

VILLAGE OF TARRYTOWN: BOARD OF TRUSTEES  
WESTCHESTER COUNTY: STATE OF NEW YORK

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In the Application of: :  
  
TARRYTOWN MARINA LLC : **VERIFIED PETITION**  
: **FOR ZONING**  
: **TEXT AMENDMENT**  
  
For an Amendment to the Zoning Law of the :  
Village of Tarrytown Pursuant to Section 1-9 :  
of the Code of the Village of Tarrytown :  
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Petitioner **TARRYTOWN MARINA LLC** (“Petitioner”), by its attorneys Zarin & Steinmetz, respectfully petitions the Board of Trustees (“BOT”) of the Village of Tarrytown (“Village”) as follows:

**Summary Of Rezoning Petition**

1. This Petition seeks an amendment of the Village’s Local Zoning Law (“Zoning Law”) to permit a hotel as a principal use on properties located in the Waterfront Zoning District (“WD”). The amendment would also provide that any such hotel must be operated in conjunction with an adjoining marina, and that restaurants and other customary accessory uses shall be permitted (such as marina support services/retail).
2. Petitioner proposes the redevelopment of the property commonly known as the Tarrytown Boat & Yacht Club (“Boat Club”), located at 236 Green Street, and identified on the Village Tax Map as Sheet 1.70, Block 29, Lot 44 (“Property”).
3. This exciting project would include the newly proposed “Wharf Boatel,” a 4-story, luxury boutique hotel with 103 rooms. It would also include a desirable waterfront restaurant overlooking the Hudson River, physical improvements to and numerous support spaces for the Tarrytown Marina (“Marina”), and public access and connectivity to the RiverWalk via an

outdoor promenade area, together with approximately 92 onsite parking spaces (plus additional spaces for valet parking) (collectively, “Project”).

4. Importantly, the Project would support the existing Marina economically, and ensure its longevity for the Boat Club and public at large. The Marina will be vastly improved through significant dredging and other long-awaited repairs – at Petitioner’s own cost.

5. Petitioner, as subtenant of the Village’s Lease with the Boat Club, would also be responsible for and is committed to the ongoing operation of the Marina. Petitioner is obligated to perform all obligations of the Boat Club under the Village Lease. The Project would not alter any of those obligations. The Boat Club knows about and is fully supportive of the proposed Project given its attendant benefits for the Club and Marina.

6. The Project would comply with the existing 45-foot height requirement in the WD.

7. The Project does not propose any residential units, and it would not use any Village land. It would also be a significant contributor to the Village’s tax base.

8. All these elements would fulfill the Project’s goal to activate this key waterfront parcel, and continue to make Tarrytown a premier waterfront destination. As the Project is accessible by boat, train, bus and car, it is not expected to generate significant new traffic or parking demands. All parking requirements would be met onsite. A Traffic and Parking Report is being prepared by John Canning, PE, of Kimley-Horn, and it will be submitted during the review process.

9. As shown on the enclosed drawings, Petitioner and its architect have created a conceptual design for the Project that takes its architectural inspiration from the many historic buildings in Tarrytown, and is consistent with the character of the existing waterfront.

10. Petitioner is Tarrytown Marina LLC, which is an affiliate of National Resources LLC. National Resources has a proven track record of redeveloping waterfront, industrial, and corporate sites with well-designed, viable, and attractive commercial and residential facilities.

11. The Project would also be in furtherance of the Village's planning and development goals expressed in the Village's 2018 Comprehensive Plan, *Tarrytown Connected* ("Comprehensive Plan"). The Comprehensive Plan recognizes, for example, that a key goal of the Village is to "expand and prioritize opportunities for water based recreation and access" by "building on the existing marinas with . . . additional access points in the form of public boat launches and docks as well as the expansion of the Riverwalk to facilitate continuous shoreline access." (Comprehensive Plan at 96, 122). The Project would meet all these and other goals.

12. The Zoning Law does not currently permit hotels in the WD, although hotels are a principal permitted use in the adjacent Waterfront General Business District ("WGBD").

13. As a result, Petitioner submits this Petition seeking to include in the Zoning Law a provision allowing for hotels (and a restaurant and other related uses) in the WD ("Zoning Amendment," annexed hereto as Exhibit "A"). In addition to other requirements, Site Development Plan Approval would be required from the Village Planning Board.

14. Accordingly, for the reasons set forth in this Petition and accompanying materials, Petitioner respectfully requests that the BOT accept this Petition, and commence the requisite SEQRA, planning and legislative review procedures in connection with the BOT's consideration and ultimate adoption of the Zoning Amendment, and the Planning Board's review and approval of the Site Development Plan and other related approvals/permits.

15. Note that formal applications for Site Plan Approval (and other required approvals) will be submitted to the Village following Petitioner's initial presentation and discussion.

### **Petitioner**

16. Petitioner Tarrytown Marina LLC is a foreign limited liability company organized under the laws of the State of Delaware, and authorized to do business in the State of New York, with its principal place of business at 485 West Putnam Avenue, Greenwich, Connecticut 06830.

17. Tarrytown Marina is an affiliate of National Resources.

18. National Resources LLC is a prominent regional real estate development and investment firm that focuses on the redevelopment of waterfront, industrial, and corporate sites.

19. Petitioner owns the subject Property, having purchased it from the Tarrytown Boat Club in 2020.

20. Petitioner is also sub-tenant of the Boat Club pursuant to the terms of a lease between the Village and the Boat Club (“Boat Club Lease”).

### **Proposed Zoning Text Amendment**

21. The proposed Zoning Amendment would add a “Hotel” as a principal permitted use in the WD District, subject to certain restrictions, including that any such hotel must be operated in conjunction with a marina. The Amendment would also provide that restaurants and other customary accessory hotel and marina uses shall be permitted. See Exhibit “A”.

22. Currently, the Zoning Law does not permit Petitioner’s proposed Project at the Property because a hotel is not a permitted principal use in the WD. Restaurants are currently allowed in the WD as an accessory use to a marina or boat club. Marina support uses are currently allowed in the WD as accessory uses to a marina.

23. Hotels are, however, a permitted principal use in the adjacent WGBD.

24. Petitioner proposes to amend the Zoning Law to allow the same hotel permitted principal use in the WD District, with substantially the same limiting factors for the siting of

hotels as enumerated in the WGBD requirements, plus some others. See Zoning Code § 305-42(C)(2).

25. As a key purpose of the Project is to develop and operate a waterfront hotel in conjunction with a marina, the proposed Zoning Amendment would provide that a hotel in the WD shall be permitted only when it operates together with a marina, yacht or boat club, either on the same or immediately adjoining lot (the lots can be under different ownership).

26. This provision would also have the effect of limiting the number of parcels in the WD that could potentially be developed with a hotel.

27. There are 13 lots located in the WD, including Petitioner's Property. Most of these lots are owned either by the Village or Metro-North Railroad.

28. Under the proposed Zoning Amendment, the only other lot in the WD that could potentially be developed at this time with a hotel is the site of the Washington Irving Boat Club (Tax Lot No. 1.70-29-50). This site appears to be jointly owned by the Village and the Washington Irving Boat Club. Thus, the Village would have control over any possible future redevelopment of the parcel housing the Washington Irving Boat Club. Petitioner submits that this provision is a sufficient limiting factor to prevent overconcentration of hotels in the WD.

29. The proposed Zoning Amendment would also provide language clarifying that a restaurant and other marine uses shall be allowed as accessory uses to a hotel and/or marina.

30. Under the proposed Zoning Amendment, a hotel would also be subject to certain bulk zoning criteria, including, as follows:

- a) Lot area: 0.35 acre for principal permitted uses
- b) Lot width: 150 feet minimum
- c) Lot depth: 150 feet minimum
- d) Public street frontage: 125 feet minimum

- e) Building coverage: 66%
- f) Building height: Three stories/42 feet for a flat roof and 45 feet for a pitched roof, measured from the average elevation of the site or the existing grade of the adjacent street, whichever is higher.
- g) Building width: TBD
- h) Front yard setback: zero feet
- i) Side yard setback: 10 feet
- j) Rear yard setback: zero feet
- k) Shoreline setback: 20 feet from the mean high-water mark of the Hudson River, except where the use and design of the structure requires a location with direct access to the river and involves, as an integral part of such structure, use of the water.

31. Importantly, the maximum building height of 45 feet is the same as what currently exists in the WD and WGBD. See Zoning Code § 305-43(A).

### **Proposed Project**

32. In conjunction with the Zoning Amendment, Petitioner proposes to develop the Project on the Property – *i.e.*, a 4-story, boutique Hotel, a waterfront restaurant, Marina improvements and amenities, and public access to the RiverWalk, together with approximately 92 onsite parking spaces (plus additional spaces for valet parking) and other site improvements.

33. As shown on the enclosed drawings, the hotel would include 103 guest rooms, approximately 92 parking spaces (plus additional spaces for valet parking), an approximately 1,314-square foot club / meeting room for the Boat Club, and approximately 2,768 sf for marine uses. The Project would further contain approximately 2,000 sf of restaurant space and a 1,407 sf store selling supplies such as sunscreen, sunglasses, snacks and other boating goods. Facilities at the marina will also include limited gas dock, travel lift, emergency dock, limited repair services,

generator and pump-out station. Boat repair is limited to emergency-only in-water repair in the travel lift area denoted on the enclosed Marina plan.

34. As mentioned, a key component of the Project is that Petitioner would continue to perform all obligations of the Boat Club (a not-for-profit corporation) under the Village Lease, and operate the Marina.

35. The Marina is currently improved by approximately 100 to 150 boat slips and related improvements. The Boat Club has reserved the right to use up to 30 slips. The remaining slips will be available to new members of the Boat Club, visitors to the Boatel and Restaurant, and for public use at market rates. It is anticipated that the Boatel will use up to 30 slips and the Restaurant up to 12 slips, predominantly on the weekends. The Project will contain convenient boat access off Green Street to allow for easy loading and docking by the public.

36. Petitioner is committed to making significant improvements to the Marina to enhance the marina experience and to ensure its viability and public access into the future. The Marina, for example, has been limited in its use due to, among other things, the low water levels resulting from years of silting. Petitioner will seek approval for the dredging necessary to raise the water level and unlock the Marina's potential, including a bubbler system for in-water winter storage. Petitioner will also upgrade several of the docks, many of which still show damage from Hurricane Sandy.

37. Petitioner has spent considerable time with its architect to conceptually design the Project in a manner that is sensitive to the site and the needs of the Village's waterfront area. The Project minimizes any potential significant adverse visual or other environmental impact.

38. The Hotel will contain attractive outdoor amenities, such as terraces on the upper floors and outdoor dining space connected to the restaurant, as well as a promenade with outdoor seating adjacent to the water.

39. In light of the Project’s accessibility by mass transit, boat, and the provided onsite parking, the Project will not significantly increase vehicular traffic on the “H-Bridge” crossing the train tracks, or burden available street parking in the area.

40. Petitioner refers the BOT to the enclosed concept plans illustrating the initial conceptual details of the Project, prepared by Lessard Design Inc. P.C. The architecture and design will continue to be refined during the review processes. The architectural materials submitted in support of the Petition include:

- a. Illustrative Site Plan
- b. Floor Plans
- c. Building Elevations
- d. Massing Views

41. Petitioner will submit a Site Development Plan Application (together with other requisite applications) to the Planning Board, following Petitioner’s initial presentation and discussion with the BOT, and the BOT’s referral of this Petition to the Planning Board.

**Consistency With Comprehensive Plan**

42. Petitioner’s proposal would be in furtherance of land use objectives identified in the Village’s 2018 Comprehensive Plan.

43. The Comprehensive Plan declares that a key Village goal is to integrate the experience of the waterfront “with daily life and help to integrate the Village from east to west, building on the existing marinas with expanded opportunities for water-based recreation which require additional access points in the form of public boat launches and docks as well as the expansion of the Riverwalk to facilitate continuous shoreline access.” (Comprehensive Plan at 96).

44. The Comprehensive Plan recommends that the Village “expand and prioritize opportunities for water based recreation and access.” (Id. at 122).



45. The Comprehensive Plan also notes that “the Village has tremendous potential to grow as a destination and center of regional tourism,” and “[t]he thousands of tourists who visit annually represent a major constituency and a necessary focus for planning.” (Id. at 42). Moreover, participants in the public workshops leading to the development of the Comprehensive Plan noted the goal of “growing the tourism industry through a boutique hotel.” (Id. at 129).

46. The Comprehensive Plan provides that “policies that focus on the transit-oriented potential of the station area [which the Property is located in] and infrastructure improvements that support and facilitate a mode shift away from personal vehicles and toward cycling, walking, and shared local transit are two ways to advance this goal.” The Project supports this policy. (Id. at 56).

47. Finally, the Comprehensive Plan also identifies a sub-goal of obtaining funding for “periodic dredging of marina facilities.” (Id. at 122).

48. The Project would help achieve all these articulated goals by reactivating the existing Tarrytown Marina and expanding opportunities for water-based recreation and access in the Village through the development of an attractive Hotel with waterfront dining, as well as through obtaining approvals to repair the docks and dredge certain areas of the Marina. The Project will be accessible by all modes of transportation, including by boat, train, car, bike, or bus, helping to make Tarrytown a true waterfront destination in the region.

49. The addition of a waterfront boutique Hotel would also help generate and meet the demand by tourists wishing to visit and stay in Tarrytown. Petitioner is also committed to making improvements to the Marina harbor, which will meet the Village’s goal of achieving the dredging of marina facilities without burdening Village taxpayers. The Project will also generate significant tax revenue and employment opportunities, and contribute to the Village’s economic growth without generating any additional schoolchildren.

50. The Project's proximity to mass transit, including the Tarrytown Metro North station and bus stops, and accessibility by boat, will result in a Project that generates less traffic than a traditional hotel and restaurant destination.

51. For all these reasons, Petitioner respectfully submits that the Zoning Amendment is consistent with the Village's Comprehensive Plan, and is an appropriate zoning strategy to achieve increased water based recreation and access, as well as the further expansion of the riverfront revitalization that has contributed to Tarrytown's status as a top destination for tourists and visitors.

### **SEQRA**

52. Pursuant to the New York State Environmental Quality Review Act ("SEQRA"), Petitioner is submitting a Short Environmental Assessment Form ("EAF").

53. Petitioner acknowledges that it will need to supplement the EAF with technical studies relating to traffic, stormwater and other studies requested during the review process as determined by the Lead Agency.

### **Requested Relief**

54. Petitioner respectfully requests that the BOT take the following administrative and legislative steps: (a) accept this Petition; (b) refer the Zoning Amendment to the Planning Board for its recommendations and to conduct an environmental review of the subject action under SEQRA; (c) refer the Zoning Amendment to the Westchester County Department of Planning for its recommendations; (d) schedule, notice, and conduct a Public Hearing on the Zoning Amendment; (e) adopt the Zoning Amendment; and (f) permit the Planning Board to simultaneously review an application for Site Development Plan approval (and other related applications) authorizing the development of the Property with the Project.

**WHEREFORE**, it is respectfully requested that the instant matter be placed on the next available agenda of the BOT and be, in all respects, granted.

Dated: April 15, 2021  
White Plains, New York

ZARIN & STEINMETZ

By: Brad Schwartz

David S. Steinmetz  
Brad K. Schwartz  
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**VERIFICATION**

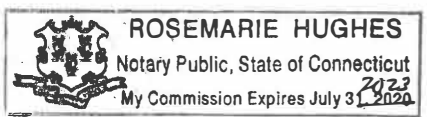
STATE OF CONNECTICUT     )  
  )  
COUNTY OF FAIRFIELD     )     s.s.:

Lynne M. Ward, hereby deposes and says that he/she is the Vice President of **TARRYTOWN MARINA LLC**, which is the Petitioner in this proceeding, and says that he/she has reviewed the foregoing Verified Petition and that the foregoing Verified Petition is true to his/her own knowledge, and authorizes Zarin & Steinmetz to submit the foregoing Verified Petition to the Village Board of the Village of Tarrytown on Petitioner's behalf.

  
Name: VP

Sworn to before me this  
14th day of April, 2021

  
Notary Public



## EXHIBIT “A”

### PROPOSED ZONING TEXT AMENDMENT

*Add a new Sub- Section 305-43(C)(6) to Article IX (Special Waterfront Zones):*

§ 305-43(C). Permitted principal uses.

- (6) Hotels, subject to the following provisions:
- a) The hotel shall be operated in conjunction with an adjoining marina, yacht or boat club either on the same or immediately adjoining lot. The lots can be under different ownership.
  - b) A hotel shall not be less than two stories in height, with 17 or more sleeping accommodations and accommodations for meals within the principal structure.
  - c) Lot size and frontage. Hotels shall maintain a minimum lot size of 20,000 square feet and a minimum frontage of 125 feet on a public street.
  - d) All units shall be in multiple-unit structures, and the site shall not be subdivided for the purposes of creating individual lots or sites for the creation of single-family residences or units.
  - e) Outdoor lighting shall be contained on the site and shielded to assure that lighting is not visible from neighboring lots.
  - f) There shall be no outdoor public address or music system audible beyond the limits of the site.
  - g) The number of guest rooms may be limited by the availability of public water and sewage facilities. Prior to issuance of a building permit, the applicant must present proof to the building inspector that there is an adequate water supply to serve all of the project’s needs.
  - h) Interior roads and drives shall be adequate in grade, width, alignment and visibility to accommodate traffic and emergency vehicles.
  - i) Each living unit shall have a minimum of 150 square feet of rentable space, exclusive of bathroom facilities.
  - j) A minimum width of 22 feet for a driveway shall be provided for two-way traffic movement or two driveways of 12 feet minimum width each shall be provided for one-way traffic into and out from the guest parking area.
  - k) No more than two curb cuts on a public street shall be permitted.
  - l) All rear and side yards must be planted to a minimum of two feet in width with dense shrubbery or a combination of a decorative fence and shrubbery.

- m) Driveways must be adequately lighted so as to provide safe access and egress. Lighting shall be placed so as to produce no glare to passing motorists or adjacent property.
- n) Hotels constructed must be limited to guest accommodation and management offices and uses accessory thereto.
- o) All uses that are deemed permitted accessory uses to a marina and/or a boat or yacht club pursuant to Zoning Law Section 305-43(D) shall also be deemed permitted accessory uses to a Hotel in this district.
- p) Hotels in this District shall be subject to the following bulk requirements:
  - i. Lot area: 0.35 acre for principal permitted uses
  - ii. Lot width: 150 feet minimum
  - iii. Lot depth: 150 feet minimum
  - iv. Public street frontage: 125 feet minimum
  - v. Building coverage: 66%
  - vi. Building height: Three stories/42 feet for a flat roof and 45 feet for a pitched roof, measured from the average elevation of the site or the existing grade of the adjacent street, whichever is higher.
  - vii. Building width: TBD
  - viii. Front yard setback: zero feet
  - ix. Side yard setback: 10 feet
  - x. Rear yard setback: zero feet
  - xi. Shoreline setback: 20 feet from the mean high-water mark of the Hudson River, except where the use and design of the structure requires a location with direct access to the river and involves, as an integral part of such structure, use of the water.