

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, NOVEMBER 29, 2017
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Executive Session 6:15 p.m.

Police Candidate Interviews

Board of Trustees Concerns

Open Session 7:00 p.m.

1. Proposed Amendments – Sanitation Ordinance
2. Restore New York Grant
3. Application for Zoning Text Amendment by Owners of 153 and 155 White Plains Road for Referral and Recommendation to Planning Board
4. Legislative Priorities – New York State Legislature
5. Contract – Bids for Phase VII Water System Upgrades

Executive Session

- 1A. Review Organization Meeting



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3605

www.tarrytowngov.com

Mayor

DREW FIXELL

Deputy Mayor

THOMAS BUTLER

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ROBERT HOYT

MARY McGEE

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DOUGLAS ZOLLO

VILLAGE ADMINISTRATOR

914-631-1785

VILLAGE TREASURER

914-631-7873

VILLAGE CLERK

914-631-1652

VILLAGE ENGINEER

914-631-3668

DEPT. OF PUBLIC WORKS

914-631-0356

FAX NO. 914-909-1208

To: Mayor Drew Fixell and Board of Trustees

From: Administrator Rich Slingerland

Date: November 22, 2017

Re: Summary of Sanitation Law Re-write

This memo is to summarize the Sanitation law changes that are before the Board at the present time. In large part, most of the changes are to update the person making the determinations or regulations from the General Foreman, to the Superintendent of Public Works as the Department Head. Further detail on the changes is as follows:

1. Under Part 183-3 – added that the Superintendent of Public Works would be the person giving the notice to remedy;
2. Under Part 183-4 Definitions, created a formal definition and limit for acceptable size of a dumpster that the Village can pick up;
3. Under Part 183-4 Definitions, grammatical language change to the definition of Garbage Container;
4. Under Part 183-4 Definitions, denoted that condominiums and duplexes shall not be considered multi-family dwelling;
5. Under Part 183-4 Definitions, a Rolling Cart is defined as a commercial-grade rolling cart that will be sold (no longer given out for free by the Village) with the openings that an automated garbage truck can pick up.
6. Under Part 183-5 A – amended the person making a determination from General Foreman to Superintendent of Public Works, or his or her designee, and added Code Enforcement and Police Officer as persons who may issue a summons, as opposed to the Building Inspector or Chief of Police;
7. Under Part 183-5 D – amended the person from General Foreman to Superintendent of Public Works, or his or her designee, as the person making the determination on placement of baskets;
8. Under Part 183-6, amended the Code so that the person establishing garbage collection regulations, and the person handling appeals of rules is the Superintendent of Public Works, or his or her designee, not the General Foreman;
9. Part 183-7 has the following changes:
 - a. Part A-1 removes reference to ashes and rubbish, limiting it to garbage and recycling. The ash reference dates back to when many people heated their homes with coal.
 - b. Part A-2 changes the references from garbage cans to rolling carts, and eliminates outdated references to ashes or bundling of material.
 - c. Part A-3 changes the reference again from a garbage receptacle to a rolling cart, although it

allows people with disabilities who cannot use rolling garbage cannisters to use regular garbage containers as long as they register with the Village.

- d. The remaining references in Chapter 183-7 either change the language from General Foreman to Superintendent of Public Works or his/her designee, or references rolling carts instead of garbage receptacle.
10. Under Part 183-8 A --- changes references from garbage receptacle to rolling cart, and General Foreman to the Superintendent of Public Works or his/her designee.
11. **Key change**, reflecting current rules – Part 183-8, 3 (a) [1] establishes the limitation on gallons collected per week as one 96-gallon rolling cart or four 32-gallon containers per each two-dwelling domicile, at a weekly fee of three dollars (\$3) paid annually in advance to the Village.
12. Under Part 183-8, A 3 (b) [1] deletes in its entirety any reference to incinerator or incinerated material, and renumbers the other sections.
13. Under Part 183-8, B Commercial (3) [a] changes from 2 to 4 32-gallon containers, and [b] deletes the reference to rubbish
14. **Key change**: Under Part 183-8, C Prohibitions – changes the reference under Part 2 for remediation time from within 12 hours to Residential – 12 hours, and Commercial – immediately.
15. **Key change**: Under Part 183-9—adds a prohibition on construction and demolition debris, which has been in effect for over a decade but was never codified.
16. Part 183-10 and 11 – multiple changes of the references from General Foreman to Superintendent of Public Works, or his or her designee
17. Part 183-12 – this was already amended to include Saturday hours, and no further change should be made to it.
18. Part 183-13 – changes reference to the person from General Foreman to Superintendent of Public Works, or his or her designee, and adds in a member of the Police Department as persons empowered to enforce the regulations under this article.

KIRKPATRICK LAW LLC
120 BLOOMINGDALE ROAD
WHITE PLAINS, NEW YORK 10605
(914) 997-2747
jkirk@kirklawllc.com

November 14, 2017

Mayor and Trustees
Village of Tarrytown
One Depot Plaza
Tarrytown NY 10591

RE: Petition for Zoning Amendment

Dear Mayor and Trustees:

I represent Artis Senior Living, LLC. Artis is contract-vendee for a parcel fronting on Martling Avenue owned by Crescent Associates LLC, and known as 153 and 155 White Plains Road (block 121; lots 5.11 and 5.12).

On its behalf, and with the consent of Crescent Associates, I hereby respectfully petition your Hon. Board to amend the Zoning Ordinance of the Village of Tarrytown in accordance with the attached proposed text.

This proposed text amendment will allow small facilities for Alzheimer's care to be built in the Village, subject to certain specific conditions. With these conditions, the proposed text will apply only to parcels in the OB Office Business Zone. Furthermore, it will apply only to OB-zoned parcels that have frontage on a Village street, are not the subject of a new subdivision creating such parcel, and are so located that they can accommodate the proposed use.

Also attached hereto is an illustrative plan showing how an existing property on Martling Avenue, belonging to Crescent Associates, LLC, can be used for this purpose by Artis Senior living. This is not however at this point a specific site plan proposal. It is offered for illustrative purposes only. The application at this point is strictly for the attached zoning amendment.

Additionally, since this application is strictly for a zoning

amendment, your Board is the only Agency having approval power under the State Environmental Quality Review Act. Consequently, your Board is automatically the Lead Agency under SEQR, and there is no need for coordination with other potential lead agencies.

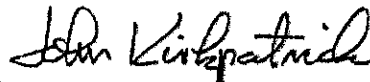
For purposes of your analysis of this proposal under SEQR, I offer the attached completed Environmental Assessment Form. It shows all properties that would be affected by this amendment, and includes an analysis of the environmental resources that may be affected.

If you might take the following actions, it would be very much appreciated:

1. refer this request to the Planning Board for the normal 30-day review and report; and
2. set a public hearing on this request for the first available date in January.

If there are any questions, I hope that you will not hesitate to call.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Kirkpatrick". The signature is written in a cursive, slightly slanted style.

John B. Kirkpatrick

INTRODUCTION:

The following is a proposed zoning text amendment that would allow Alzheimer's/Dementia Care Housing on a few properties in the Village.

Note please that the definition below is written to clearly differentiate the proposed use from nursing home, psychiatric care, or even psychiatric issues caused by other diseases such as Lyme disease.

Existing text is in *italics*. Additions are plain text. Explanatory notes are in [brackets].

DEFINITIONS SECTION:

§ 305-5: Word Usage; Terms Defined

Alzheimer's/Dementia Care Housing: A residential facility operated by an entity licensed by the State of New York to operate an assisted living residence which combines dwelling units, communal dining, routine protective oversight, personalized assistance and supportive services, and provides 24-hour care for people suffering from Alzheimer's disease or Alzheimer's – like disorders resulting in dementia, but who do not need the skilled medical care provided by a nursing home or convalescent care facility.

TEXT SECTION:

Article VII. Commercial Zones

§ 305-34. Office Building OB Zone.

In the Office Building OB Zone, all uses shall be subject to site plan approval by the Planning Board. All permitted buildings, structures and paved areas shall be at least 100 feet from the right-of-way of any public street or any residential zoning district. All permitted buildings, structures and paved areas shall be set back 50 feet from any nonresidential zoning district and from other property boundaries. No wall of any building shall exceed 40% in height of the distance between it and its closest point to any street or property line.

[Note please that much of this is over-ridden by more specific text below]

A.

Permitted principal uses.

(8) Alzheimer's/Dementia Care Housing, subject to the following conditions:

(a) The lot upon which it is located shall have been in existence, and of whatever size, as shown on a plat duly filed in the Office of the Westchester County Clerk, as of January 1, 2017.

(b) Such lot shall have a minimum of 100 feet of frontage on a Village street.

(c) Such facility shall have no more than 100 beds.

(d) Accessory uses in addition to those listed in § 305-34.B. below may include parking for residents.

(e) Notwithstanding any other provisions of Village Code, such use is not residential within the meaning of § 305-130.

(f) Notwithstanding any other provisions of Village Code, such uses shall meet the following dimensional standards:

(i) The maximum coverage of all buildings, structures and paved areas shall be 45% of the total site area;

(ii) The minimum setback of all permitted buildings, structures and paved areas from the right-of-way of any public street shall be 35 feet, from any residential zoning district shall be 200 feet, and from any non-residential zoning district shall be 0 feet;

(iii) Off-street parking shall be provided at the rate of 0.50 spaces per bed.

SCHEDULE SECTION:

[No changes needed]

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

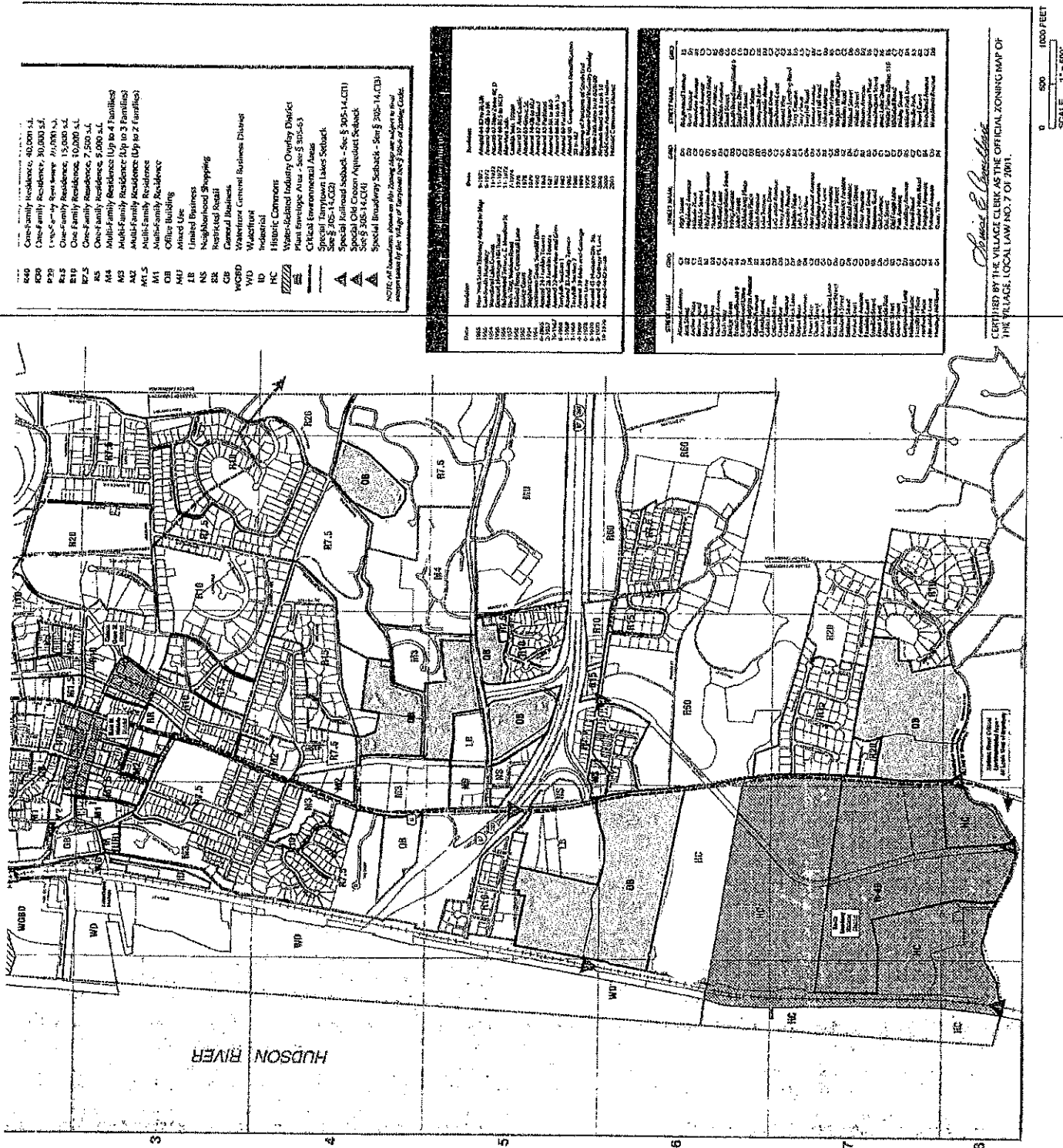
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Artis Senior Living, LLC			
Name of Action or Project: Zoning Text Amendment to allow Alzheimers Care Facilities in OB Zones			
Project Location (describe, and attach a location map): All existing OB-zoned properties			
Brief Description of Proposed Action: Amend the zoning code to allow Alzheimer's/Dementia Care Housing as a permitted principal use in properties currently in existence and zoned OB, which have at least 100 feet of frontage on a Village street and can meet setback requirements from adjacent streets and residentially-zoned properties.			
Name of Applicant or Sponsor: Artis Senior Living, LLC		Telephone: 571-376-6224	
		E-Mail: mferentinos@artissl.com	
Address: 1651 Old Meadow Road #100			
City/PO: McLean		State: VA	Zip Code: 22102
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>ARTIS SENIOR LIVING, LLC</u> Date: <u>11/14/17</u> Signature: <u>BY: John Kilpatrick, ATTORNEY</u>		

LOCATION MAP



Narrative DESCRIPTION of the INTENT of the PROPOSED ACTION and the ENVIRONMENTAL RESOURCES that may be AFFECTED in the MUNICIPALITY

As populations age everywhere, the need is growing for facilities to care for those affected with memory impairment. In order to provide an appropriately licensed residential facility which combines dwelling units, communal dining, routine protective oversight, personalized assistance and supportive services, and provides 24-hour care for people suffering from Alzheimer's disease or Alzheimer's – like disorders resulting in dementia, but who do not need the skilled medical care provided by a nursing home or convalescent care facility, the text of the Zoning Ordinance should be amended.

Such facilities are most appropriately located on properties already zoned for business, conference center, club, municipal and similar uses. Further provisions are provided to ensure that the location for such use has sufficient frontage and is well set back from residential uses.

The result, as compared with other uses currently allowed in the same zone, is to reduce traffic, noise, emissions, and all other environmental impacts. Likewise, usage of the environmental resources of the Village are reduced.

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]	
Project:	
Date:	

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM