

VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
REGULAR MEETING 7:00 P.M.  
Monday, October 17, 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 and/or participating in the meeting remotely, visit <https://www.tarrytowngov.com/home/events/37586> for instructions on how to join & participate via zoom.

---

REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Public Hearing – Local Law #9-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to regulate cannabis retail dispensaries in the Village of Tarrytown.

WHEREAS, the State of New York has adopted legislation to legalize the sale and consumption of cannabis; and

WHEREAS, pursuant to the provisions of State Law, the Board of Trustees adopted legislation prohibiting on-site consumption of cannabis products but did not opt-out of allowing retail dispensaries; and

WHEREAS, the Board of Trustees hereby finds it necessary to adopt new provisions in the Zoning Code to regulate certain zoning aspects of such businesses; and

WHEREAS, a notice of public hearing was published in the Journal News on October 7, 2022; and

WHEREAS, a public hearing was held on the proposed action on October 17, 2022.

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE BE IT 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 hereby adopts a Negative Declaration for the proposed action;

BE IT FURTHER RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law #9-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to regulate cannabis dispensary facilities in the Village of Tarrytown. The full text of Local Law # 9-2022 can be found attached to this agenda and in the minutes of this meeting.

5. Public Hearing – Local Law #10-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown (Full language of the proposed law attached to this agenda).

WHEREAS, in order to update our local zoning code and address the housing and economic needs of our community, the Board of Trustees hereby finds it useful and appropriate to adopt new provisions in the Village Zoning Code to allow for and regulate accessory dwelling units (ADUs) in the Village of Tarrytown; and

WHEREAS, a notice of public hearing was published in the Journal News on October 7, 2022; and

WHEREAS, a public hearing was held on the proposed action on October 17, 2022.

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE BE IT 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 hereby adopts a Negative Declaration for the proposed action; and

BE IT FURTHER RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law #10-2022 to amend the Village Code Chapter 305 – Zoning to enact new provisions to allow and regulate accessory dwelling units (ADUs) in the Village of Tarrytown. The full text of Local Law #10-2022 can be found attached to this agenda and in the minutes of this meeting.

6. 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
7. Resolution calling for a public hearing on a local law to amend the Village Code Chapter 269 – Taxation - to increase the maximum income levels to qualify for exemptions from real property tax for senior citizens (Full language of the proposed law attached to this agenda).

WHEREAS the State of New York has adopted legislation allowing municipalities to expand the property tax exemption eligibility for those 65 and older; and

WHEREAS the Town of Greenburgh passed a law expanding tax exemption benefits for senior citizens based on their income levels on September 28, 2022; and

WHEREAS the Village of Tarrytown has not increased the income eligibility levels for qualifying tax exemptions for senior citizens since 2011; and

WHEREAS rising inflation, increasing medical costs and other factors have increased the cost of living for senior citizens, and expanding tax exemption benefits can help more residents 65 and older to remain in the Village, thereby increasing quality of life for all.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby schedules a Public Hearing to be held at the Regular Board of Trustees Meeting on Monday, November 7, 2022 to consider a proposed Local Law to amend the Village Code to increase the income levels at which Senior Citizens are eligible for reduced property tax levels.

8. Resolution Declaring Support for the New York State Climate Action Council Scoping Plan

WHEREAS, the Sixth Assessment of the International Panel on Climate Change (IPCC) finds that climate change is causing dangerous and widespread disruption in nature and affecting the lives of billions of people around the world; and

WHEREAS, the IPCC Assessment concludes that rapid, deep and sustained reductions in global greenhouse gas emissions (GHG) are necessary, including accelerated action in this critical decade, to limit global warming to within 1.5°C and 2°C in this century; and

WHEREAS, New York State recognizes the urgent need to reduce and eliminate GHG emissions in the atmosphere, passing the 2019 Climate Leadership and Community Protection Act ("Climate Act") committing the State to:

- reduce GHG emissions by 40 percent by 2030 below 1990 levels, and achieve net-zero emissions by 2050;

- meet 70 percent of electricity needs from renewable resources by 2030, and 100 percent of electricity needs from zero-emissions resources by 2040;
- ensure a just and equitable transition that leaves no one behind, and dedicate up to 40 percent of the benefits of clean energy investments to Disadvantaged Communities; and

WHEREAS, the New York State Climate Action Council has approved for public comment a Draft Scoping Plan to meet New York's climate and equity goals; and

WHEREAS, the Scoping Plan calls for shifting to energy-efficient electrification in buildings and transportation as the primary solution to replace fossil-fuel combustion in these sectors, which together account for 60 percent of the state's carbon emissions; and

WHEREAS, the Scoping Plan calls for a phase-down of emissions from fossil fuel-fired electricity generation, while ensuring support and protections for impacted workers as they transition to clean energy jobs;

WHEREAS, the 2021 Jobs Study by the Just Transition Working Group for the NYS Climate Action Council estimates that meeting New York's climate goals will result in a net gain of 189,000 jobs across the state by 2030, alone, with a ratio of jobs gained to jobs displaced of 10 to 1; and

WHEREAS, the Scoping Plan includes measures that would expand the development of renewable resources and battery storage, encourage "agrivoltaics," or the co-location of agricultural activities with solar and wind, and provide resources to communities to assist with renewable siting and land-use planning;

WHEREAS, the Scoping Plan recognizes the critical role that rural landscapes play, both natural and working lands, in sequestering carbon emissions and enabling the state to achieve net-zero emissions, and the importance of agricultural land preservation, open space protection, support for farmers to improve soil health, and policies that expand afforestation and reforestation and incentivize and assist private landowners in implementing sustainable forest management practices;

WHEREAS, the Integration Analysis for the Scoping Plan finds that meeting emissions reduction goals of the Climate Act is technically feasible and will have the additional and significant benefit of improving public health by eliminating co-pollutants from fossil fuel combustion, resulting in an estimated \$50 to \$120 billion in health-related savings by 2050; and

WHEREAS, according to NYSERDA, over half of what New Yorkers currently spend on energy leaves New York, mostly for fossil fuels; and

WHEREAS, our communities would be better served by keeping energy spending primarily within the local economy;

NOW, THEREFORE BE IT RESOLVED, the Village of Tarrytown affirms the critical importance of meeting the emissions and equity goals of the Climate Act, which will help mitigate dangerous warming while delivering the additional benefits of improving public health, economic opportunities, agricultural land open space protection, and quality of life for the people of the Village of Tarrytown; and

BE IT FURTHER RESOLVED, the Village of Tarrytown supports a planning process for a managed transition of the utility gas system that maintains affordable, safe, and reliable utility service and protects low- and moderate-income households from an undue burden in the transition; and

BE IT FURTHER RESOLVED, the Village of Tarrytown supports the recommendations of the Scoping Plan for advanced building codes that will improve the energy efficiency of new buildings, creating healthier living and work environments while reducing monthly energy costs; and

BE IT FURTHER RESOLVED, the Village of Tarrytown supports the recommendations of the Scoping Plan to phase in code requirements prohibiting on-site combustion of fossil fuels in new buildings over a 2024-2027 period; and

BE IT FURTHER RESOLVED, the Village of Tarrytown calls on the Climate Action Council to include in the Scoping Plan the necessary policies and support to help owners of existing buildings improve energy efficiency and transition to zero-emissions equipment, ensuring cost parity with fossil systems, with incentives and financing assistance as necessary; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown supports Scoping Plan recommendations that make electric vehicles more affordable relative to gas-powered vehicles, and expand fast-charging infrastructure; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown urges the Climate Action Council to include in the Scoping Plan recommendations to expand assistance for all-electric upstate municipal transit systems; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown further urges the New York State Department of Environmental Conservation and NYSERDA to immediately launch a sustained statewide public education and information campaign on the benefits of a clean energy economy and climate-friendly choices by consumers of heating and cooling systems, transportation, and products and appliances; and, be it further

BE IT FURTHER RESOLVED, the Village of Tarrytown shall forward copies of this resolution to the Commissioner of the NYS Department of Environmental Conservation, President of NYSERDA, Chair of the NYS Public Service Commission, the NYS Climate Action Council, and Members of the State Senate and Assembly representing the Village of Tarrytown.

9. Resolution Authorizing the Contract Award for the Lighting and Ceiling Update Project at the Warner Library

WHEREAS, the 1979 addition to the Warner Library including the Main Floor Reference Area requires new led lighting, acoustic ceiling tiles and new HVAC vents; and

WHEREAS, the Library Director issued a Request for Proposals with the Scope of Work to be completed including a proposal submission deadline of September 1, 2022 and a submission deadline extension to September 22, 2022; and

WHEREAS, the Library Director received the following two bids:

<u>Company Name</u>	<u>Bid Amount</u>
Graham Restoration Co., Inc. 1052 Port Washington Blvd., #1351 Port Washington, NY 11050	\$126,310.00
RENU Contracting Restoration 1215 Sunrise Highway Copiague, NY 11726	\$132,500.00

WHEREAS, it is the recommendation of the Library Director that the bid be awarded to the lowest responsible bidder, Graham Restoration Co, Inc per their bid of \$126,310.00, and

WHEREAS, the Warner Library has just been notified that the State of New York construction grant awards were just officially announced today and the library will officially be receiving \$71,150 towards this project, with the balance of funding to come from the Warner Library Foundation, or Library Operating Funds, or the future issuance of debt, or some combination of the above.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Warner Library Ceiling and Lighting Update project to Graham Restoration Co., Inc., of Port Washington, New York per their total approximate bid price of \$126,310.00; and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Graham Restoration Co, Inc. per their bid of \$126,310.00.

10. Resolution Authorizing an Amendment to the Master Fee Schedule for taxicab rates

WHEREAS Section 273-12 of the Village Code states that a taxicab owner or driver or a livery owner or driver shall not charge a fare for taxicab services or livery services in excess of the schedule of rates established by the Board of Trustees; and

WHEREAS Uber and other freelance service providers have challenged the business model for traditional taxi services in the Village; and

WHEREAS the Village Board of Trustees deems it necessary to increase the rate for taxi trips within the Village of Tarrytown, but does not want to cause undue burden on passengers or overcomplicate the fee structure;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby sets the allowable taxicab rate for trips within the Village of Tarrytown at \$8.00 per trip within the Village for all parties going to the same address, and sets the rate for Senior Citizens (ages 62 and over) at \$5.00 for trips within the Village of Tarrytown for all parties going to the same address.

11. Resolution to authorize an amendment to the settlement agreement between the Quay of Tarrytown Condominium and the State of New York

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the Amendment to the Stipulation of Settlement among the Village of Tarrytown, the New York State Thruway Authority and the Quay of Tarrytown Condominium solely to the extent of extending the time for the Quay to provide the Village with an easement related to certain proposed improvements to the Westchester Riverwalk for six months, subject to the approval of the Village Attorney.

12. Promotion – Police Officer Matthew Garro to Detective

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the appointment of Police Officer Matthew Garro to the position of Detective in the Village of Tarrytown Police Department effective October 18, 2022, at an annual salary of \$136,895.00, as provided in the collective bargaining agreement.

13. Resolution to amend appointment of Charles Martins

WHEREAS the Board of Trustees of the Village of Tarrytown appointed Charles J. Martins as a part-time Water and Sewer Maintenance Worker Grade 1 on October 3, 2022 to operate the Water Treatment Plant when the primary Water Treatment Plant is absent or unable to do so, but in order to comply with the provisions of Civil Service, the Village seeks to expedite his appointment using the title of his previous title held during his employment with the Town of Greenburgh, which was Chief Water Treatment Plant Operator 1-B;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Charles J. Martins to the part-time position of Chief Water Treatment Plant Operator 1-B under the same terms as his appointment on October 3, 2022 with a monthly stipend of \$2000.00 per month to maintain his Class 1-B Water Operator License and provide coverage in the absence of the Chief Water

Plant Operator for up to 40 hours, and will be paid \$90.00 per hour for any on-site water distribution work that is performed above the 40 hours covered by the stipend.

14. Approval of the Minutes of the October 3, 2022 Board of Trustees Meeting

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting held on Monday, October 3, 2022 as submitted by the Village Clerk.

15. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 07 of Audited Vouchers in the total amount of \$834,397.67 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 390,048.90
Water	\$ 159,781.27
Sewer Fund	\$ 999.90
Capital	\$ 221,049.65
Library	\$ 10,264.14
Trust & Agency	<u>\$ 52,253.81</u>
Total	\$ 834,397.67

16. 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.

17. Adjournment

LOCAL LAW  #9  - 2022

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, provided that any signage contain only letters or numbers and shall be prohibited from including any images.**

**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 provided that payment is made into the parking fund in accordance with section 305-63(C)(7)(d) and further provided that any signage contain only letters or numbers and shall be prohibited from including any images.**

**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, provided that any signage contain only letters or numbers and shall be prohibited from including any images**

**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.

Local Law on ADUs

LOCAL LAW #10 - 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 § 305-5 entitled “Word usage, terms defined” to add the following definition under subsection B:

**ACCESSORY DWELLING UNIT or ADU**

An accessory residential dwelling unit that provides independent living facilities for one or more persons, including a separate kitchen, bathroom, and sleeping area that is located wither within the same structure as, or on the same lot as, a primary dwelling unit.

**Section 2. Amending § 305-14 entitled “Residential R-80 Zone” Section “B” entitled “Permitted Accessory uses” to add a new subsection making Accessory Dwelling Units a permitted accessory use.**

**(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.**

**(b) Required standards.** The Building Department shall grant a permit for the creation, legalization or construction of an accessory dwelling unit (ADU): (a) within or as an addition to an existing one-family dwelling in all single-family residential zones (R-80, R-60, R-40, R-30, R-20, R-15, R-10, R-7.5 and R-5); (b) within an existing detached building in all single-family residential zones; (c) within a new detached building that meets the district’s requirements for accessory buildings in the R-80, R-60, R-40, R-30, R-20, R-15 residential zones; and (d) within an existing detached building on a lot in the R-10, R-7.5 and R-5 residential zones, but there shall be no construction of a new building for an ADU in the R-10, R-7.5 and R-5 residential zones, subject to any applicable building and fire code standards and subject to these standards:

- 1) **Number of ADUs per lot:** There shall be no more than one ADU per lot.
- 2) **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.

- 3) Floor area: An ADU shall have a minimum habitable floor area of 300 square feet and a maximum habitable floor area of 1,000 square feet. Notwithstanding the foregoing, an ADU shall not have a habitable floor area of more than 50% of the habitable floor area of the lot's primary dwelling.
  - 4) Bedrooms. The maximum number of bedrooms in an ADU shall be two.
  - 5) Setbacks and Building Coverage. Notwithstanding any other provision of this Chapter, an existing building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use, in whole or in part, to an ADU provided that the dimensional non-conformity is not increased.
  - 6) Entrances. No new entrances to the street-facing façade of a main building may be added for the purpose of creating an ADU
  - 7) Height of ADU. Notwithstanding any other provisions of this Chapter, the maximum building height shall be the lesser of: (1) 25 feet; or (2) the height of the one-family dwelling principal building.
  - 8) Minimum term of rental: The rental term of an ADU shall be for at least six months.
  - 9) Parking. No additional parking is required for an ADU provided that existing off-street parking is not reduced below that which is otherwise required through the creation of the ADU.
  - 10) 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 by securing the necessary permits from the Westchester County Department of Health.
  - 11) Land Use Board Review. No land use board review is necessary for an ADU permit except if a new addition to an existing one-family dwelling is created for the ADU and the addition increases footprint, square footage or FAR to trigger the requirement for Planning Board site plan approval under § 305-132(A)(1) and/or or Architectural Review Board approval under § 9-4(A)(4).
- (c) Penalties for offenses.
- 1) Any owner or builder, or any agent of either of them, who fails to secure a permit for a 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.

**Section 3: 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 4: 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 5: 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 6: 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 7: 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 8: 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 9: 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 10: 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 11.** Amending 305 Attachment 3 regarding list of “Permitted Accessory Uses” to add the following under Single-Family Residence Districts:

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

**Section 12: 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 13: 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 \_\_ - 2022

A local law to amend Chapter 267 of the Tarrytown Code, entitled "Taxation", Article III entitled "Senior Citizens Exemption" to amend 267-7 entitled "Criteria for grant of exemption"

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

**Section 1: Legislative Intent and Findings.** The State Legislature, by Chapter 488 of the Laws of 2022, amended Section 467 of the Real Property Tax Law by increasing its income requirements so that a greater number of senior citizens may enjoy tax exemptions currently provided for them. To keep the Village's exemption benefits in line with inflation and increased medical costs and to ensure that senior citizens continue to receive maximum exemption benefits, the Village Board finds that adoption of this amendment is necessary and desirable to support the efforts senior citizens to remain independent in their own homes.

**Section 2: Amending Provision.** Amending Section 267-7 entitled "Criteria for grant of exemption" (with language in **Bold and Underlined** to be added, language in **Strikethrough and bold and underlined** to be deleted) as follows:

**§ 269-7 Criteria for grant of exemption.**

Any real property located in the Village of Tarrytown shall be exempt from taxation by the Village to the extent of 50% of the assessed valuation thereof, pursuant to § 467 of the Real Property Tax Law, provided that:

- A. All of the owners of said real property are 65 years of age or over or, where the owners are husband and wife, either the husband or the wife must be 65 years of age or over.
- B. **As of the taxable status date, May 1, 2023, the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making the application for exemption does not exceed the sum of \$50,000. The income of the owner or the combined income of all the owners of the property does not exceed the sum of \$29,000 for the 12 consecutive months immediately preceding the date of the application for exemption.** Where title to the property is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, rental income, salary or earnings and income from self-employment but shall not include gifts or inheritances. In connection with any application for exemption, the applicant shall furnish the Board of Assessors such evidence of the income or combined income as the Board of Assessors may require.



<u>\$0 to \$50,000.00</u>	<u>50%</u>
<u>\$50,000.01 to \$50,999.99</u>	<u>45%</u>
<u>\$51,000.00 to \$51,999.99</u>	<u>40%</u>
<u>\$52,000.00 to \$52,999.99</u>	<u>35%</u>
<u>\$53,000.00 to \$53,899.99</u>	<u>30%</u>
<u>\$53,900.00 to \$54,799.99</u>	<u>25%</u>
<u>\$54,800.00 to \$55,699.99</u>	<u>20%</u>
<u>\$55,700.00 to \$56,599.99</u>	<u>15%</u>
<u>\$56,600.00 to \$57,499.99</u>	<u>10%</u>
<u>\$57,500.00 to \$58,399.99</u>	<u>5%</u>

- D. The title to the property shall have been vested in the owner or all of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption.
- E. The property is used exclusively for residential purposes.
- F. The real property is the legal residence of and is occupied, in whole or in part, by the owner or by all of the owners of said property.

**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.