



# VILLAGE OF TARRYTOWN

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## VILLAGE OF TARRYTOWN VILLAGE ADMINISTRATOR'S OFFICE MEMORANDUM

**TO:** Board of Trustees

**FROM:** Alissa Fasman, Deputy Village Clerk/Assistant Village Administrator

**RE:** McKean Fireboat Request for Home Port Status

**DATE:** January 19, 2023

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In response to the November 30, 2022 Work Session Board of Trustees assignment for the McKean Fireboat Board Members to solicit community feedback on their proposed "Home Port" request, we have been working with the group to facilitate their outreach to community members. We sent them a list of contacts from community groups from whom they might consider soliciting Letters of Support, or at least inform about their proposed plans. On January 10<sup>th</sup>, we helped them host two community meetings at the Tarrytown Senior Center.

I attended both community meetings and am summarizing below some of the questions and concerns that arose from members of the public at the meetings as well as the correspondence we have received. We received comments both for and against the Fireboat McKean's proposed presence in Tarrytown. At the community meetings, overall, there were expressions of community support for the presence of the McKean Fireboat in Tarrytown, but many were tempered with concern about unanswered questions regarding where the Fireboat would be docked and when given the current condition of both the docks and the harbor, as well as the long-term plan for the Boat. By the end of the two meetings, Board Members of the Fireboat McKean, acknowledging the concerns about time horizon for harbor dredging etc, expressed a willingness to explore the possibility of a conditional agreement that would allow them to have home port status in Tarrytown, but agree not to dock in the Village unless certain conditions are met including the dredging of the harbor.

The Board will receive separately a packet of written comments received from members of the public. Attached are the slides presented at the community meetings.

## **Questions and Concerns from Community Members regarding “home port status” for the Fireboat McKean:**

### **Home Port Status**

- What is home port status and what does it mean for the Fireboat McKean? *Home Port Status must be assigned as part of a boat’s application for State and National Historic Preservation Status. The home port status remains with the designation. Historic preservation status is not granted to the marina itself, nor would the marina be able to benefit from grant funds or otherwise because of the designation. Home port status does not mean the Fireboat McKean must always reside in Tarrytown. Nevertheless, because the application was submitted with Tarrytown Marina as the home port, if the Fireboat McKean Preservation Project must change the home port at this point in the process, they would have to start the application process over again. If they are granted the designation with Tarrytown Marina as the home port, and then after a period of time, wanted/needed to change their home port address, they could do so with a simple amendment - a letter submitted to the Review Board for consideration.*

### **Cost:**

- What costs will the Village incur by granting “home port status” to the Fireboat McKean? *While the property owner and leasing agent of the marina is responsible for the maintenance/repair of the docks and the dredging of the harbor, there are other liability concerns including questions about who would be responsible should the boat sink while docked in the marina. Such liability concerns could potentially be addressed with assurances such as demonstrated insurance and a signed agreement between the Village and the non-profit Board of Directors.*
- Is the Village responsible for the costs to repair the dock and the dredging of the harbor? *No. These costs are the responsibility of the private entity leasing the marina from the Village.*
- Is the Village receiving rent from the boat? *No. Any payments from the Fireboat McKean would be made to the private entity leasing the marina from the Village.*

### **Environment**

- Has the village investigated the environmental impact of dredging? *The current owner of the former Tarrytown Boat Club has been issued a permit for the dredging which expires in 2026, and is renewable until 2029. The permitting process involves both the Army Corps of Engineers and the NY Department of Environmental Conservation. The DEC investigates the environmental impact of the dredging project as part of the permitting process. The criteria they consider for dredging can be found on the DEC website via the following link: <https://www.dec.ny.gov/permits/6329.html>. The Village was issued a permit in 2015 for dredging the northern portion of the harbor where the Village Fire Department boat is docked and the environmental impact of the dredging was investigated by the DEC then as well. Further, the Village had received a grant of \$300,000 from the New NY Bridge Project that was administered by the Thruway Authority through their Community Benefit Fund, which came with the requirement that the Village had to perform close to \$3 million in dredging in exchange for receiving the \$300,000 grant. Upon review with the Board of Trustees, the Village relinquished the grant and asked the Community Benefit Fund to repurpose the money for shoreline stabilization in Losee Park to remove a deteriorated*

*and rotting steel bulkhead that was contributing to a heavily eroding shoreline and reconstruct the shoreline with boulders, rip-rap and plantings. The Community Benefit Fund agreed to repurpose these funds and they were augmented with environmental benefit funds allocated through the NYS DEC's Hudson River Estuary Grant program to complete the shoreline stabilization down to the Village's kayak launch area.*

- Has the Village investigated the environmental impact of the Fireboat's plans to dock at the marina – e.g. diesel fumes from an idling boat and the impact on park-goers. Are there adequate facilities for a shore-based electric power source when the boat is in the harbor so that it does not need to run continually on diesel fuel? What about spillage? Are we certain about the condition of the boat? There was a reported oil leak when it was docked in Sleepy Hollow. *If the presence of the boat involved a change of use at the marina – ie the boat is used for commercial purposes (not recreational boating), the Village would require site plan review for the boat, which could be the mechanism by which such environmental concerns are investigated and addressed. The report from the lead mechanic of the boat regarding the oil leak in Sleepy Hollow is that no one is certain whether it was the Fireboat or a tug boat, or other boats working on the bridge at the time that caused the oil leak at the time. The hull of the boat was thoroughly overhauled in 2019.*

### **Safety**

- Are the docks accessible and safe? *No, the dock of the western sea wall is not accessible or safe at the moment. The boat location is now proposed on the southwestern corner. The southern end of the dock was reportedly repaired in 2005 and is the strongest section according to the property manager of the Marina.*
- TVAC has concerns about emergency access if someone is harmed on the boat when it is parked on the sea wall. *The concern is valid. The concern would be eased once the docks are repaired, the harbor is dredged, and the boat can be berthed closer to shore.*
- Does the boat have a Coast Guard Inspection Certificate? How are we certain that it will not be leaking sewage or other toxic substances into the water? *The boat does not have a Coast Guard Inspection Certificate. Because the McKean Fireboat does not host paying passengers, they have thus far not been required to have an Inspection Certificate from the Coast Guard. However, if they collect donations from passengers, or if in the future they want to accept passengers for payment, the Fireboat will need to seek a Coast Guard Inspection Certificate for an "Attraction Vessel." The boat hull was overhauled in 2019. In order to apply for a Coast Guard Inspection Certificate, other repairs would need to be made on the boat. The McKean Fireboat's application for historic preservation status would allow them to qualify for grants that would help finance further maintenance and repair.*

### **Viewshed**

- Several raised concerns about the boat blocking the view of the bridge from the Riverwalk if it is parked on the sea wall. The suggestion was raised as to whether it would be possible to grant conditional approval that would allow for the boat's presence in Tarrytown only if it could be parked next to the shoreline adjacent to the Tarrytown Boat Club (which would first require dredging of the harbor.) *This is a possibility that the Board President of the Fireboat McKean would not oppose. The Village Attorney is investigating potential considerations should the Board want to pursue an agreement with the Fireboat McKean.*

### **Plans:**

- What will the boat be used for? Will it be used for events? Tours? As an eating/drinking

establishment? *The plans for the boat are fluid and not firmly established. The Boat Directors have expressed an interest in working with the community on events. They would like to allow school groups to visit the boat and learn about its history. The capacity of the boat is 70, not including the crew. If the boat was parked next to a restaurant, the Fireboat McKean Director explained that the boat could be used for eating and drinking, but that is not the purpose of its docking in Tarrytown.*

### **Past Precedent**

- Many persons raised questions related to the controversial presence of the boat in Sleepy Hollow in 2018. *At the time, there were members of the Sleepy Hollow community who raised objections to the Fireboat McKean's presence at Horan's Landing, but there was also a documented dispute between Sleepy Hollow, New York State and the owner of the River House restaurant. The dispute focused on pilings that were installed without proper state permits for additional docks that were intended to accommodate vessels. The State Office of General Services investigated the ownership of the underwater property and determined the property where the pilings had been installed to be State-owned, and therefore the installation of the pilings had to be remedied. The Fireboat McKean has since been berthed both at Stony Point and at Pier 25 in New York City. The Fireboat McKean's recent efforts to engage the community in this process, albeit at the request of the Board of Trustees, demonstrates a desire to avoid the controversy that occurred in Sleepy Hollow. The boat's hull has also been overhauled and painted in the interim.*

### **Potential avenue to investigate and consider:**

The Board of Directors of the McKean Fireboat have expressed a willingness to sign a conditional agreement with the Village. If granted home port status, they would be willing to agree not to come to Tarrytown until all conditions of the Board of Trustees have been met – ie, the harbor is dredged so that the boat can be docked on the slip adjacent to the Boat Club instead of on the sea wall, the docks are safe, and other assurances are offered. They also agreed to a provision that if certain conditions are not met within a period of time such as three years, then they would be required to seek another marina for their home port. Once historic preservation status is granted, changing home port status is not onerous, but simply requires an amendment by the State Review Board. This usually involves the applicant sending a letter to the Review Board explaining the change. If the Board of Trustees would like to support the boat's application for historic preservation status, but would like to ensure that certain conditions are met if the boat is parked in Tarrytown, then perhaps a conditional agreement would achieve both goals. The Village Attorney would need to investigate the mechanism for enforcement.