAINLESS STEEL TWO PER CAP STONE PLACED DIAGONALLY, TYP.

2 1/2" THICK CAST STONE CAP ON 1/2" MORTAR SETTING BED

CONC. MASONRY UNITS W/ FULLY GROUTED CORES AND RE-BARS DIRECTION OF THE CMU COURSE TO BE PLACED ALTERNATELY

PROVIDE DOVETAIL AND CHANNEL SLOT MASONRY ANCHORS 16" O.C.

BRICK ALIGNED IN A RUNNING BOND PATTERN, TYP.

#3 TIES @ 16" O.C.

3 1/2" THICK CAST STONE SIGN WITH "MERCY COLLEGE" LETTERS MOUNTED TO STONE

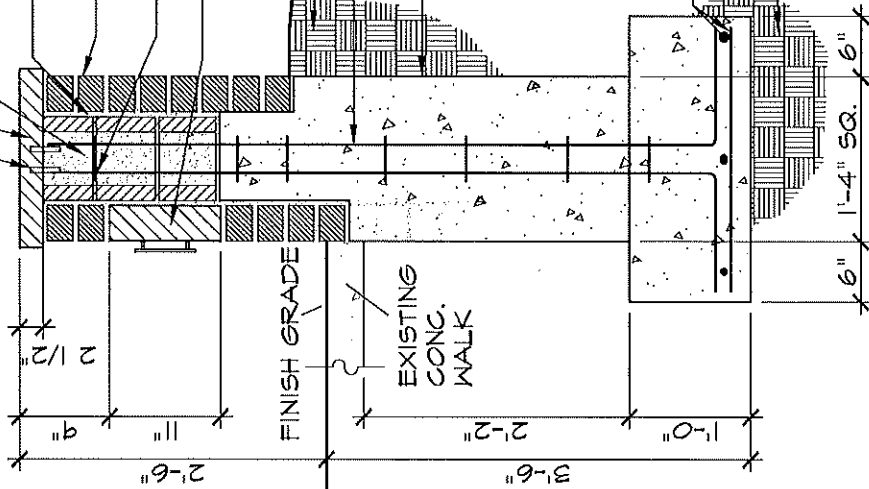
COMPACTED SUBGRADE

#4 RE-BARS (TYP. FOR 8)

4000 PSI CONG. POURED IN PLACE, TYP.

#4 RE-BARS @ 12" O.C. E.G.

COMPACTED SUBGRADE



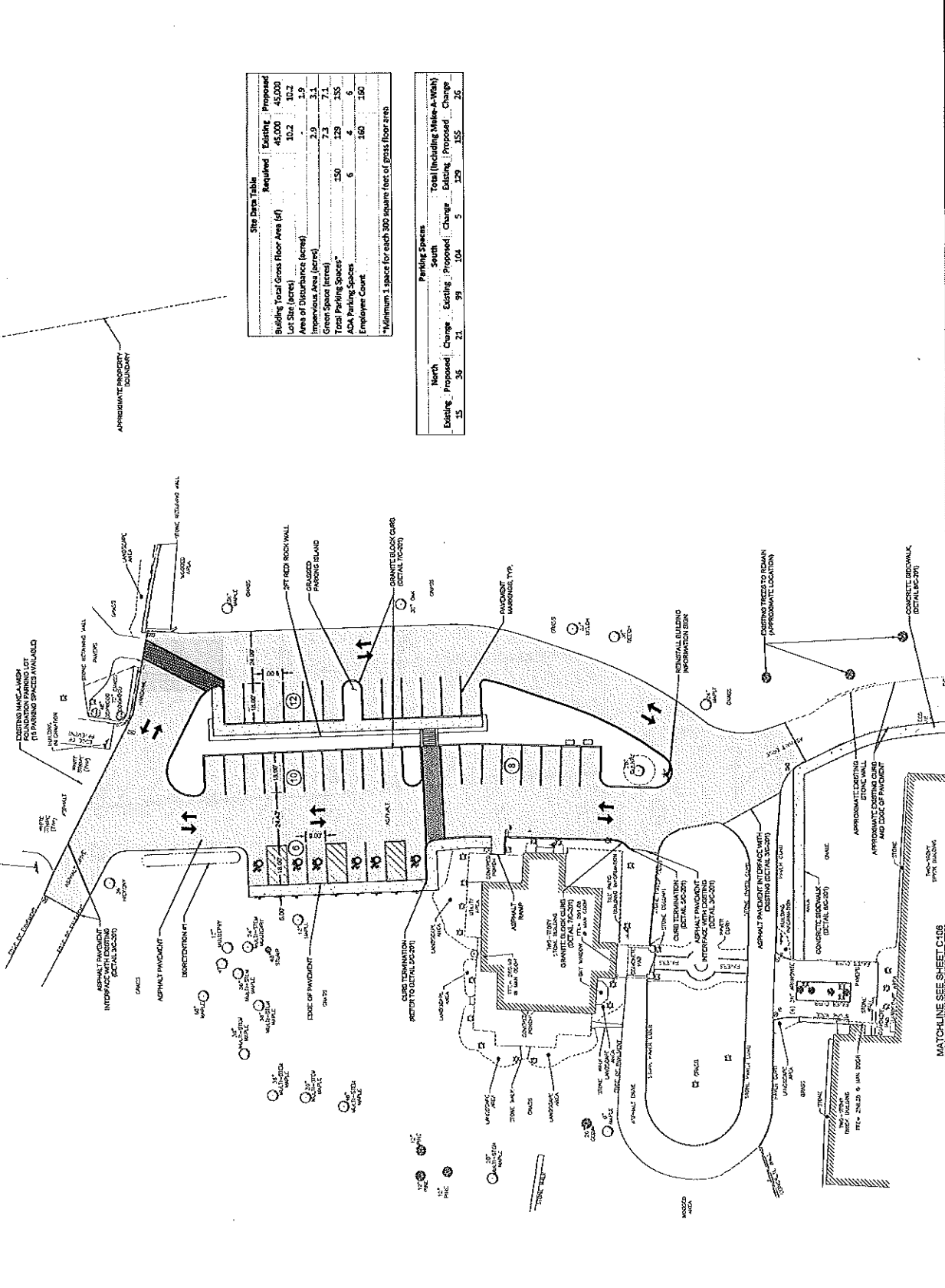
SECTION

NOTE: SUBMIT DETAILED SHOP DRAWINGS FOR DIMENSIONS AND MATERIALS PRIOR TO INSTALLATION FOR APPROVAL BY LANDSCAPE ARCHITECT

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SITE PLAN - NORTH
SCALE: 1/8" = 1'-0"



Site Data Table

	Required	Existing	Proposed
Building Total Gross Floor Area (sf)	45,000	45,000	45,000
Lot Size (acres)	10.2	10.2	10.2
Area of Disturbance (acres)	2.9	2.9	2.9
Impervious Area (acres)	2.9	2.9	3.1
Green Space (acres)	7.3	7.3	7.1
Total Parking Spaces	150	29	155
ADA Parking Spaces	6	4	6
Employer Count	160	160	160

Minimum 1 space for each 300 square feet of gross floor area

Parking Spaces

	North	South	Total (Including Make-Ups)
Existing	21	9	30
Proposed Change	29	24	53
Total	50	33	83

FotiAlbert ASSOCIATES
Architectural, Engineering, Surveying, Environmental
200 West 10th Street, Suite 200
New York, NY 10011
Tel: 212 691 1000
Fax: 212 691 1001
www.foti.com

SITE PLAN - NORTH
MERCY COLLEGE SITE, PARKING AND ACCESSIBILITY IMPROVEMENTS
828 - 832 SOUTH BROADWAY
HARTFORD, NEW YORK, 10991

DATE	DESCRIPTION
2007.12.01	2007.12.01

C-105

MATCHLINE SEE SHEET C-106

