

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
Monday November 6, 2023
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York

Members of the Public may attend in person or remotely. For those members of the public interested in viewing and/or participating in the meeting remotely, visit <https://www.tarrytowngov.com/home/events/44806> for instructions on how to join & participate via zoom.

REGULAR MEETING: 7:00 P.M.

Pledge of Allegiance

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Presentation: Washington Irving Boat Club
5. Public Hearing on a Local Law # 3 to amend Chapter 259 entitled "Streets and Sidewalks" of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

WHEREAS, in the interest of health and safety for all, private property owners currently have the responsibility of maintaining sidewalks and curbs adjoining their premises in safe, and passable condition; and

WHEREAS the Board of Trustees of the Village of Tarrytown hereby finds it useful and appropriate to adopt new provisions to add private roads to the list of properties that must be maintained in the interest of public health and safety; and

WHEREAS, a notice of Public Hearing was published in the Journal News on September 8, 2023. September 22nd, 2023, October 6th 2023 and October 20th 2023; and

WHEREAS, a Public Hearing was held on the proposed action on September 18th, October 2nd, October 16th and November 6th, 2023; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the proposed action; and

WHEREAS, the proposed action is a Type II Action and therefore no further review under SEQRA is required.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 3 to amend Chapter 259 of the Village Code entitled Streets and Sidewalks to add private roads to the list of properties that must be maintained. The full language of the proposed Local Law can be found at the end of this agenda.

6. Public Hearing on Local Law # 4 to amend the Village Code Chapter 305 – Zoning to: (1) amend Section 47 to add new exemptions to the Yard requirements for mechanical equipment and certain other structures; (2) to amend Section 63 regarding the parking fund payment requirement to exempt the RR (Restricted Retail) Zone applicant from having to obtain a variance when the Planning Board requires payment in lieu of parking contribution to the parking fund.

WHEREAS, in order to simplify the land use process for certain types of improvements and to potentially proceed without the need for Zoning Board of Appeals approval, which will reduce costs and the burden upon property owners, the Board of Trustees hereby finds it useful and appropriate to adopt new provisions in the Village Zoning Code to allow certain minor improvements to be sited within the setbacks, which may potentially reduce the need for residential property owners to seek variances for such minor improvements, but to still require a minimum 3-foot setback for these improvements; and

WHEREAS the proposed minor improvements to be allowed within the setback requirements, but still no closer than 3ft from the side and rear yard lot lines, include certain mechanical equipment for heating and cooling as well as storage sheds and children's playhouses no more than 12ft in height; and

WHEREAS in order to establish in instances where the Planning Board requires payment into the parking fund for a property use in the RR Restricted Retail Zone (or where the Building Inspector waives site plan approval), the applicant need not also have to obtain a variance for parking from the Zoning Board of Appeal, which will reduce the burden on proposed businesses in the RR Restricted Retail Zone but still ensure a process remains through the Planning Board for payment in lieu of parking; and

WHEREAS at the August 21, 2023 Board Meeting, the Board of Trustees determined the proposed action to be a Type I action under SEQRA, and as the only involved agency, declared itself Lead Agency; and

WHEREAS, a notice of Public Hearing was published in the Journal News on August 28, 2023, October 6th, 2023 and October 20th, 2023; and

WHEREAS, the proposed local law has been on the desks of the members of the Board of Trustees for seven days, exclusive of Sunday; and

WHEREAS, a Public Hearing was held on the proposed action on October 2, October 16th and November 6th, 2023.

NOW, THEREFORE BE IT RESOLVED, that the BOT adopts the Full EAF Part 2 and 3, a copy of which will be attached to the minutes of this meeting; and

BE IT FURTHER RESOLVED that in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c), the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse environmental impact and therefore the Board of Trustees hereby adopts a Negative Declaration for the proposed action as set forth in the full EAF Part 3, a copy of which is attached to the minutes; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 4 to amend the Village Code Chapter 305 – Zoning to (1) amend Section 47 to add new exemptions to the Yard requirements for mechanical equipment and certain other structures; (2) to amend Section 63 regarding the parking fund payment requirement to exempt the RR (Restricted Retail) Zone applicant from having to obtain a variance when the Planning Board requires payment in the parking fund.

7. Public Hearing on a Local Law # 5 to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk

WHEREAS, in the interest of health, safety and quality of Village life, private property owners have the responsibility of proper maintenance of the planting strips between the sidewalk and curb including keeping the grass cut and free from brush, weeds, long grass, and rubbish; and

WHEREAS to diversify the types of plantings allowed in the planting strip while maintaining standards of safety and accessibility along public pathways, the Board of Trustees hereby finds it useful and appropriate to consider a local law that allows for a greater range of plantings and groundcovers as long as they are lower than 6 inches and do not cause a tripping or entanglement hazard; and

WHEREAS, a notice of Public Hearing was published in the Journal News on September 22nd, October 6th and October 20th 2023; and

WHEREAS, a Public Hearing was held on the proposed action on October 2nd, October 16th and November 6th, 2023; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the proposed action; and

WHEREAS, the proposed action is a Type II Action and therefore no further review under SEQRA is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 5 to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk.

8. Opportunity for the Public to address the Board only on items listed on the agenda, other than public hearing items. Speakers shall have three (3) minutes each to address the Board of Trustees
9. Resolution calling for a Public Hearing on a request for a Compatible Use Permit for 220 White Plains Road Suite 585 for a Professional Office with an Accessory Laboratory.

WHEREAS, the Village has received a request from Dr. R.N. Bhargava for the Village to issue a Compatible Use Permit for 220 White Plains Road Suite 585 for a Professional Office with an Accessory Laboratory, which is required and is requested before the Village Planning Board grants site plan approval; and

WHEREAS, the proposed use will convert 975 sf of a 4,000 sf office suite into a laboratory space for research conducted by Integrated Nano-Magnetics Inc. (INM), a nanotechnology firm; and

WHEREAS, the Applicant’s submission indicates there will be no medical research conducted at the facility, no overnight stays, no generation of toxic waste or production of toxic particulates in the exhaust system, and the Department of Health will need to issue an air emissions permit prior to opening the laboratory; and

WHEREAS, the Planning Board has reviewed the application and recommends approval of the Compatible Use Permit for the research and testing laboratory at Suite 585 in the 220 White Plains Road building;

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing to be held at 7 p.m. on Monday, November 20, 2023, at Tarrytown Village Hall, 1 Depot Plaza, during the Regular Board Meeting, on a request for a Compatible Use Permit to be issued to Dr. R.N. Bhargava of Integrated Nano-Magnetics Inc. (INM) for the premises at 220 White Plains Road Suite 585, Tarrytown.

10. Resolution Authorizing a Contract Renewal with Grant Consultant Millennium Strategies

WHEREAS, the Village of Tarrytown has been working with Millennium Strategies for approximately one year; and

WHEREAS, Millennium Strategies has written multiple grant applications including the recently awarded Federal Safe Streets and Roads for All Action Plan Grant in the amount of \$340,000; and

WHEREAS, Millennium Strategies shares grant opportunities and a deep knowledge base of grant program requirements;

NOW, THEREFORE BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby authorizes a professional services agreement with Millennium Strategies of Nanuet, NY, for grant planning, research and complete grant application writing services to the Village of Tarrytown, for a retainer of a monthly cost of three thousand dollars (\$3,000) per month, and authorizes the Village Administrator to execute the agreement and to take the necessary and appropriate actions to implement it.

11. Stipulation of Agreement – Village of Tarrytown and the CSEA

WHEREAS, the negotiating committees for the Village of Tarrytown and the Civil Service Employees Association, Local 1000 AFSCME AFL-CIO, Local Unit #8212 (“CSEA”) executed a Tentative Agreement on January 24, 2023, later revised and for a successor collective bargaining agreement retroactive to June 1, 2022; and

WHEREAS, the Village was notified by February 1, 2023, that the membership of the CSEA voted to ratify the Tentative Agreement; and

WHEREAS, the Tarrytown Board of Trustees approved the new agreement at the February 8, 2023 Board of Trustees Meeting; and

WHEREAS, as part of the agreement the Village of Tarrytown will contribute monthly premiums for dental and vision coverage for CSEA employees.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the agreement between the Village of Tarrytown and the CSEA Employee Benefit Fund to pay monthly premiums for eligible employees towards dental coverage through Sunrise Dental Plan and vision coverage with Platinum 12 Vision Plan for a period of June 1, 2020 through May 31, 2026.

12. Agreement with Westchester County – Prisoner Transportation

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute a renewal Inter-municipal Agreement (IMA) between the Village and Westchester County regarding reimbursement to the Village of Tarrytown Police Department for prisoner transportation to County Jail facilities for the period January 1, 2023 through December 31, 2024.

13. Agreement with Westchester County – Mobile Radios

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an Inter-municipal Agreement (IMA) between the Village and Westchester County to provide to the Village of Tarrytown Police Department with mobile radios, at no cost to the Village except for the costs of installation and maintenance, for the purpose of mutual aid events and cross-municipal coordination for the period January 1, 2024 through December 31, 2029 unless sooner terminated.

14. Resolution Authorizing the Purchase of a Backhoe for the Public Works Department

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize a purchase for the Department of Public Works, as provided in the 2023-24 Village Capital Improvement Program for the schedule of vehicle replacements, one (1) New Caterpillar 430-07ST Backhoe Loader off of Sourcewell Contract No. 032110-CAT for the total amount of \$112,750.00 including \$22,500 for the trade-in of existing 2008 Backhoe Loader;

BE IT FUTHER RESOLVED that the Village Administrator is authorized to sign the necessary documents for this purchase, and the Village anticipates that the funds for the purchase will either be from operating funds, appropriation of surplus, or the future issuance of debt.

15. Vehicle and Traffic Amendment - (Section 291-73 Schedule VIII: Stop Intersections)

WHEREAS, in response to resident feedback the Transportation and Mobility Council considered a request to make the intersection at Union Avenue and Kerwin Place a three-way stop intersection to slow the pace of traffic and improve pedestrian safety, especially for children who wait for the school bus at the intersection; and

WHEREAS after circulating a survey to area properties to which the majority of respondents were in favor of making the intersection a three-way stop, the Transportation and Mobility Council recommends the intervention to improve pedestrian safety;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following code change:

Section 291-11 (Stop Intersections) of the Village Code states “The intersections described in Schedule VIII (§ 291-73), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.”

Section 291-73 of the Village Code (Schedule VIII: Stop Intersections) states “In accordance with the provisions of § 291-11, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:”

The following amendment should be made to Section 291-73 (new language in bold print);

Stop Sign On	Direction of Travel	At Intersection Of
Union Avenue	Both	Kerwin Place

16. Tax Certiorari

BE IT HEREBY RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve payment of the settlement of the following tax certiorari case as outlined in the Village Tax Certiorari Attorney’s recommendation, related to Tarrytown Professional Center, Inc., located at 22 South Broadway, Tarrytown, settling tax years 2018, 2019, 2020, 2021 and 2022, as follows:

Owner and Address	Property ID Number
Tarrytown Professional Center, Inc. 200 South Broadway	S. 1.100, Block 71, Lot 29
Total Refund Amount	\$14,283.86

17. Resolution Establishing New 15-Minute Parking Spaces

WHEREAS Goldberg Hardware located at 63 Main Street is an important community resource that supplies materials to residents and businesses that often need to be loaded into a vehicle and cannot be easily carried; and

WHEREAS the long-established local business has been impacted by the lack of parking at the western end of Main Street and has requested the implementation of 15 minute parking spaces to allow customers to quickly obtain and load the goods they need;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the establishment of three 15-minute parking spaces in front of 63 Main Street with the meter numbers 257, 258 and 259 that shall be designated at 15-minute spaces with a yellow colored parking meter.

18. Holiday Meter Parking

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the holiday parking meter program for the 2023 holiday season by designating certain parking meters to be covered to allow free parking subject to a two-hour time limit (posted parking limits shall be enforced), for the period from Saturday, December 2, 2023 through Friday, December 29, 2023 at the following locations: all downtown business district street meters, municipal lots on South Washington Street East, McKeel Avenue, Neperan Road, and South Broadway.

19. Fire Department Membership Changes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the following membership changes recommended at the October 24, 2023 Board of Fire Wardens Meeting.

Membership: Quinn Mueller has been elected to active membership at Phenix Hose.

20. TaSH Wine Bar for December 2, 2023

WHEREAS, the Village of Tarrytown will hold its annual TaSH Holiday Market and Tarrytown Holiday Tree Lighting in Patriot's Park on the first Saturday in December, which this year will be December 2, 2023; and

WHEREAS, the Board of Trustees of the Village of Tarrytown has been requested by the operators of the Farmer's Market to allow the sale and consumption of wine at by a wine vendor in Patriot's Park as part of the event; and

NOW, THEREFORE, BE IT RESOLVED that the that the Board of Trustees of the Village of Tarrytown hereby authorizes and grants permission for a vendor to sell for purchase and consumption of wine for take home consumption and as a "wine bar" type of setup as part of the TaSH Holiday Market on Saturday, December 2, 2023, in Patriot's Park; and

BE IT FURTHER RESOLVED that each vendor must obtain a New York State Liquor Authority (SLA) offsite premise event permit, provide insurance naming the Village of Tarrytown as additional insured and keep the sale and consumption only to the event in Patriot's Park on Saturday, December 2, 2023, which shall not exceed the hours of 12 Noon to 6 p.m. for this event.

21. Approval of the Minutes of the Board of Trustees Meeting of October 16, 2023

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Board of Trustees Meeting held on Monday, October 16th, 2023 as submitted by the Village Clerk.

22. Approval of Action Item Minutes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the Action Item minutes of the Board of Trustees Work Session Meeting held on Wednesday, November 1, 2023 as submitted by the Village Administrator and the Village Clerk.

23. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.9 of Audited Vouchers in the total amount of \$539,091.85 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 350,625.55
Water	\$ 157,278.27
Sewer Fund	\$ 219.19
Capital	\$ 8,601.14
Library	\$ 18,198.02
Trust & Agency	\$ 4,169.68
CM (Special Funds)	\$ <u>0.00</u>
Total	\$ 539,091.85

24. Opportunity for the Public to Address the Board on items not included on the agenda. Speakers have three (3) minutes before yielding to the next speaker

25. Adjournment

LOCAL LAW 3 - 2023

A local law to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

Section 1. Amending § 259-35 entitled “Maintenance Required”, deleting it in its entirety and replacing it with the following language:

Old language:

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.

New Language:

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.

It shall also be the duty of every property owner or responsible entity to keep the private road under their ownership, authority or control in safe, passable condition.

Section 2. Amending § 259-36 entitled “Failure to make repairs”, deleting it in its entirety and replacing it with the following language:

Old language:

For failure, upon notice by the Superintendent of Public Works or their designee of not less than 24 hours, to make such repairs as are specified as to place and manner, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land

New Language: Upon notice by the Superintendent of Public Works or their designee, repairs shall be made within 30 days unless there is an imminent threat to the health, safety or welfare of the public as determined in the sole discretion of the Superintendent of Public Works and the Village Engineer. In case of failure to make such repairs as specified, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land, or to the owner or entity responsible for such property.

Section 3: 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 4: 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.

LOCAL LAW __ - 2023

A local law to amend Chapter 305 of the Tarrytown Code, entitled “Zoning” to: (1) amend Section 47 to add new exemptions to the Yard requirements for mechanical equipment and certain other structures; (2) to amend Section 63 regarding the parking fund payment requirement to exempt the RR (Restricted Retail) Zone applicant from having to obtain a variance when the Planning Board requires payment in the parking fund.

Be it enacted by the Village Board of the Village of Tarrytown as follows:

Section 1. Legislative Intent

The purpose of these Zoning Code amendments is to simplify the land use process for certain types of improvements and to potentially proceed without the need for Zoning Board of Appeals approval, which will reduce costs and the burden upon property owners. Regarding the yard setback amendment, the purpose is to allow certain minor improvement to be sited within the setbacks, which may potentially reduce the need for residential property owners to seek variances for such minor improvements, but to still require a minimum 3-foot setback for these improvements. Regarding the parking fund amendment, the purpose is to establish that where the Planning Board requires payment into the parking fund with respect to a property in the RR Restricted Retail Zone (or where the Building Inspector waives site plan approval), the applicant need not also have to obtain a variance for parking from the Zoning Board of Appeal, which will reduce the burden on proposed businesses in the RR Restricted Retail Zone but still ensure a process remains through the Planning Board for payment in lieu of parking.

Section 2. Amending Section 305-47 entitled “Yards, setbacks”, Subsection B to add additional permitted exceptions to obstructions in yard for certain mechanical equipment and sheds as follows (language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

§ 305-47 **Yards; setbacks.**

- A. Yard for every building. No part of a required yard or other open space provided about any building or on any lot for the purpose of complying with the provisions of this chapter shall be included as any part of the required yard or open space for any other building or any other lot.
- 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), except as follows:
 - (1) Entrance and exit roads, driveways, sidewalks, drainage structures and other utilities may be permitted in a required yard if approved by the Planning Board in the process of site plan or subdivision review and approval.
 - (2) Cornices, canopies, eaves or any similar features, none of which is less than 10 feet above grade, may extend three feet.

- (3) Uncovered front stairs and landings connected to the primary structure may extend a maximum of five feet into the required front yard.
- (4) An open fire escape may extend four feet, but no required fire escape on any structure shall be constructed on the front or any side thereof which faces on a street or be roofed over or enclosed.
- (5) A terrace or uncovered porch or deck with its floor level no higher than that of the main entrance to the building may extend six feet but, in the case of a side yard, not nearer than six feet to any side lot line. A railing no higher than 42 inches may be placed around any such terrace or porch.
- (6) A chimney may extend two feet.
- (7) A fence or wall no higher than six feet may be placed on any property, subject to the additional restrictions in Subsection D. Barbed wire shall be prohibited in the Village of Tarrytown.

(8) Mechanical equipment for providing heating and/or cooling for a residential dwelling provided the equipment, which does not include a generator, complies with the following:

- (a) the equipment shall not exceed 12 square feet and shall not be located in the front yard nor be nearer than 3 feet to any side or rear lot line;**
- (b) the equipment shall not discharge any air onto an adjacent property; and**
- (c) the equipment shall not emit noise exceeding 62 decibels at the 1 foot from the unit.**

(9) Sheds/toolhouses and child’s playhouse not within the front yard and not nearer than three feet to any side or rear lot line provided the shed/toolhouse and child’s playhouse complies the following:

- (a) They not exceed 100 square feet; and**
- (b) Sheds/toolhouses shall not be higher than 9 feet and a child’s playhouse shall not be higher than 12 feet.**

10) Side or rear stairs no higher than grade level and attached to the principal building provided they are not nearer to any side or rear lot line than 3-feet.

Section 3. Amending Section 305-63 entitled “Off Street parking and loading”, Subsection C(7)(d) to provide that where the Planning Board requires a monetary contribution to the parking fund, the applicant shall not ~~also~~ be required to seek a variance for parking from the Zoning Board of Appeals as follows (language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

C. Location, use, design, construction and maintenance of parking and loading facilities.

- (1) Location. Required parking and loading spaces shall be provided upon the same lot as the use or structure to which they are accessory, except that off-street parking spaces required for structures or land uses on two or more adjacent lots may be provided in a single common facility on one or more of said lots, provided that a legal instrument, satisfactory to the Village Attorney, assures the continued existence of the parking facility to serve said structures or land uses as long as they may exist. Such agreements shall also guarantee that upon the termination of such joint use, each subsequent use of the premises will provide off-street parking facilities for its own use in accordance with all requirements of this section. The Zoning Board of Appeals may also permit the substitution of space on another lot under certain conditions where, by reasons of difficult topography or abnormal shape of lot, strict compliance with the minimum off-street parking requirements specified in this chapter or in particular cases found to be necessary and so ordered by the Planning Board or by the Board of Appeals cannot be attained on the lot to which such space would be appurtenant. The Board of Appeals, after notice and hearing and upon recommendation of the Planning Board, may permit the substitution therefor of equivalent off-street parking space on another lot in the same ownership or under lease for a term of not less than five years, the entrance to which is not over 300 feet by normal pedestrian travel from the building or use to which such off-street parking space is appurtenant, and if such alternate off-street parking space is authorized, such space shall be deemed to be required open space appurtenant to such building or use and thereafter may not be used for any other purpose unless other alternative space complying with this subsection is substituted therefor and approved by the Board of Appeals. In no event shall such parking and/or loading spaces for a nonresidential use be so located without approval of the Zoning Board of Appeals.
- (2) Size of parking spaces. Each parking space shall be at least nine feet wide and 18 feet long. If enclosed, the Planning Board may require the size of the space to be increased for maneuverability.
- (3) Additional standards as to size and location. Off-street parking spaces shall be set back from any side-street line a distance equal to the front yard requirements on such side street unless lots are back to back, in which case they shall be set back 15 feet. Enclosed parking structures and paved parking areas shall constitute an accessory building and shall conform to the required setback requirements for the applicable zoning district as delineated in the Tarrytown Zoning Schedule. Notwithstanding the provisions of Subsection C(1) and (2):
 - (a) Parking units required for one-family dwellings may be reduced in width to eight feet and may be provided in accessory garages or carports or in a side or rear yard or in a driveway not less than eight feet nor more than 30 feet in width or in a combination thereof but may not otherwise encroach upon a required front yard, and the driveway may not be less than five feet from any side or rear lot line, except in any R-5 District.
 - (b) Parking units for all other uses shall be nine feet in width and may not encroach upon a required front yard. No driveway accessory to such uses shall be closer than 10 feet to any side or rear lot line. No parking space or parking area other than approved entrance and exit drives shall be permitted in any front yard.

- (c) A required front, side or rear yard shall be defined as the minimum yard required for the applicable zoning district as delineated in the Tarrytown Zoning Schedule.
- (4) Grades, drainage, paving and marking. Required off-street parking facilities may be enclosed in a structure or may be open, except as required specifically herein or by the Planning Board in site plan review. All required parking facilities shall be graded, surfaced, drained and maintained throughout the duration of their use to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The maximum slope within a parking area shall not exceed 5%. In multifamily residential developments and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.
- (5) Parking and loading area landscaping. Except for parking spaces accessory to a one-, two- or three-family dwelling, all off-street parking areas shall be developed in accordance with Planning Board site plan approval and guidelines established by the Planning Board.
 - (a) Notwithstanding the above provisions in this subsection, where an off-street parking area in any business or multifamily residence district adjoins a one-family residence district or is adjacent to a street, park or other public open space, there shall be a suitably maintained landscaped strip of a width specified in Subsection C(5)(c), below. Each such landscaped strip shall consist of an evergreen hedge, wall or fence not less than two feet in height, located at the inner edge of such required landscaped strip, exclusive of entrances and exits, and in front or outside of any such wall or fence there shall be a planting screen of shrubbery not less than four feet in width, at least 1/2 of which shall consist of evergreens not less than two feet in height. Each such landscaped strip shall be maintained by the property owner.
 - (b) The shrubbery shall be of sufficient density to conceal in midsummer of the year succeeding the planting thereof 25% of the vertical area of such wall or fence. Any portion of such landscaped strip not occupied by shrubbery shall be planted with a good quality grass seed or permanent plant cover such as ivy or pachysandra or similar growth and shall be kept free of trash, suitably watered except when prohibited in times of drought and suitably trimmed and maintained. Wherever motor vehicles are to be parked adjacent to such landscaped strip, there shall be a suitable curb or bumper guard, approved as to design and construction by the Code Enforcement Officer.
 - (c) Minimum widths of landscaped strips shall be:
 - [1] Along a street frontage, except as to entrances and exits: 10 feet.
 - [2] Along any boundary abutting directly on a residence district, except as specified below: 10 feet.
 - [3] Along any boundary of a multifamily residence use, the adjacent portion of which is used for the parking of passenger vehicles or for access and turning areas appurtenant thereto: five feet.

- (6) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between one or more adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Village Attorney, binding the owners and their heirs and assignees to permit and maintain such internal access, circulation and inter-use of parking facilities by the users of the facilities.
- (7) Miscellaneous parking requirements.
 - (a) Deemed required open space. Such off-street parking and off-street loading space, together with the necessary entrances, exits, passageways, turning areas and landscaped borders, shall be deemed to be required open space on the lot on which it is situated and shall not thereafter be encroached upon or reduced in any manner except as specified in Subsection C(7)(b) below.
 - (b) On application by the owner or lessee or in the course of site plan review and recommendation by the Planning Board and after due notice and hearing, if the Board of Appeals shall find that the minimum off-street parking space specified for any use by this chapter is, in a particular case, in excess of the number required to comply with Subsection D, Schedule of Off-Street Parking Requirements, it may, in such case and subject to such conditions as it may impose, waive temporarily the construction of such number of units so found to be in excess of those so required, but the land necessary to provide the parking units, temporarily waived, and the access and turning areas appurtenant thereto shall not be built upon but shall be deemed to be required open space to be kept available for the construction of the required parking units, temporarily waived, and the Board of Appeals shall have the power, after notice and hearing, to rescind such waiver when, in its judgment, the public interest so requires.
 - (c) With respect to any use for which the required parking units are not specifically set forth in this chapter or upon recommendation of the Planning Board, the Board of Appeals shall determine the number of off-street parking units which will bear a reasonable relation to the minimum off-street requirements for specified uses as set forth in the schedule and shall require that such number of units be provided.
 - (d) Parking fund.
- [1] Upon the establishment of a parking fund for the RR Restricted Retail Zone by the Village Board of Trustees, should the Planning Board or the Zoning Board of Appeals, depending upon which of these two Village agencies is responsible for the review and approval of the particular parking requirement, determine that such parking requirement cannot be fulfilled because the applicant does not have land on site available for parking or has land on site that cannot be accessed from public rights-of-way, said Board may shall require a monetary contribution in lieu of the provision of parking spaces, up to a maximum of 15 parking spaces. If the application requires payment into the parking fund in lieu of the provision of parking spaces and such parking fund payment as detailed herein is a condition of a Planning Board approval, the applicant shall not also be required to seek a variance for parking from the Zoning Board of Appeals. The amount to be placed

in the parking fund shall be as follows:

- [a] From one to five parking spaces: \$1,000 per parking space.
- [b] From six to 10 parking spaces: \$2,000 per parking space.
- [c] From 11 to 15 parking spaces: \$3,000 per parking space.
- [2] These procedures shall be limited to the off-street requirements within the RR Restricted Retail Zone. The parking fund, when established, shall be used exclusively for the creation of new parking in the downtown commercial area or for the maintenance of the existing parking in the downtown commercial area.
- (e) **Notwithstanding § 305-132A(1) and provided no changes or modifications are proposed to the site, in** ~~In~~ the RR Restricted Retail Zone, if the Building Inspector finds that a change of use or occupancy **within a year period from the previous use** will not require an increase of more than five off-street parking or loading spaces beyond that required for the previous use, or in the number of spaces actually approved for construction to serve the use, and the applicant does not have land available on-site for parking or has land on-site that cannot be accessed from public rights-of-way, site plan approval requirements may be waived by the Building Inspector. If the Building Inspector determines that site plan approval is not required, the parking requirements under this chapter shall be deemed fulfilled **with no requirement for the applicant to seek a parking variance from the Zoning Board of Appeals**. The decision of the Building Inspector can first be reviewed by the Village Administrator and then by the Planning Board.
- (f) In MU Zones, parking and loading spaces and all paved internal roads shall be subject to additional setbacks from the property lines, as specified in § 305-129.

Section 4: 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 5. 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.

LOCAL LAW 5 - 2023

A local law to amend Chapter 259-49 of the Tarrytown Code, to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk

Section 1. Amending § 259 Streets and Sidewalks, Article XIV Miscellaneous Provisions, Section 49 entitled “Maintenance of sidewalk area.” as detailed below.

Section 2. Deleting the current language in Section 259-49:

The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line free from brush, weeds, long grass, rubbish and other materials and shall keep the grass thereon cut.

Section 3. Replacing the current language in Section 259-49 with the following language:

Maintenance - The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line in good care, free from brush, weeds, long grass, rubbish and other materials and shall keep the grass and other low-growing plants thereon cut. The following details plants and lawn-type flowers that are allowed or prohibited.

- A. Allowed plants between curbs and sidewalks – This includes lawn grasses and other lawn-type low growing plants that do not exceed four to six inches (4” – 6”) in height, which do not create a tripping or entanglement hazard. Examples of allowed plants includes but is not limited to lawn-grasses, mosses, clovers and other plants such as sporadically spaced bulb-flowers to naturalize a lawn area such as crocuses, snow drops and other similar plants.
- B. Prohibited plants between curbs and sidewalks – This includes plants that may create a barrier, trip hazard or entanglement hazard and are prohibited between the curb and the sidewalk. Such plants include but are not limited to shrubs, decorative plants, grasses and flowers that exceed six inches in height, vines and other similar plants. This also includes noxious or poisonous plants such as poison ivy, poison oak, stinging nettles and other plants that could cause injury to persons entering and exiting vehicles, or crossing between the sidewalk and the street.

Section 4: 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 5: 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.