

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, AUGUST 29, 2018
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Presentation – National ReSources re Hitachi Property

Board of Trustees Concerns

Open Session

1. Residency of Appointed Office Holders
2. ETPA and SCRIE
3. Bonds and Capital Fund Reconciliation
4. Outdoor Bulletin Board
5. Change to Village Code re Water Restrictions
6. Change to Village Code re Plumbing
7. Review of Draft Code Change re ARB
8. Police Updates to Rules and Regulations
9. Comp Plan
 - A. Comments
 - B. SEQRA Environmental Assessment Form
 - C. Revised Plan
10. P3GM Bike Share

Executive Session

- A. Fitness Center – Personnel
- B. Court - Personnel
- C. Land Swap – DeRocker
- D. Tarrytown Waterfront Redevelopment

TARRYTOWN WATERFRONT LLC

485 West Putnam Avenue
Greenwich, Connecticut 06830

August 7, 2018

VIA EMAIL

Mr. Richard Slingerland
Village Administrator, Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591

Re: Conceptual Presentation Request

Dear Rich,

We would like to make a presentation to the Board of Trustees for a conceptual plan for the Hitachi site. This would include the conversion of the site from office to residential and we believe would create a significant benefit to the Village. We understand that other groups have made conceptual presentations to the Board such as the Coco Plan on Broadway and the 119 Fridays Office conversion.

Please advise as to the earliest date available for a presentation to the Board as time is important.

Sincerely,

Joseph [Signature]

cc: Stanley Friendlander

TARRYTOWN WATERFRONT LLC

485 West Putnam Avenue
Greenwich, Connecticut 06830

August 8, 2018

VIA EMAIL

Mr. Richard Slingerland
Village Administrator, Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591

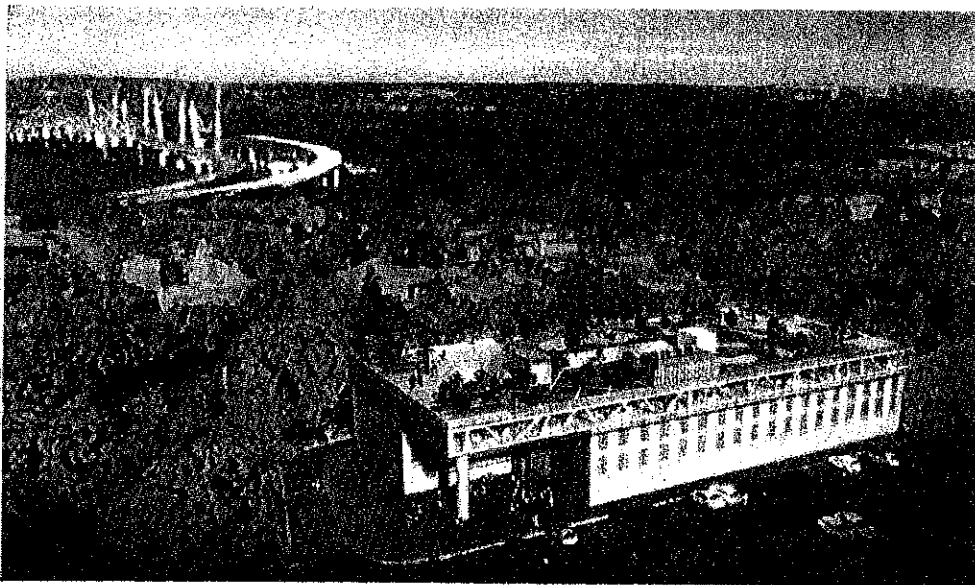
***Re: Follow-Up to Conceptual Presentation Request –
Hitachi Property, 50 Prospect Avenue, Tarrytown, NY***

Dear Rich,

In follow-up to your questions, below please find an outline of what is being proposed for the Hitachi site:

1. Zoning

The proposal is to request a change of zone from OB to MU to allow for residential dwellings at the site.



2. Conversion / New Construction

The plan would be to convert the existing building (approximately 50,000 sq ft) into 50 residential dwellings by adding an additional floor.

Secondly, on the site to the east of the existing building, which is approximately 13-acres, an additional 150 units in two 4-story buildings would be proposed.



3. Unit Mix

The unit mix would be approximately:

- 1/3 1-bedroom units with an average size of 850 sq ft
- 1/3 smaller 2-bedroom units, with an average size of 1,000 sq ft
- 1/3 larger 2-bedroom units, with an average size of 1,200 sq ft

4. Parking

There are currently 230 parking spaces on the site.

The proposal would be to provide at least 1 parking space per 1-bedroom units and smaller 2-bedroom unit and 2 parking spaces for the larger 2-bedroom units.

5. Coverage

The building coverage of the site would not exceed 25% and there would be no increase in the impervious surface as there are currently several parking areas.

6. Design

The architectural design would be developed and selected in conjunction with the Planning Board.

The business case for this is that Hitachi is moving out of the existing building within a year. As the current taxes are under appeal, it is anticipated that they will be significantly reduced. This proposal will contribute approximately \$1,000,000 per year in taxes. Moreover, the office market for this type of building is very weak to non-existent as evidenced by significant vacancies in the area.

Please let us know if you have any other questions. We look forward to a presentation at the next available Work Session.

Sincerely,

Joseph G. [Signature]

cc: Stanley Friendlander

Hitachi Property Proposed Zoning Table - PRELIMINARY BASED ON CONCEPTUAL DRAWINGS

50 Prospect Avenue, Tarrytown, NY

	Permitted	Proposed	Variance Required
Lot Size	-	13-acres / 566,280 sq ft	-
Use	All	Multifamily Residential	No
Height	6 stories	4 stories	No
Maximum Coverage	45%	41.5%	No
Total Coverage	12%	11.5%	No
Building Coverage	33%	Not to exceed 30%	No
Impervious	407,722 sq ft	225,000 sq ft	No
Gross Floor Area			
Minimum Setbacks			
Buildings From Property Lines	75-ft	75-ft	No
Building From Other Buildings	50-ft	50-ft	No
All Paved Areas from Residential Zoning District	75-ft	75-ft	No
Paved Areas from Property Lines	50-ft	50-ft	No

8/7/18

Chapter 3 Appointed Officials

QUALIFICATIONS OF APPOINTED OFFICE HOLDERS

In order to hold an appointed office, an individual must be:

- Eighteen years of age or older;
- A citizen of the United States; and
- A resident of the village.¹

While appointed village officials are generally required to live in the village which they serve, this residency requirement may be changed locally. Notwithstanding any other provision of law to the contrary, the board of trustees may provide, via resolution or local law² in lieu of any other residency requirement imposed by law, that any appointed village officer may reside within a county in which the village is wholly or partially situated.³

Although expansion of the residency requirement for appointed officials may be done via a resolution, it is recommended that expanding the residency requirements be done via a local law.

VILLAGE
LAW
§ 3-300

APPOINTMENTS

Under Village Law § 3-301(3), the mayor must, subject to board of trustees approval, appoint the following offices:

- Clerk;
- Treasurer;
- Clerk-treasurer (if the offices have been combined);
- Assessor(s), unless the village has enacted a local law pursuant to § 1402(3) of the Real Property Tax Law abolishing such position;
- Deputies to any officer, such as deputy clerk, deputy treasurer, or deputy clerk-treasurer (if such offices have been created);
- Acting village justice, if the village has established the office of village justice;
- Members of boards or commissions, such as the planning board and zoning board of appeals; and
- Any other offices that may have been established locally.

The mayor's power of appointment is not all-inclusive, as some statutes vest the power of appointment for certain positions with the board of trustees, including:

- Members of a zoning commission;⁴
- Members of the police department;⁵
- Inspectors of election;⁶
- Members of an industrial development agency;⁷ and

- Registrar of vital statistics.⁸

Appointment to these offices is made for the entire term of the office. Annual appointments should be made only for those public offices with a one-year term.

CLERK

The village clerk is subject to the direction and control of the mayor.⁹ However, State law imposes numerous responsibilities upon the clerk, which the clerk has an independent responsibility to perform. Most of the village clerk's duties are set forth in Village Law § 4-402, which provides as follows:

- **Custody of books and records.** The clerk is responsible for maintaining custody of the village's books, records, papers, and the village seal, as well as all of the board of trustees' official reports and communications. The clerk serves as the village's records management officer and is typically, although not always, appointed as the village's records access officer for purposes of the Freedom of Information Law (FOIL) (see Chapter 10, Village Records on page 10.1 for a further understanding of those duties).
- **Minutes.** The clerk serves as the clerk of the board of trustees and of all other boards, (e.g., planning board, zoning board of appeals, etc.), unless another employee or officer has been designated. Even if a village uses separate clerks for each of the boards, the village clerk is still responsible for ensuring that the minutes of those meetings are correctly prepared within the established time limits.
- **Local Legislation.** The clerk is responsible for maintaining a record of all village resolutions and local laws (see Chapter 8, Local Legislation on page 8.1 for a further understanding of these responsibilities).
- **Order to Pay Claims.** The clerk must prepare, sign, and transmit to the treasurer an order directing the payment of all claims which the board of trustees has ordered paid. The order to pay claims must contain an abstract of all the claims that the board of trustees has audited and ordered to be paid. The abstract must contain the names of the claimants, the amounts approved for payment, and the appropriations chargeable. A duplicate of the order must also be filed in the village clerk's office. If the village has consolidated the positions of clerk and treasurer, the mayor, not the clerk, signs the order to pay claims. Note that municipalities are no longer required to make and file an annual report of tort claims with the Office of the State Comptroller (OSC).
- **Transmitting Funds.** Except when the village clerk serves as tax collector pursuant to Real Property Tax Law § 1438, the clerk must transmit all village money received each month to the village treasurer on or before the tenth day of the next month. The board of trustees may decide by resolution that the village clerk will also act as the village's tax collector.
- **Production of Books and Records.** The clerk is also responsible for producing books, records and papers for inspection. When an attorney or a court subpoenas records or when the village is investigated or audited in contrast to the FOIL, Village Law, § 4-402.e provides that, the clerk must furnish certified copies suitable for reading into evidence, at the price of \$0.20 per page. All other requests for

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records are governed by FOIL which provides the maximum amount that may be charged for copies.

- **Notice of Defect.** The clerk must keep an indexed record of all written notices of defect which are reported pursuant to Village Law § 6-628.
- **Oath of Office.** The clerk may administer the oath of office to all village officers.

The clerk is also responsible for coordinating various village functions and performing administrative tasks that are not assigned to other village officials, including but not limited to:

- Filing, publishing, and posting notices relating to resolutions, local laws, public hearings, open meetings, and referenda;
- Complying with the notice and filing requirements for all village boards;
- Maintaining postings which are required to be permanently displayed;
- Notifying the proper State and municipal officials, as required by law, of certain village business;
- Serving as the point of contact for citizens with questions about the village; and
- Acting as liaison between the citizens and the village board of trustees.

The board of trustees establishes the village clerk's office hours.¹⁰ If the village board has not established the clerk's office hours, then the mayor may establish the clerk's office hours. If the mayor fails to establish the clerk's office hours, then the clerk may establish his or her own office hours. If the mayor or the clerk has established the office hours, the board of trustees may supersede any previously established hours.

TREASURER

The treasurer serves as the chief fiscal officer of the village. Pursuant to Village Law § 4-408, the treasurer is responsible for:

- **Accounting.** The treasurer must maintain custody of all village funds and keep the accounts of all village receipts and expenditures. The accounting must comply with the Office of the State Comptroller's uniform system of accounts. **For more information, see the Office of the State Comptroller's Accounting and Reporting Manual for Cities, Villages, Counties, and Towns, which is available online at <http://osc.state.ny.us/localgov/pubs/arm.pdf>.**
- **Bank Deposits.** The treasurer must deposit, in a commercial bank or trust company as designated by the board of trustees, all village funds within 10 days of receipt. Savings banks (defined as savings banks, savings and loan associations, federal savings banks, and federal savings and loan associations) may participate in the banking development district program to the same extent that commercial banks may participate.

Municipal deposits are allowed in a savings bank only as part of the banking development district program. This authorization expires on January 1, 2023.

- **Signing Checks.** The treasurer is the authorized signatory of village checks. The board of trustees may authorize, by local law or resolution, the treasurer to use a

facsimile signature. However, the OSC recommends that the village put in place significant internal controls to protect against theft and fraud. **For information on internal controls, please see the Office of the State Comptroller's publication "The Practice of Internal Controls," which is available online at www.osc.state.ny.us/localgov/pubs/lgmng/practiceinternalcontrols.pdf.**

- **Payments.** The treasurer must pay out village funds pursuant to Village Law §§ 5-524 and 5-526. Generally, such payments must be by check except in the case of petty cash payments made pursuant to Village Law § 5-526.
- **Annual Financial Statement.** The treasurer is responsible for filing an annual financial statement of the village's revenues, expenditures, and outstanding indebtedness in the village clerk's office within 60 days of the end of the fiscal year. Alternatively, the board of trustees may authorize the treasurer to file in the village clerk's office a copy of the annual financial report, which must be filed with the OSC pursuant to General Municipal Law § 30. Within 10 days of filing the annual financial statement, a notice must be published in the village's official newspaper stating that the annual financial statement has been filed and is available for inspection in the clerk's office. The board of trustees, not the treasurer, is responsible for insuring that the notice is published. In addition, the statement must be audited by either the board of trustees, a village officer or employee who is designated by the board, or a public accountant hired by the board.

ACTING JUSTICE

Pursuant to Village Law § 3-302, if a village has a village justice court, it may have one or two elected village justices. If a village has only one village justice, it must appoint an acting justice to serve when requested by or in the absence or incapacity of the village justice. If a village has two village justices, it may not appoint an acting village justice. The acting village justice is a public officer, appointed by the mayor and subject to approval of the board of trustees. The term of office for the acting village justice is one year.

ASSESSOR

Pursuant to Village Law § 3-301, a village may have an assessor or assessors. Additionally, the village board of trustees may, by resolution or local law, consolidate the offices of clerk, treasurer, and assessor or any two of these offices.¹¹ The board may also provide, by local law or resolution, that the board of trustees or members thereof will act as a board of assessors.¹² It should be noted, however that a village may not act as an assessing unit if, pursuant to Real Property Tax Law § 1402(3), the village adopted a local law providing that the assessing function fall to the town or in the case of a village in Nassau or Tompkins County, to the county.

MANAGER AND ADMINISTRATOR

A number of villages in New York State have created the position of village "manager" or "administrator" by local law pursuant to the authority under the Municipal Home Rule Law or pursuant to Article 18 of the Village Law. Since this is a locally created position, there is no statutory definition of the responsibilities and duties of a village manager or administrator. When a village board of trustees creates this position, it is charged with determining the scope of the duties of the manager or administrator. Because there is no

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statutorily defined difference between an administrator and a manager, one village may have a "manager" who performs the exact same job responsibilities as another village's "administrator."

The manager/administrator is usually the administrative head of the village government and implements the policies of the village as established by the board of trustees. The manager/administrator attends the meetings of the board and reports on the needs and status of the various government operations. If the manager/administrator is the village budget officer, they would be responsible for preparing the tentative budget. In some villages, the board has appointed the manager/administrator to serve as village clerk or village clerk-treasurer. In addition, a manager/administrator is likely going to be the village's chief executive officer responsible for posting and distributing the village's code of ethics,¹³ declaring local states of emergency,¹⁴ and requesting outside service by local police.¹⁵

The position is created in one of two ways:

1. A village board of trustees may establish a village manager form of government pursuant to Article 18 of the Village Law. Under this Article, the board passes a local law establishing a commission to study and prepare a local law that would both create the position of village manager and also define the manager's duties and responsibilities. The local law creating the commission is subject to a permissive referendum. Additionally, the local law creating the position of village manager and defining the position's duties and responsibilities is subject to a mandatory referendum. A village manager created under this article is a public officer of the village;¹⁶ or
2. A village board of trustees may create the position of village manager or administrator by local law pursuant to Municipal Home Rule Law § 10. The position may be created as a public office or position of employment, depending on the duties defined in the local law. The powers and duties of the position will determine whether the local law is subject to a permissive or mandatory referendum under Municipal Home Rule Law §§ 23 and 24. If the position of village manager is created as a public office, Municipal Home Rule Law § 24(2)(k) requires a permissive referendum to create and abolish the office.

A small number of villages operate under the manager form of government established pursuant to *former* Village Law Article 15-A. In those villages, the manager has the exclusive authority to appoint individuals to all positions, except the positions of clerk, treasurer, and attorney which are board appointments. A village manager's appointments are not subject to board approval. For those villages, the manager retains the duties provided for under former Village Law, Article 15-A, unless the duties were subsequently changed by local law.

ATTORNEY

Overview

The "village attorney" is generally the primary attorney for the village, although each village must refer to its own local laws or resolutions to determine if the position of "village attorney" has been created explicitly and, if so, what the duties and responsibilities of the "village attorney" are. The role of any municipal attorney is the source of much discussion

among municipal lawyers and bar associations across the country. Because the mayor and the board of trustees maintain separate responsibilities, they can have independent interests and needs when seeking legal advice. Consequently, there are three clients which a village attorney may be called on to serve: the village as a corporate entity, the mayor as the chief executive public officer, and the board as the local legislative body. The relationship of the village attorney with these various clients is directly impacted by the ethical rules that govern lawyers.

Attorneys' Ethical Responsibilities

To insure the integrity of the legal system, lawyers operate under numerous obligations that are designed to maintain the highest standards of ethical conduct. In New York State, the Rules of Professional Conduct¹⁷ serve as a guide for lawyers and a codification of the type of conduct that the public has a right to expect of them. The following Rules are particularly relevant when appointing a village attorney:

- Rule 1.2, entitled "Scope of Representation and Allocation of Authority Between Client and Lawyer," provides that lawyers must "abide by a client's decisions concerning the objectives of representation" and must "consult with the client as to the means by which they are to be pursued."
- Rule 1.7, entitled "Conflict of Interest: Current Clients," prohibits lawyers from representing clients if a reasonable lawyer would conclude that the representation will involve the lawyer in representing differing interests. Rule 1.7 allows lawyers to represent clients with potential conflicts if the lawyers believe that they will be able to competently and diligently represent each affected client and "each affected client gives informed consent, confirmed in writing." "Informed consent requires that each affected client be aware of the relevant circumstances, including the material and reasonably foreseeable ways that the conflict could adversely affect the interests of that client. Informed consent also requires that the client be given the opportunity to obtain other counsel if the client so desires."¹⁸
- Rule 1.13 addresses representing a client which is an organization and requires the lawyer to recognize that an organization's interests may differ from the organization's officer or employees. The commentary to this rule expressly states that Rule 1.13 applies to government organizations.¹⁹

Implicit in these rules is the requirement that a client consent to being represented by a particular attorney, because a client who opposes being represented by a particular lawyer has an inherent conflict with that individual. These rules bear directly on the process of appointing a village attorney.

Retaining the Village Attorney

As a general rule, all department and non-elected officers and employees are appointed by the mayor subject to the board of trustees' approval. See Village Law § 4-400(1)(c)(i). If the village has established the position of village attorney as a public officer with a term of office or as an employee, this same process of the mayor appointing (or hiring) an individual subject to the board's approval also applies to the position of village attorney. Civil Service Law § 22 must be followed to create the position of village attorney as either an employee or a public office. In addition, appellate courts have held that a public officer exercises some of the sovereign power of the municipality.²⁰ Village boards wishing to create the position of village attorney as a public officer should assure that among the

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village attorney's duties is the exercise of a sovereign power of the village, such as the authority to settle (up to a specific dollar amount) a claim against the village or to adjust a traffic violation. Few village attorneys have the authority to exercise a municipal sovereign power. As a result, the overwhelming majority of village attorneys who are on a municipal payroll are public employees who do not serve a term of office and thus are not subject to reappointment, but whose termination from employment is subject to Civil Service procedures. As a general rule, village attorneys are classified as an exempt class, but village officials should consult with county Civil Service to confirm the classification.

Village officials uncertain as to how the village has structured the position of village attorney should consult the local law or resolution establishing the position and, in the absence of any such enactment, should review the village's past practices when retaining the services of a lawyer. Note that, in villages that appoint the "village attorney" as an employee or public officer, both the mayor and the board of trustees must approve the appointment. As a result, both consent to being represented by the "village attorney," thus satisfying Rule 1.7.

Many villages retain their lawyer not as an employee or as an appointed officer, but rather as an independent contractor to serve as counsel to the village. Pursuant to Village Law § 4-412, all contracts must be approved by the village board. Generally, contracts entered into by the village require only a majority vote of the fully constituted board of trustees, without the approval of the mayor. Consequently, retaining a village attorney as an independent contractor has the potential to create a situation in which the village board hires a "village attorney" that the mayor does not approve. However, care must be exercised in retaining an attorney as a contractor. The Internal Revenue Service (IRS) and other governmental agencies review decisions to retain a worker as a contractor as opposed to placing the individual on a municipal payroll. For issues related to payroll and taxation, the IRS will determine whether a worker is a contractor or is properly placed on the payroll. Villages may complete IRS Form SS-8 to obtain such a determination without charge.

The "village attorney" is generally responsible for advising and representing the mayor in carrying out his or her statutorily-imposed responsibilities and duties. Thus, even if a village retains a village attorney as an independent contractor approved by the board, the village mayor should also approve the individual hired. A village board of trustees that would force the mayor to use an attorney whom (s)he does not approve of or consent to use would be unworkable, creating a conflict between the mayor and the attorney. Such an outcome would appear to violate Rules 1.2 and 1.7 of the Rules of Professional Conduct for Lawyers in New York State. Consequently, if the mayor and the board of trustees cannot agree on hiring the "village attorney" as an independent contractor, it is the opinion of the staff of the New York State Conference of Mayors that the mayor and the board of trustees should consider retaining separate legal counsel.

Retaining Separate Counsel

To the extent that the mayor and a majority of the board of trustees cannot agree on the hiring, appointing, or contracting of one lawyer to represent both the mayor and the board, separate counsel could be retained. Moreover, even for the vast majority of villages that retain one attorney to serve as "village attorney" who is then responsible for representing the village and advising both the mayor and the board, a conflict of interest may arise,

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requiring the board of trustees and the mayor to retain separate lawyers to represent them in the performance of their statutory responsibilities.

Several cases address the need and propriety of retaining separate counsel. As the Court of Appeals has noted,

Notwithstanding lack of specific statutory authority, a municipal board or officer possesses implied authority to employ counsel in the good faith prosecution or defense of an action undertaken in the public interest, and in conjunction with its or his official duties where the municipal attorney refused to act, or was incapable of, or was disqualified from, acting.²¹ [emphasis added]

Perhaps the most illustrative case on this issue involved a situation where a city council in a Second Class City sought to retain its own counsel. Pursuant to Second Class Cities Law § 12, the corporation counsel is appointed solely by the mayor. However, pursuant to Second Class Cities Law § 201, the corporation counsel is the "legal adviser of the common council and of the several officers, boards and departments of the city" including the mayor. The court acknowledged, "How can [the corporation counsel] be expected to serve two masters?" before concluding,

It is further clear that the courts in this state have recognized an implied authority in municipalities for various boards or branches to appoint independent counsel in cases where there is a clear conflict of interest despite the fact that applicable statutes make no such provision.²² [emphasis added]

Municipal officials must use caution, however, when retaining legal counsel without prior board approval, because doing so runs the risk of incurring an expense which the board may not approve of as an appropriate municipal expense and which a court may disallow as reimbursable from the village.

In addition, villages frequently hire other lawyers to provide specific legal services to the village, such as bond or labor counsel or to provide counsel to the zoning board of appeals (ZBA) or the planning board. The retention of these other attorneys via an independent contract may or may not warrant mayoral approval. When the responsibility of a lawyer is to advise the mayor with respect to one of his or her statutory responsibilities, the mayor's approval is generally warranted.

Factors to consider when deciding whether to retain separate lawyers are the added cost of paying two lawyers versus the confusion, conflict, and uncertainty that could arise if a single attorney becomes enmeshed in a disagreement between the mayor and the board of trustees. If a single attorney is retained to represent the mayor and the board, it is recommended that village officials have frank and open discussions about the process for retaining separate counsel should the need arise. Mayors and boards that are unable to agree on whether separate lawyers will be hired and on the scope of those legal services, run the risk of having to resolve the dispute in court; a proposition that is generally not inexpensive and which could potentially defeat the cost-savings of using only one attorney. Failure to do so can result in confusion about the ability to retain counsel without board approval and appropriation, an issue that was addressed in greater detail in the article, **"A Legal Conundrum: When Can a Municipal Official Retain Outside**

Counsel at the Expense of the Municipality Without Prior Approval?," *NYCOM Municipal Bulletin*, March-April 2009, pp 25-26, also available on the NYCOM website at www.nycom.org for NYCOM members only. In addition, defense and indemnification of employees is a separate but related issue (see Chapter 13, Municipal Liability for Acts in Office on page 13.1 for a detailed understanding of this issue).

Defining Scope of Legal Services

To avoid confusion and the accumulation of unnecessary legal fees, village officials should address the scope of the services to be provided by the "village attorney" or separately retained lawyers at the outset of retaining legal counsel. Questions to address when defining a lawyer's scope of services are: who is the client, who may contact the lawyer, how may contact with the lawyer be initiated (e.g., via phone, email, and/or in writing), what topics may be covered in the correspondence, what is the extent of the services provided (e.g., attending meetings, drafting proposed laws and resolutions, legal advice, litigating cases, prosecuting cases, etc.), and what are the maximum number of hours that may be billed per month without additional prior approval? It is essential to address these issues at the outset of legal representation to avoid confusion, conflict, and higher-than-expected legal bills.

The duties of the village attorney are not specifically set forth in statute, but the attorney usually works closely with most village departments, officers, and bodies, especially the board of trustees. The specific services which a village attorney performs are assigned by the board and may include:

- Attending regular and special board meetings;
- Preparing legal notices, contracts, and opinions;
- Acting as local or general bonding counsel;
- Providing services in connection with the acquisition of easements and title to real property, including negotiations with property owners;
- Preparing local laws, ordinances, and resolutions;
- Representing the village in eminent domain, assessment, and other court proceedings, including appeals;
- Consulting with village officials, employees, and members of the public regarding matters involving the village;
- Attending meetings of the ZBA, planning board, and other village boards and commissions and preparing legal notices and opinions for them;
- Reviewing insurance coverage; and
- Giving legal advice in contract negotiations with employee groups or acting as chief negotiator if requested to do so by the board of trustees.

Alternatively, the county district attorney is responsible for prosecuting criminal cases, district attorneys rarely involve themselves with prosecutions in village justice courts. Thus, the village attorney may, with the district attorney's permission, prosecute violators of village laws or any person accused of committing an offense, infraction, or criminal act within the village. Additionally, the village may retain additional counsel to prosecute

these cases. The board of trustees may pay reasonable compensation to either the village attorney or outside counsel for prosecuting criminal cases.

Qualifications of Village Attorney

Regardless of how a village attorney is retained, whether as an employee, a public officer, or an independent contractor, the village board of trustees, should expressly address (via local law or resolution) whether the "village attorney" or any other lawyer retained must reside in the village. If a village does not expressly provide that an attorney position is a public officer of the village who serves a term of office, it is likely to be considered a position of employment.²³

DEPUTY OFFICIALS

The village board of trustees may create deputies for any public office and may, by resolution or local law, consolidate the offices of deputy clerk and deputy treasurer.²⁴ When creating the office of deputy, the board should provide for a term of office. Absent a board-established term of office, the term of office is one year.²⁵ Deputies are appointed public officers and possess the powers and perform the duties of the principal officer when requested by the principal officer or in the absence or incapacity of the principal office holder to serve. If a vacancy occurs in the principal's office, the deputy does not fill the office but merely performs the duties of the principal officer until the vacancy is filled.

OTHER OFFICES

The village board of trustees may create other offices and boards it deems necessary.²⁶ Many villages have created public offices in addition to those required by the Village Law. If the village board wants to expand the residency requirements for these offices, it must expressly expand the residency requirements via a local law or resolution, or in the same local law or resolution that creates the office.

There are many other provisions of State law that authorize the village board to create specific positions or boards. As a general rule, when a board is created locally, such as the zoning board of appeals or the planning board, its members are public officers. A State statute may provide a term of office. However, if a board is created locally for which there is no specific statutory authority, the board of trustees may determine the term of office. Similarly, the board's duties and responsibilities may be set out in State statute or determined locally.

When a village board of trustees creates an individual position, such as village attorney, building inspector, or superintendent of public works, the board of trustees may create the position as a public office or a position of employment, unless a State statute provides otherwise. An independent contractor may be retained to perform work that would otherwise be performed by an employee but not an officer.

STREET COMMISSIONER AND SUPERINTENDENT OF PUBLIC WORKS

The positions of street commissioner and superintendent of public works were both defined as public officers with a one-year term of office under the former Village Law. When the Village Law was rewritten by the Legislature in 1973, references to these positions were not included in the new version. However, these positions continue to

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exist in villages across the State. As a result, some villages treat these positions as public offices, while others treat them as positions of employment. Generally, these positions remain public offices unless the village board expressly changes them to positions of employment by eliminating duties which involve the exercise of the village's governmental authority.

PUBLIC OFFICER OR EMPLOYEE?

Village officials are frequently faced with the question of whether a particular position is a public office. Individuals may serve a local government in one of three ways: they may be public officers, employees, or independent contractors. Each type of service is governed by its own set of rules. Adding confusion to this issue, however, is that some public officers are employees whose employment is governed by civil service rules, while other public officers serve a term of office and are exempt under civil service rules.

To understand this issue fully, one must first understand how a public officer is defined. New York State's courts have described public officers as those governmental positions whose duties involve the exercise of some sovereign power or powers of the municipality. Stated differently, "A position is a public office when it is created by law with duties cast on the incumbent which involve an exercise of some portion of the sovereign power and in the performance of which the public is concerned and which is continuing in its nature and not occasional or intermittent."²⁷

Even courts have had difficulty distinguishing between public officers and those employees who are not public officers. The table below compares the similarities and differences between (a) public officers who serve a term of office, (b) public officers who do not serve a term of office, and (c) employees who are not public officers:



Public Officer Serves a Term of Office	Public Officer is an Employee	Employee is Not a Public Officer
<ul style="list-style-type: none">• Must Be a Citizen of the United States;	<ul style="list-style-type: none">• Must Be a Citizen of the United States;	<ul style="list-style-type: none">• Is Not Required to Be a Citizen of the United States;
<ul style="list-style-type: none">• Must Be at Least 18 Years Old;	<ul style="list-style-type: none">• Must Be at Least 18 Years Old;	<ul style="list-style-type: none">• Must Meet Minimum Age Requirements Under Labor Laws;
<ul style="list-style-type: none">• Must Be a Resident of the City or Village, Unless a Local Law Has Expanded the Residency Requirement;²⁸	<ul style="list-style-type: none">• Must Be a Resident of the City or Village, Unless a Local Law Has Expanded the Residency Requirement;²⁹	<ul style="list-style-type: none">• Is Not Required to Reside in the Village Unless the Municipality Has Passed a Local Law Requiring Residency;

Public Officer Serves a Term of Office	Public Officer is an Employee	Employee is Not a Public Officer
<ul style="list-style-type: none"> • Is Entitled to the Salary as an Emolument of the Office; 	<ul style="list-style-type: none"> • Compensation is Set by Local Governing Board, Subject to State's Civil Service and Labor Laws and Any Applicable Labor Contract; 	<ul style="list-style-type: none"> • Compensation is Set by Local Governing Board, Subject to State's Civil Service and Labor Laws and Any Applicable Labor Contract;
<ul style="list-style-type: none"> • Is Required to File an Oath of Office Within 30 Days of Appointment; 	<ul style="list-style-type: none"> • Is Required to File an Oath of Office Within 30 Days of Appointment; 	<ul style="list-style-type: none"> • Is Not Required to Take or File an Oath of Office;
<ul style="list-style-type: none"> • Serves a Specific Term of Office (e.g. 1, 2 or 4-Year Term); 	<ul style="list-style-type: none"> • May Have an Employment Contract for a Specific Period or May Be Covered by Civil Service Law Regarding Termination of Service; 	<ul style="list-style-type: none"> • May Have an Employment Contract for a Specific Period or May Be Covered by Civil Service Law Regarding Termination of Service;
<ul style="list-style-type: none"> • May Hold Over in Office After the Expiration of the Term of Office; 	<ul style="list-style-type: none"> • Hold Over in Office is Inapplicable; 	<ul style="list-style-type: none"> • Hold Over in Office is Inapplicable;
<ul style="list-style-type: none"> • May Vacate the Office if One of the Events Identified in Public Officers Law § 30 Occurs; and 	<ul style="list-style-type: none"> • May Vacate the Office if One of the Events Identified in Public Officers Law § 30 Occurs; and 	<ul style="list-style-type: none"> • Is Not Subject to Public Officer's Law § 30; Serves Until Either Voluntarily or Involuntarily Separated From Service; and
<ul style="list-style-type: none"> • May Be Removed From Office During the Term Pursuant to Public Officers Law § 36, Unless a Local Law Providing for the Discipline of a Public Officer Has Been Adopted. 	<ul style="list-style-type: none"> • May Be Removed From Office Pursuant to Public Officers Law § 36, Unless a Local Law Providing for the Discipline of a Public Officer Has Been Adopted. 	<ul style="list-style-type: none"> • Serves at the Pleasure of the Appointing Authority, Subject to the Protections Potentially Provided by Statute (i.e., Civil Service Law) or a Labor Contract.

Public Officer Serves a Term of Office	Public Officer is an Employee	Employee is Not a Public Officer
<ul style="list-style-type: none"> • Is Entitled to the Salary as an Emolument of the Office; 	<ul style="list-style-type: none"> • Compensation is Set by Local Governing Board, Subject to State's Civil Service and Labor Laws and Any Applicable Labor Contract; 	<ul style="list-style-type: none"> • Compensation is Set by Local Governing Board, Subject to State's Civil Service and Labor Laws and Any Applicable Labor Contract;
<ul style="list-style-type: none"> • Is Required to File an Oath of Office Within 30 Days of Appointment; 	<ul style="list-style-type: none"> • Is Required to File an Oath of Office Within 30 Days of Appointment; 	<ul style="list-style-type: none"> • Is Not Required to Take or File an Oath of Office;
<ul style="list-style-type: none"> • Serves a Specific Term of Office (e.g. 1, 2 or 4-Year Term); 	<ul style="list-style-type: none"> • May Have an Employment Contract for a Specific Period or May Be Covered by Civil Service Law Regarding Termination of Service; 	<ul style="list-style-type: none"> • May Have an Employment Contract for a Specific Period or May Be Covered by Civil Service Law Regarding Termination of Service;
<ul style="list-style-type: none"> • May Hold Over in Office After the Expiration of the Term of Office; 	<ul style="list-style-type: none"> • Hold Over in Office is Inapplicable; 	<ul style="list-style-type: none"> • Hold Over in Office is Inapplicable;
<ul style="list-style-type: none"> • May Vacate the Office if One of the Events Identified in Public Officers Law § 30 Occurs; and 	<ul style="list-style-type: none"> • May Vacate the Office if One of the Events Identified in Public Officers Law § 30 Occurs; and 	<ul style="list-style-type: none"> • Is Not Subject to Public Officer's Law § 30; Serves Until Either Voluntarily or Involuntarily Separated From Service; and
<ul style="list-style-type: none"> • May Be Removed From Office During the Term Pursuant to Public Officers Law § 36, Unless a Local Law Providing for the Discipline of a Public Officer Has Been Adopted. 	<ul style="list-style-type: none"> • May Be Removed From Office Pursuant to Public Officers Law § 36, Unless a Local Law Providing for the Discipline of a Public Officer Has Been Adopted. 	<ul style="list-style-type: none"> • Serves at the Pleasure of the Appointing Authority, Subject to the Protections Potentially Provided by Statute (i.e., Civil Service Law) or a Labor Contract.

Public Officer Serves a Term of Office	Public Officer is an Employee	Employee is Not a Public Officer
<ul style="list-style-type: none"> • Examples include: <ul style="list-style-type: none"> - Mayor - City Council Member - Village Trustee - Clerk - Treasurer - Deputy Clerk - Deputy Treasurer - Comptroller/Controller 	<ul style="list-style-type: none"> • Examples include: <ul style="list-style-type: none"> - Police Officer - Code Enforcement Officer - Building Inspector - Parking Enforcement Officer 	<ul style="list-style-type: none"> • Examples include: <ul style="list-style-type: none"> - DPW Staff - Clerical/ Administrative Staff - Justice Court Clerk

INDEPENDENT CONTRACTORS

A village board of trustees may not hire an independent contractor to perform the duties of a public officer, as those duties involve the exercise of governmental authority. However, a board is authorized to contract for services. The relationship between the village and the independent contractor will be governed by the terms of the contract. For example, the board may hire an architect or engineer for the express purpose of reviewing building permit applications. However, this contractor may not serve as village code enforcement officer or zoning enforcement officer, nor may he or she approve or disapprove applications or issue notices of violations, appearance tickets, or building permits.

¹ Village Law § 3-300(1) and Public Officers Law § 3(1).

² 1987 Op. Atty. Gen. No. 87-66, p. 142.

³ Village Law § 3-300(2)(a).

⁴ Village Law § 7-710.

⁵ Village Law § 8-800.

⁶ Election Law § 15-116.

⁷ General Municipal Law § 856.

⁸ Public Health Law § 4121.

⁹ Village Law § 4-402.

¹⁰ Village Law § 4-402(e).

¹¹ Village Law § 3-301(2)(b).

¹² Village Law § 3-301(2)(b).

¹³ General Municipal Law § 806.

¹⁴ Executive Law § 24.

¹⁵ General Municipal Law § 209-m.

¹⁶ Village Law § 18-1820.

¹⁷ The Rules of Professional Conduct have been adopted via a State rule making. The citation for the Rules is 22 NYCRR 1200.0. The Rules may be viewed online at the Department of State website www.dos.state.ny.us/info/nycrr.html, the New York State Unified Court System website www.courts.state.ny.us/rules/jointappellate/index.shtml, or the New York State Bar Association website www.nysba.org.

¹⁸ Comment 18 to Rule 1.7, the New York Rules of Professional Conduct with Comments, p.39.

¹⁹ While the Rules of Professional Conduct have been adopted by the State of New York via a rule making, the commentary is not part of the official rules. The Rules with commentary may be viewed online at the New York State Bar Association website at

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www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/Professional_Standards.htm.

- ²⁰ Haller v. Carlson, 42 A.D.2d 829 (4th Dep't. 1973).
- ²¹ Cahn v. Town of Huntington, 29 N.Y.2d 451, 455 (1972).
- ²² Hanna v. Rewkowski, 81 Misc.2d 498 (Sup. Ct. Oneida Co. 1975).
- ²³ Senecal v. City of Cohoes, 27 A.D.2d 773 (3d Dep't. 1967); Rappel v. Roberts, 79 Misc.2d 201 (Sup. Ct. Nassau Co. 1973); see also Fisher v. City of Mechanicville, 225 N.Y. 210 (1919).
- ²⁴ Village Law § 3-301.
- ²⁵ Village Law § 3-302(4).
- ²⁶ Village Law § 3-301.
- ²⁷ Smith v. Jansen, 85 Misc. 2d 81, 83 (Sup. Ct. Suffolk Co. 1975).
- ²⁸ See Public Officers Law § 3 and Village Law § 3-300.
- ²⁹ See Public Officers Law § 3 and Village Law § 3-300.

2

Kathy Deufemia

From: Richard Slingerland
Sent: Thursday, August 09, 2018 1:43 PM
To: Drew Fixell (external)
Cc: Kathy Deufemia; Steve Silverberg
Subject: RE: Village of Tarrytown ETPA and SCRIE

I'll put this on the August 29th Work Session.

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Drew Fixell <drew.fixell@gmail.com>
Sent: Thursday, August 9, 2018 12:25 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: Fwd: Village of Tarrytown ETPA

----- Forwarded message -----

From: Lesnick, Charles (NYSHCR) <Charles.Lesnick@nyshcr.org>
Date: Thu, Aug 9, 2018 at 12:10 PM
Subject: RE: Village of Tarrytown ETPA
To: "Drew Fixell - Village of Tarrytown (drew.fixell@gmail.com)" <drew.fixell@gmail.com>, "Karen Brown (kbrown@tarrytowngov.com)" <kbrown@tarrytowngov.com>, "Tbutler@tarrytowngov.com" <tbutler@tarrytowngov.com>, "Rhoyt@tarrytowngov.com" <rhoyt@tarrytowngov.com>, "mmcgee@tarrytowngov.com" <mmcgee@tarrytowngov.com>, "BMcgovern@tarrytowngov.com" <bmcgovern@tarrytowngov.com>, "Dzollo@tarrytowngov.com" <dzollo@tarrytowngov.com>

I want to take advantage of the quiet time in the summer to see if you have considered raising the income limit to the state-wide cap of \$50,000. Please let me know. Thanks – Chuck

From: Lesnick, Charles (NYSHCR)
Sent: Wednesday, January 24, 2018 11:53 AM
To: Drew Fixell - Village of Tarrytown (drew.fixell@gmail.com) <drew.fixell@gmail.com>; Karen Brown (kbrown@tarrytowngov.com) <kbrown@tarrytowngov.com>; Thomas Butler (tbutler@tarrytowngov.com) <tbutler@tarrytowngov.com>; Robert Hoyt (rhoyt@tarrytowngov.com) <rhoyt@tarrytowngov.com>; Mary McGee (mmcgee@tarrytowngov.com) <mmcgee@tarrytowngov.com>; Becky McGovern (bmcgovern@tarrytowngov.com) <bmcgovern@tarrytowngov.com>; Doug Zollo (dzollo@tarrytowngov.com) <dzollo@tarrytowngov.com>
Subject: Village of Tarrytown ETPA

2

As I have discussed with most of you, Tarrytown participates in the Emergency Tenant Protection Act of 1974 (ETPA) and SCRIE/DRIE. Information about the program is provided on the following fact sheets:

Rent Stabilization: <http://www.nyshcr.org/Rent/FactSheets/orafac1.pdf>

ETPA: <http://www.nyshcr.org/Rent/FactSheets/orafac8.pdf>

SCRIE: <http://www.nyshcr.org/Rent/FactSheets/orafac21.pdf>

DRIE: <http://www.nyshcr.org/Rent/FactSheets/orafac20.pdf>

List of income limits for participating municipalities: <http://www.nyshcr.org/Forms/Rent/RTP-13ISRIEINSTRUCTIONS.pdf>

Tarrytown raised the income limit from \$24,000.00 to \$37,399.99 on February 26, 2013. At that time, the council considered whether to raise the income limit to the state-wide cap of \$50,000.00, but they wanted to see how many people would take advantage of the higher income limit to assess the fiscal impact on the city. The attached table shows that 4 Tarrytown residential family units took advantage of the higher income limits. The total number of family units in Tarrytown who participate in SCRIE is 3. At present Tarrytown does not participate in DRIE. The total number of residential family units who participate in ETPA is 284 in 19 Buildings – See attached list. The rent guideline approved by the Westchester Guidelines Board for 2017/2018 is 1% for a one year lease and 1.5% for a two year lease.
<http://www.nyshcr.org/Rent/FactSheets/orafac31b.pdf>

I hope that the city council will consider increasing the limit in Tarrytown to \$50,000.00 and/or include their participation in DRIE this number is usually low in part because disabled people automatically qualify for SCRIE when they reach age 62 . Please let me know if you require additional material or would like me to brief the council or anyone else. If you wish to call me please use my cell number listed below. Thanks. -Chuck

Charles S. Lesnick, Esq.

Deputy Counsel/ Assistant Commissioner

Office of Rent Administration

New York State Homes & Community Renewal

92-31 Union Hall Street, Jamaica, NY 11433

(718) 262-4713 | fax: (718) 262-4008

Minutes of the Board of Trustees -5- April 3, 2006

CONSIDERATION OF A RESOLUTION AUTHORIZING RAISING THE MAXIMUM INCOME ELIGIBILITY CEILING UNDER THE "SENIOR CITIZEN RENT INCREASE EXEMPTION" PROGRAM FROM \$24,000 TO \$29,000 OVER THE NEXT FOUR YEARS, AS AUTHORIZED BY NEW YORK STATE ENABLING LEGISLATION

Attorney Shumejda stated that this gives lower and moderate income senior citizens a break on rent control and the emergency tenant rent mercy protection act.

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried that the following be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes an increase in the SCRIE program income ceiling to \$25,000 for 2005 and increasing by \$1,000 over the next four years to \$29,000 in conformance with the terms and conditions of the Resolution adopted by the Board of Trustees on December 22, 1975.

Kathy Deufemia

From: Richard Slingerland
Sent: Wednesday, August 15, 2018 2:17 PM
To: Kathy Deufemia
Cc: Howard Wessells; John Barbelet; Anthony Ross
Subject: FW: Outdoor Bulletin Board -- proposed for location at Main St. entrance of Washington Street Lot
Attachments: Outdoor Bulletin Board.pdf

Kathy ;

Please put this on for the August 29th Work Session.

Rich

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Ralph Nicoletti
Sent: Wednesday, August 15, 2018 11:38 AM
To: Richard Slingerland <rslingerland@tarrytowngov.com>; Joe Arduino <JArduino@tarrytowngov.com>; Anthony Ross <aross@tarrytowngov.com>
Subject: Outdoor Bulletin Board

Rich & Joe & Anthony,

Attached is a picture of the outdoor bulletin board that we spoke about at yesterday's meeting.

Regards,

Ralph

Ralph Nicoletti
Tarrytown Recreation Department
PO Box 292
Tarrytown, New York 10591
Phone (Direct): 914-909-1184
Recreation Office: 914-631-8389
Email: rnicoletti@tarrytowngov.com
Office Email: ttrec@aol.com

y





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Outdoor Boards

Sliding Door Message Centers



prev [See all 25 items in product family](#) next

Jayhawk Plastics Medium Message Center, Recycled Plastic, One Side, Two Posts, Green, 36\"W x 26\"H

Item #: WAB264055

Email Print

Add to list

Usually ships in 10 to 13 days

[2 reviews](#) | [Write a review](#)

Price: \$ 527.00

Quantity:

Customers Who Viewed This Also Viewed

United Visual Products
Two-Door Outdoor
Corkboard - 60\"W x

Jayhawk Plastics Small
Message Center,
Recycled Plastic, One

Jayhawk Plastics Small
Message Center,
Recycled Plastic, One

Frequently Purchased Together



Global Industrial Dry Erase
Eraser
Not Yet Rated

Add \$1.50



Ghent® Bulletin Board One
Door - 24\"W x 36\"H
(3)

Add \$179.95



Glass Calendar Whiteboard -
36 x 24 - Magnetic - White
Free Shipping Not Yet Rated

Add \$86.95

Product Information

Customer Review

Product Q&A

Accessories

Jayhawk Plastics Medium Message Center, Recycled Plastic, One Side, Two Posts, Green

36\" x 3 1/2\" x 26\" with one side and two posts (74\" tall). Made from various sized Resinwood slats, shatter resistant clear plastic sheet, top quality marine-grade cork and specially coated locking mechanisms. Posts are made from solid 4\" x 4\" Resinwood boards. Designed to be weather resistant.



Made with 100% recycled plastic that is environmentally friendly, maintenance free and vandal resistant.

Product Specifications

LENGTH INCHES	36
WIDTH INCHES	3-1/2
DEPTH INCHES	3-1/2
HEIGHT INCHES	26
COLOR	Green
COLOR FINISH	Natural
ASSEMBLY	Unassembled
BRAND	Jayhawk Plastics
DESCRIPTION	Sliding Door Message Center - One Side, Two Posts
DOOR QUANTITY	2
FRAME COLOR	Green
FRAME CONSTRUCTION	Recycled Plastic
MANUFACTURERS PART NUMBER	PB MC2PGRE
MOUNT TYPE	In Ground
STYLE	Message Center
SUGGESTED USE	Outdoor
TYPE	Without Header
WEIGHT LBS	120
DOOR TYPE	Sliding
SURFACE MATERIAL	Cork
BOARD TYPE	Enclosed Board

Have A Question About This Product?

0 Question | 0 Answer

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[Answer A Question](#)

Proposed 5

LOCAL LAW _____ - 2018

A Local Law to amend the Tarrytown Village Code Chapter 297, entitled "Water" to amend the sections regarding water meters and water rents, to update the section on remote-readable water meters, to add a new section on tampering or vandalism, and to add provisions in Article II regarding Water Conservation so that water restrictions can be imposed during water supply emergencies, based on planned shut-downs by the NYC DEP.

Section 1. Be it enacted by the **Board of Trustees** 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 2. Chapter 297-6. Entitled "Water Meters" is amended to read as follows:

Chapter 297. Water

§ 297-6. Water meters.

- A. Water meters of a type approved by the Board of Trustees shall be installed in all buildings (other than an accessory building) regardless of type, character or use.
- B. ~~Water meters for the purpose of such installation shall be provided and installed by the owner of the premises.~~ **Water meters shall be furnished and installed by the Village and shall remain the property of the Village.**
- C. ~~Meters shall be maintained and kept in repair by the owner, who shall replace worn, obsolete, inefficient or deficient meters.~~ **The annual rental for meters shall be payable at the time that the water bills and water rents are due and shall be made a part of such bill.**
- D. The submetering of water by consumers is prohibited.

Note: Sections 297-6 E. and F. regarding upgrading of water meters are deleted in their entirety, since the upgrading of water meters to remote-read meters took place approximately ten (10) years ago, and are replaced with new sections E. and F. to be enacted to read as follows:

~~E. Upgrade of preexisting water meters in nonresidential structures.~~

3

~~(1) Any preexisting meters that do not embody remote meter reading capabilities shall be upgraded so as to comply with the current requirements of the remote meter reading system currently utilized for residential structures in the Village of Tarrytown. Said upgrade must be undertaken within 60 days following the service of notice by certified mail to install said meter with remote meter reading capabilities.~~

~~(2) The cost to install a meter with remote meter reading capabilities in a nonresidential structure shall be borne by the owner of the structure.~~

~~(3) The Village Engineer or his/her designee shall develop a manual which shall provide information regarding the specific types of water meters which shall be required by the Village of Tarrytown.~~

~~(4) If after the sixty-day period noted above the property owner fails to install a meter with remote meter reading capabilities as required herein, the Village will, for a period not to exceed 180 days, continue to manually read the existing meter; however, the property owner will be charged the cost to manually read the meter and this charge will be added to the property's water bill. If the additional charge is not paid within 30 days from the date due on said bill, any outstanding balance will be added to the property's next tax bill.~~

~~(5) In addition to the penalties provided for in Chapter 1, Article II, the service of water to any premises may be discontinued by the water supplier if the upgraded water meters required by this article and regulations adopted pursuant thereto are not installed, tested and maintained; if any defect is found in an upgraded water meter; or if it is found that an upgraded water meter has been removed or bypassed. Discontinued water service resulting from this section will not be restored until such condition or defects are corrected.~~

~~F. Upgrade of water meters.~~

~~(1) All water meters shall be upgraded so as to comply with the current requirements of the remote meter reading system. Property owners must allow access to their property upon ten-day notice by certified mail. If the owner is not available to provide access on the noticed day and time, the owner must provide a date and time within a five-day period after the noticed date when access to the property will be available for the installation.~~

~~(2) If a property owner does not provide access for the installation of said new water meters, the Village will impose a penalty of \$100 for each month or part thereof that the property owner does not provide access. If the owner does not pay the penalties imposed, the amount of the penalties shall be added to the property's next tax bill.~~

~~(3) The service of water may be discontinued if an upgraded water meter required by this article is not installed or if it is found that an upgraded water meter has been removed, tampered with or bypassed. Discontinued water service resulting from this section will not be restored until such condition is corrected.~~

New Sections E. and F.

E. Remote-readable water meters – All water meters shall be able to be read remotely by Water Department personnel from outside of and off of the subject property on which they are located.

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F. Vandalism or misuse of water meters – In the event of tampering, negligence, reckless or intentional damage or modification of the water meter by the property owner or his or her agent, causing damage to the water meter or causing the water meter to become faulty or not work properly, it shall be the property owner's responsibility to pay for the cost of repairing or replacing the water meter, plus a fine subject to the provisions of chapter 297-17 of this chapter.

Section 3. Chapter 297, Article II. Water Conservation, Sections 18 through 21 are amended to read as follows:

Article II. Water Conservation

§ 297-18. Legislative intent.

The intent of this article is to restrict the wasteful, inefficient or nonessential use of water during periods of drought, or during periods of restricted water consumption as determined by the New York City Department of Environmental Protection (NYC DEP) as the Village's water supplier to establish penalties for violations and to provide for enforcement of water conservation measures in the Village of Tarrytown for the protection of the health, safety and welfare of the people of the village. This section is being expanded to include water restrictions, based on reduced water availability, due to shut-down plans by the NYC DEP on short-term and long-term bases to perform mandatory maintenance on the water supply infrastructure.

§ 297-19. Restrictions on water consumption.

A. The Board of Trustees may, by resolution, establish a Phase I, Phase II or Phase III drought emergency or other water restriction emergency due to limited water supply in the Village of Tarrytown. The drought emergency or water restriction emergency and the restrictions shall remain in effect until the Board of Trustees rescinds, by resolution, the Phase I, Phase II or Phase III drought or water restriction emergency.

B. Phase I, drought emergency or water restriction emergency. The following restrictions shall apply 24 hours after such a Phase I drought emergency resolution is passed by the Board of Trustees:

- (1) Use of fire hydrants for any purpose other than fire protection is prohibited.
- (2) Serving water to patrons in restaurants or eating establishments is prohibited unless specifically requested by the customer.
- (3) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 15%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.
- (4) Ornamental or display use of water, whether or not such water is recycled, is prohibited.
- (5) Use of hoses for street, driveway, sidewalk and/or vehicle washing is prohibited. "Vehicles" shall include but not be limited to automobiles, trucks and boats. Vehicles may be washed with a bucket.

3

(6) Watering of lawns and gardens is restricted to the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m. Odd/even distribution will be used: odd days for odd-numbered addresses; even days for even-numbered addresses, no address number on odd days.

(7) There will be no restrictions on hand-held containers to water vegetables and fruits for human consumption. Nurseries and other commercial plant users or sellers have no restrictions on water used, provided that they submit water conservation plans for a fifteen-percent reduction.

(8) Use of water to clean building exteriors is prohibited.

(9) Leaks in house water connections shall be repaired within 48 hours.

(10) Water meters must be installed on all water-cooled air-conditioning units.

(11) Swimming pools shall not be filled more than once per year; make up water as necessary. All swimming pools must be equipped with a recirculating filter.

C. Phase II, severe drought or severe water restriction emergency. The following restrictions shall apply 24 hours after such a Phase II drought emergency resolution is passed by the Board of Trustees:

(1) No private swimming pools shall be filled or spillage replenished.

(2) Municipal or public-type pools fall under Phase I restrictions.

(3) Lawns and gardens shall not be watered, except that water may be used to irrigate, from hand-held containers only, vegetables or fruits grown for human consumption.

(4) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 20%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

D. Phase III, extreme drought or extreme water restriction emergency. The following restrictions shall apply 24 hours after such a Phase III drought emergency resolution is passed by the Board of Trustees:

(1) Water restrictors shall be installed in all shower heads.

(2) Water-cooled air conditioners shall be shut off for a two-hour period, either from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. This should be posted in lobby areas. The average room temperature shall not fall below 78° F.

(3) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 25%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

§ 297-20. Penalties for offenses.

A. Any violation of any restrictions in this article shall be an offense punishable by a fine not to exceed ~~\$25~~ **\$50** for the first offense, not to exceed ~~\$100~~ **\$250** for the second offense and not to exceed \$500 for the third and every subsequent offense or, alternatively, by a maximum of 15 days' imprisonment for each offense after the second offense.

B. Any person violating any restrictions imposed under § ~~297-19D~~ **297-19D** hereinabove and who has been convicted of at least two other offenses of this article shall be subject to a fine not to exceed \$1,500.

C. Each day that such a violation continues shall constitute a separate offense for which a fine or imprisonment may be imposed.

§ 297-21. When effective.

This article shall take effect immediately, and its provisions shall be enforced at all times during the existence of a drought, severe drought or extreme drought, or water restriction event, severe water restriction event, or extreme water restriction event in the Village of Tarrytown, as declared by the Board of Trustees.

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.

History 5

between the water main and the shutoff valve at the curb, including the shutoff valve. In the event of a leak in a water connection between the shutoff valve at the curb and the water meter, the village shall notify the occupant, in writing, of the leak on his property, and, if the occupant or owner of the property has not corrected the leak within five business days of the delivery of such notice, the village may shut off the water to or on the premises until the leak has been corrected, unless the property owner or occupant, within such five-day period, delivers to the village written authorization to correct the leak at the owner's or occupant's expense. If the village corrects such leak, the cost thereof shall be charged to the water bill of the owner or occupant, as the case may be. [Added 11-15-1982 by L.L. No. 12-1982; amended 11-5-1990 by L.L. No. 19-1990; 9-8-1992 by L.L. No. 12-1992]

§ 297-5. Charges for tapping mains; standards for taps.

- A. The charges for tapping water mains shall be as adopted by resolution of the Board of Trustees. [Amended 5-6-1991 by L.L. No. 5-1991]
- B. No tap to a four-inch and a six-inch main shall be larger than 1 1/2 inches. A two-inch tap can only be made to a main which is at least eight inches in diameter. If two separate buildings are to be serviced, the charge shall be as separate taps.

§ 297-6. Water meters. [Amended 6-18-2007 by L.L. No. 3-2007]

- A. Water meters of a type approved by the Board of Trustees shall be installed in all buildings (other than an accessory building) regardless of type, character or use.
- B. Water meters for the purpose of such installation shall be provided and installed by the owner of the premises.
- C. Meters shall be maintained and kept in repair by the owner, who shall replace worn, obsolete, inefficient or deficient meters.
- D. The submetering of water by consumers is prohibited.
- E. Upgrade of preexisting water meters in nonresidential structures.
- (1) Any preexisting meters that do not embody remote meter reading capabilities shall be upgraded so as to comply with the current requirements of the remote meter reading system currently utilized for residential structures in the Village of Tarrytown. Said upgrade must be undertaken within 60 days following the service of notice by certified mail to install said meter with remote meter reading capabilities.
- (2) The cost to install a meter with remote meter reading capabilities in a nonresidential structure shall be borne by the owner of the structure.

1. Editor's Note: Such charges are on file and available for inspection in the office of the Village Clerk during regular office hours.

- (3) The Village Engineer or his/her designee shall develop a manual which shall provide information regarding the specific types of water meters which shall be required by the Village of Tarrytown.
- (4) If after the sixty-day period noted above the property owner fails to install a meter with remote meter reading capabilities as required herein, the Village will, for a period not to exceed 180 days, continue to manually read the existing meter; however, the property owner will be charged the cost to manually read the meter and this charge will be added to the property's water bill. If the additional charge is not paid within 30 days from the date due on said bill, any outstanding balance will be added to the property's next tax bill.
- (5) In addition to the penalties provided for in Chapter 1, Article II, the service of water to any premises may be discontinued by the water supplier if the upgraded water meters required by this article and regulations adopted pursuant thereto are not installed, tested and maintained; if any defect is found in an upgraded water meter; or if it is found that an upgraded water meter has been removed or bypassed. Discontinued water service resulting from this section will not be restored until such condition or defects are corrected.

F. Upgrade of water meters. [Added 1-7-2008 by L.L. No. 3-2008]

- (1) All water meters shall be upgraded so as to comply with the current requirements of the remote meter reading system. Property owners must allow access to their property upon ten-day notice by certified mail. If the owner is not available to provide access on the noticed day and time, the owner must provide a date and time within a five-day period after the noticed date when access to the property will be available for the installation.
- (2) If a property owner does not provide access for the installation of said new water meters, the Village will impose a penalty of \$100 for each month or part thereof that the property owner does not provide access. If the owner does not pay the penalties imposed, the amount of the penalties shall be added to the property's next tax bill.
- (3) The service of water may be discontinued if an upgraded water meter required by this article is not installed or if it is found that an upgraded water meter has been removed, tampered with or bypassed. Discontinued water service resulting from this section will not be restored until such condition is corrected.

~~§ 297-7. Installation of water meters.~~

~~Water meters shall be installed as herein provided:~~

- ~~A. Every meter shall be set in a horizontal position within ready access for inspection and shall be protected against frost and hot water.~~
- ~~B. The meter must be connected to the service line by a union to a shutoff valve on each side of the meter.~~

ARTICLE II

Water Conservation

[Adopted 4-17-1989 by L.L. No. 7-1989]

§ 297-18. Legislative intent.

The intent of this article is to restrict the wasteful, inefficient or nonessential use of water during periods of drought, to establish penalties for violations and to provide for enforcement of water conservation measures in the Village of Tarrytown for the protection of the health, safety and welfare of the people of the village.

§ 297-19. Restrictions on water consumption.

- A. The Board of Trustees may, by resolution, establish a Phase I, Phase II or Phase III drought emergency in the Village of Tarrytown. The drought emergency and the restrictions shall remain in effect until the Board of Trustees rescinds, by resolution, the Phase I, Phase II or Phase III drought emergency.
- B. Phase I, drought emergency. The following restrictions shall apply 24 hours after such a Phase I drought emergency resolution is passed by the Board of Trustees:
- (1) Use of fire hydrants for any purpose other than fire protection is prohibited.
 - (2) Serving water to patrons in restaurants or eating establishments is prohibited unless specifically requested by the customer.
 - (3) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 15%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.
 - (4) Ornamental or display use of water, whether or not such water is recycled, is prohibited.
 - (5) Use of hoses for street, driveway, sidewalk and/or vehicle washing is prohibited. "Vehicles" shall include but not be limited to automobiles, trucks and boats. Vehicles may be washed with a bucket. [Amended 5-15-1989 by L.L. No. 8-1989]
 - (6) Watering of lawns and gardens is restricted to the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m. Odd/even distribution will be used: odd days for odd-numbered addresses; even days for even-numbered addresses, no address number on odd days.
 - (7) There will be no restrictions on hand-held containers to water vegetables and fruits for human consumption. Nurseries and other commercial plant users or sellers have no restrictions on water used, provided that they submit water conservation plans for a fifteen-percent reduction.
 - (8) Use of water to clean building exteriors is prohibited.

- (9) Leaks in house water connections shall be repaired within 48 hours.
 - (10) Water meters must be installed on all water-cooled air-conditioning units.
 - (11) Swimming pools shall not be filled more than once per year; make up water as necessary. All swimming pools must be equipped with a recirculating filter.
- C. Phase II, severe drought. The following restrictions shall apply 24 hours after such a Phase II drought emergency resolution is passed by the Board of Trustees:
- (1) No private swimming pools shall be filled or spillage replenished.
 - (2) Municipal or public-type pools fall under Phase I restrictions.
 - (3) Lawns and gardens shall not be watered, except that water may be used to irrigate, from hand-held containers only, vegetables or fruits grown for human consumption.
 - (4) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 20%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.
- D. Phase III, extreme drought. The following restrictions shall apply 24 hours after such a Phase III drought emergency resolution is passed by the Board of Trustees:
- (1) Water restrictors shall be installed in all shower heads.
 - (2) Water-cooled air conditioners shall be shut off for a two-hour period, either from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. This should be posted in lobby areas. The average room temperature shall not fall below 78° F.
 - (3) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 25%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

§ 297-20. Penalties for offenses.

- A. Any violation of any restrictions in this article shall be an offense punishable by a fine not to exceed \$25 for the first offense, not to exceed \$100 for the second offense and not to exceed \$500 for the third and every subsequent offense or, alternatively, by a maximum of 15 days' imprisonment for each offense after the second offense.
- B. Any person violating any restrictions imposed under § 297-19D hereinabove and who has been convicted of at least two other offenses of this article shall be subject to a fine not to exceed \$1,500.
- C. Each day that such a violation continues shall constitute a separate offense for which a fine or imprisonment may be imposed.

§ 297-21. When effective.

This article shall take effect immediately, and its provisions shall be enforced at all times during the existence of a drought, severe drought or extreme drought in the Village of Tarrytown, as declared by the Board of Trustees.

ARTICLE III
Cross-Connection Program
[Adopted 5-17-1993 by L.L. No. 3-1993]

§ 297-22. Purpose.

The purpose of this article is to safeguard potable water supplied from potential contamination by preventing backflow from a water user's system into the public water user's system and to comply with the requirements of the New York State Sanitary Code, Part 5, Section 5-1.31.

§ 297-23. Check valves and backflow-prevention devices required.

- A. Check valves or backflow-prevention devices conforming to the most current requirements of the New York State Department of Health and the Westchester County Department of Health shall be installed by the owner of those systems pursuant to the rules of those Departments in force at the time of the installation.
- B. Certificates of occupancy shall not be issued by the Building Inspector for new or modified/renovated/rehabilitated structures with hazardous systems without a letter from the Superintendent of Public Works or his/her designee stating that the check valves or backflow-prevention devices have been installed.
- C. The cost to install the check valves or backflow-prevention devices shall be borne by the owner of the property.

§ 297-24. Upgrade of preexisting systems.

Any preexisting systems that do not embody cross-connection control devices shall be upgraded so as to comply with the current requirements of the New York State Department of Health and the Westchester County Department of Health within 60 days following the service of notice by certified mail to install check valves or backflow-prevention devices.

§ 297-25. Testing; owner liability for costs.

The testing of cross-connection control devices shall be performed on an annual basis by the owner of any system requiring the same, and the cost of such testing shall be borne by the owner of the system. The testing procedures shall conform to the requirements of the New York State Department of Health and the Westchester County Department of Health.

Proposed

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LOCAL LAW _____ - 2018

A Local Law to amend the Tarrytown Village Code Chapter 229, retitle it from "Plumbers" to Plumbing, to update the law, abolish the Village's Board of Examiners, and to reference to the County of Westchester as the licensing authority.

Section 1. Be it enacted by the **Board of Trustees** 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 2. With the enactment of Westchester County Local Law #15 of 1995, the County Board of Legislators enacted the Westchester County Board of Plumbing Examiners and County-Wide Plumbing License Law, Article XV, Sections 277.501 through 277.515, which established a county-wide law to license plumbers, and therefore, the Village Code is obsolete and Chapter 229, entitled "Plumbers" is deleted in its entirety.

Chapter 229. Plumbers

§ 229-1. License required.

§ 229-2. Board of Examiners.

§ 229-3. Meetings of Board; certification of applicants; names.

§ 229-4. Fees.

§ 229-5. Bond.

§ 229-6. Issuance of license.

§ 229-7. Term of license; renewal.

§ 229-8. Revocation of license; license nontransferable.

§ 229-9. Penalties for offenses.

Section 3. A new Chapter 229 entitled Plumbing is enacted as follows:

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(New) Chapter 229. Plumbing

§ 229-1. Title.

This chapter shall be known as the Village Code related to Plumbing for the Village of Tarrytown, regulating the Administration and Enforcement of the New York State Building and Fire Code related to plumbing, as it may be updated from time to time by the New York State Codes Division.

§ 229-2. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the residents of the Village of Tarrytown by providing for the licensing and regulation of the plumbing trade.

§ 229-3. Licensed required.

No person shall do any plumbing work on any premises in the Village of Tarrytown unless such person shall provide proof of holding a valid plumbing license issued by the County of Westchester.

§ 229-4. Displaying license.

Any person, firm or corporation doing plumbing work in the Village of Tarrytown shall show proof of such license upon request to any officer of the Village and shall, while opening any highway for purposes incidental to such work and while such highway is opened obtain a valid street opening permit from the Village of Tarrytown. No street or highway may be opened without first complying with all regulations pertaining to street openings.

§ 229-5. Prior approval of plans.

A. The Building Inspector or other qualified inspector of the Village of Tarrytown must issue a permit before any plumbing work, including the installation of gas appliances or the installation, removal or abandonment of oil or gas storage tanks, is started or before there are any additions or alterations made to existing installations. The application for the permit shall be made on forms approved by the Building Inspector or other qualified inspector of the Village and shall be signed by a licensed master plumber. The application shall be filed in the Building Department, together with plans and a description, in duplicate, showing and describing the proposed plumbing work.

B. The plans filed with the application shall consist of such floor plans and sections as may be necessary to show clearly all the work to be done, including all sewers, drains, soil, waste and vent pipes. The plans also shall show the location of fixtures, their traps and connections. The plans may be drawn to scale in ink or be prints produced to scale.

C. If the plumbing work involves the installation, removal or abandonment of an oil or gas storage tank, the Building Inspector cannot issue a permit until a performance bond or a cash bond is posted with the Village by the permittee or the owner of the property on which the plumbing work is to be performed. The amount of the bond shall be sufficient to cover the cost of repairing any property, public or private, that may be damaged during the course of the plumbing work for which the permit is issued and shall be fixed by the Building Inspector in

consultation with the Village Engineer. Under no circumstances shall the amount of the bond be less than \$1,500. In cases where a street opening permit also is issued, the Building Inspector or other qualified inspector of the Village may allow a single bond for both permits if he or she determines that a single bond will be sufficient for the purposes of this chapter. Any bond posted under this chapter shall be released to the person who posted it no later than six months after a certificate of completion is issued for the plumbing work covered by the permit, provided that such work is done in accordance with the provisions of the permit and the provisions of any street opening permit and that all areas disturbed during the work (including any rights-of-way) are restored to a condition that is satisfactory to the Village Engineer.

D. Modification of approved plans or of the work described therein shall not be permitted until such changes are approved, in writing, by the Building Inspector or other qualified inspector of the Village on written application, signed by a master plumber.

E. A permit for plumbing work shall expire six months from the date it is issued unless the plumbing work for which the permit has been issued is in progress. If the permit expires, the applicant shall be required to reapply for a permit for plumbing work pursuant to this section.

§ 229-6. Fees.

The fees for plumbing permits shall be as for services performed and a permit issued pursuant to this chapter as set forth in the Village of Tarrytown Fee Schedule, as regularly updated from time to time by action of the Board of Trustees.

§ 229-7. House sewer inspections.

All house sewers between the building and the street line shall be laid by a licensed plumber under the specifications set forth. This work shall be inspected once by the inspector upon notification by the plumber that the entire line is complete and ready for inspection, and related excavation work may not be back-filled until such inspection has taken place.

§ 229-8. Notice of violations.

A. Whenever a person violates any of the provisions of this chapter or whenever any person omits or refuses to comply with the provisions of this chapter or deviates from the approved plans and specifications for plumbing and draining filed with the Tarrytown Building Department, the Building Inspector or other qualified inspector, including the Village Engineer, shall serve notice of violation thereof upon the master plumber doing the work and upon the owner or occupant of the premises.

B. Such notice may be served personally or by mail and, if by mail, may be addressed to such master plumber at the address registered by him with the Building Department and upon the owner or occupant at the address given by him upon any application made by him for the plumbing work in connection with which the violation occurs; or, if no permit is obtained, notice shall be served upon the owner or occupant at the location of the work, but the failure of the master plumber to register shall relieve the Building Inspector or other qualified inspector from the requirement of giving such notice to the master plumber. Unless the violation is remedied

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within ten days, or sooner on the discretion of the Building Inspector depending on the severity of such violation and the potential impact(s) to health, safety and welfare, after the day of serving or mailing of such notice, exclusive of the day of serving or mailing, then each day thereafter that such violation continues shall be considered a separate offense.

§ 229-9. Penalties for offenses.

Any person who omits or refuses to comply with or resists, willfully violates any of the provisions of this chapter or who obstructs or hinders any inspector or officer in the due performance of his duty hereunder shall be punishable for each conviction by a fine of up to five hundred dollars (\$500) per day, or by imprisonment, in case of default in payment of the fine, for a period not exceeding 15 days. Each day the provisions of such chapter are violated after due notice has been served upon the offender, in writing, shall constitute a separate offense and subject the offender to a like penalty. Such violation shall also subject any person committing the same to a penalty in the sum of \$1,000, recoverable in a civil action brought by or on behalf of the Village of Tarrytown. In addition, the Village may take whatever additional actions in the nature of injunction or otherwise that is otherwise provided for by law.

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.

Existing

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Chapter 229 PLUMBERS

- | | |
|---|--|
| § 229-1. License required. | § 229-6. Issuance of license. |
| § 229-2. Board of Examiners. | § 229-7. Term of license; renewal. |
| § 229-3. Meetings of Board; certification of applicants; names. | § 229-8. Revocation of license; license nontransferable. |
| § 229-4. Fees. | § 229-9. Penalties for offenses. |
| § 229-5. Bond. | |

[HISTORY: Adopted by the Board of Trustees of the Village of Tarrytown 7-18-1966 as Ord. 6.1 of the 1959 Unified Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing — See Ch. 209.
Sewers — See Ch. 243.

Water — See Ch. 297.

§ 229-1. License required.

No person other than a plumber duly licensed thereto and who shall have filed with the Village Clerk the bond or bonds required shall conduct the business of a master or employing plumber in the village.

§ 229-2. Board of Examiners.

- A. A Board of Examiners shall be appointed by the Board of Trustees, which shall examine and determine the competency and fitness of applicants for licenses to engage in business as master or employing plumbers in the village.
- B. Such Board shall consist of five members. A minimum of two shall be master plumbers, and one shall hold the title of plumbing inspector. One member shall be a journeyman plumber, one member shall be the Building Inspector, who will act as Chairman, and one member shall be the foreman of the Village of Tarrytown Water Department. The compensation for each member of the Board shall be set by resolution of the Board of Trustees. [Amended 6-18-1984 by L.L. No. 8-1984; 5-6-1991 by L.L. No. 5-1991]

§ 229-3. Meetings of Board; certification of applicants; names. [Amended 6-18-1984 by L.L. No. 8-1984]

Said Board shall meet at the discretion of the Chairman, but no less than twice a year, and shall certify to the Village Clerk the names of applicants determined by it after examination to be competent to receive a license promptly after such determinations have been made.

§ 229-4. Fees. [Amended 5-6-1991 by L.L. No. 5-1991]

A fee as adopted by resolution of the Board of Trustees shall accompany each application, which shall not be refunded in any event. A further fee as adopted by resolution of the Board of Trustees shall be paid by each successful applicant prior to the issuance to him of a license.¹

§ 229-5. Bond. [Amended 5-6-1991 by L.L. No. 5-1991]

A successful applicant shall file and maintain with the Village Clerk a surety company bond in an amount as adopted by resolution of the Board of Trustees,² for the faithful compliance by him with the provisions of the State Uniform Fire Prevention and Building Code and the ordinances of the village applicable to the work to be performed by him under the license.

§ 229-6. Issuance of license.

Upon compliance with the provisions of this chapter, a license shall be issued in accordance with Chapter 209, Licensing, § 209-5.

§ 229-7. Term of license; renewal. [Amended 5-6-1991 by L.L. No. 5-1991]

Each license issued hereunder shall expire on the 31st day of May next succeeding the date of its issue and shall be renewed within 30 days preceding such expiration by application to the Village Clerk and the payment of a fee as adopted by resolution of the Board of Trustees. A license which has not been renewed on or before its expiration may be renewed within one year after its expiration by application to the Village Clerk and payment of a fee as adopted by resolution of the Board of Trustees, which renewal shall be retroactive to the date of such expiration. A license which has expired and has not been renewed within one year after its expiration shall not be renewed.³

§ 229-8. Revocation of license; license nontransferable.

- A. The provisions of Chapter 209, Licensing, § 209-9, relating to the revocation of licenses, shall apply to licenses issued under this chapter.
- B. In addition thereto, no person receiving a license hereunder shall loan or rent or permit any other person to use or receive the benefit of such license, directly or indirectly, by any arrangement whatsoever.

¹ Editor's Note: Such fees are on file and available for inspection in the office of the Village Clerk during regular office hours.

² Editor's Note: Such bond amount is on file and available for inspection in the office of the Village Clerk during regular office hours.

³ Editor's Note: Such fees are on file and available for inspection in the office of the Village Clerk during regular office hours.

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§ 229-9

PLUMBERS

§ 229-9

§ 229-9. Penalties for offenses. [Added 5-6-1991 by L.L. No. 5-1991]

Penalties shall be as provided in Chapter 1, General Provisions, Article II.

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Kathy Deufemia

From: Richard Slingerland
Sent: Friday, August 17, 2018 10:49 AM
To: Kathy Deufemia
Cc: Dan Pennella
Subject: FW: VILLAGE PUBLIC HEARING ON ARB CODE AMENDMENTS

For the August 29th Work Session.

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Jane Greenwood <jane@kostowgreenwood.com>
Sent: Wednesday, August 8, 2018 9:38 AM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: Re: VILLAGE PUBLIC HEARING

Richard,

To follow up on the ARB amendment before the BoT, we discussed as a board and came to the following conclusions:

1. ARB would like to keep review/approval of fences in the Code. Tom's comment about fences higher than 6' is moot because the Code limits the height to 6' without a variance.
2. ARB is fine with eliminating review of masonry walls when such walls are for retaining soil but not for free-standing walls. So please leave free standing masonry walls in the Code.
3. ARB does not need to review steps and sidewalks.

Please let me know if you have any questions.

Stay cool!

Jane Greenwood, AIA LEED AP
Principal

Kostow Greenwood Architects LLP
[594 Broadway, Suite 300](#)
[New York, NY 10012](#)
(office) [212-334-0116](#)
(direct) [646-808-0631](#)
www.kostowgreenwood.com

Local Law Number ___ of 2018

A local law to amend Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board to address the referral requirements of applicants for building permits to the Architectural Review Board

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

Section A: Purpose.

The Village wishes to limit the Building Inspector's requirement to refer building permit applications to the Architectural Review Board to only applications for new building construction, additions to existing buildings that increase building footprint by 25% or more, applications requiring Planning Board approval, applications for signage or awnings, and certain applications involving property within the Restricted Retail RR Zone or commercial buildings outside the RR Zone. The Village finds that its current mandatory building permit application referral to the Architectural Review Board is too burdensome on landowners. The referral creates too many restrictions and impediments on design throughout the Village and the Village intends to limit that mandatory referral to only certain building permit applications, including those that may impact the character of the downtown area and historic district.

Section B: Amend Chapter 9 Section 4(A) "Referral of Applicants for building permits", which shall read as follows:

Except where an application for a certificate of appropriateness must be submitted to the Architectural Review Board pursuant to the Landmark and Historic District Act (Chapter 191, Historic Districts and Landmarks), every application for a building permit **involving any of the following shall be referred by the Building Inspector to the Architectural Review Board:**

- (1) Applications for all new building construction or additions whereby the existing building footprint increases by 25% or more;**
- (2) Applications requiring Planning Board approval; except applications involving only fences, retaining walls, steps, and /or sidewalks;**
- (3) Applications for signage or awnings; or**
- (4) Applications for a property within the Restricted Retail RR Zone or commercial properties outside the RR Zone involving:**
 - (a) Construction, reconstruction or alteration of any building or structure that affects the **portion of the** exterior appearance of the building or other**

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structure that is visible from any public street, except applications involving only fences, retaining walls, steps, and /or sidewalks;

(b) Construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet (such size calculation shall include any steps); or

(c) Construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street.

Section C: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section D: 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 E: 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.

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Kathy Deufemia

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Sent: Friday, August 17, 2018 10:49 AM
To: Kathy Deufemia
Cc: Dan Pennella
Subject: FW: VILLAGE PUBLIC HEARING ON ARB CODE AMENDMENTS

For the August 29th Work Session.

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

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Please let me know if you have any questions.

Stay cool!

Jane Greenwood, AIA LEED AP
Principal

Kostow Greenwood Architects LLP
594 Broadway, Suite 300
New York, NY 10012
(office) 212-334-0116
(direct) 646-808-0631
www.kostowgreenwood.com

6 Next steps

JUNE 4	Draft Plan released on the Village website
JUNE 4 - AUG 6	Comment period — refer to information posted to Village website; comments can be emailed to connected@tarrytongov.com
SEPT 4	Revised Plan published to Village website
SEPT - OCT	Public review of revised Plan
OCT 1, 15	Public hearings for the revised Plan

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CP look ahead – sent 6/4/18

Overview – notes for CP adoption

Need a GML circulation

Circulate the plan to County Planning, any abutting municipalities – include the EAF to do that (Part 1)

- Want to check the boxes so we don't have a legal issue down the road
- Timing should avoid issues with omitting a hearing in the summer

Timeline for CP adoption

- 6/4: formal notification during Board Meeting that the draft CP has been released
 - BOT adopt 1-line resolution referring it to the PB for review
 - Post on Village website, with cover letter, process for sharing comments
 - Reach out to all workshop participants
 - all comments should go to connected@tarrytowngov.com
- 6/4 – 8/6: Receipt of comments on draft CP
 - PB comments / approval
 - Public comments
 - *Village team will need to review and accept / reject prior to WXY revisions*
- **8/7 – 8/24: WXY revises plan to incorporate feedback as per Village direction**
 - **WXY team prepares EAF Part 1**
- 8/29: BOT work session to review changes to the CP – accompanied by memo
- 9/4: BOT Meeting – set schedule for hearing, direct circulation of the revised CP + EAF documentation
 - Revised CP + EAF Part 1 published to Village website with formal notification
 - Revised plan incorporating comments from public review of draft document
 - Circulate to County Planning, abutting municipalities
 - Notice (via websites, newspapers) the hearing, 30 days – Village to advise
- 9/4 and following: public review of revised CP
 - *SEQRA process runs concurrently – WXY team*
- 10/1: Board Meeting; open the public hearing for the revised CP
 - earlier deadline for receipt of feedback will enable the BOT to address comments at the hearing, why changes were or were not incorporated
 - Could have some preliminary SEQRA findings at this stage
- 10/5: deadline for receipt of materials for 10/10 work session and 10/15 Meeting
 - WXY team delivers Long EAF Parts 2, 3, supplementary documentation, text for Neg Dec
- 10/15: Board Meeting; if no further comments close the public hearing for the revised CP
 - BOT adopt parts 2 & 3, the Neg Dec, can adopt Comprehensive Plan at this time
 - *Depending upon the status of comments at the Public Hearing, it might be wrapped up on 10/15 or continue*

Steve to confirm timing for receipt of Long EAF

- Village to advise on noticing procedure and timing for newspapers
- Rich to share cover letter template for CP circulation; WXY to prepare

10

Kathy Deufemia

From: Richard Slingerland
Sent: Friday, August 17, 2018 12:31 PM
To: Kathy Deufemia
Subject: FW: bike share

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Michael Mills <michaelmills@elmsfordny.org>
Sent: Wednesday, August 1, 2018 3:47 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>; Fran Frobel (villagemanager@hastingsgov.org) <villagemanager@hastingsgov.org>; Anthony Giaccio (agiaccio@villageofsleepyhollow.org) <agiaccio@villageofsleepyhollow.org>; Lawrence S. Schopfer (lschopfer@irvingtonny.gov) <lschopfer@irvingtonny.gov>; 'Meredith Robson' <mrobson@ardsleyvillage.com>; 'Charlene Indelicato' <cindelicato@dobbsferry.com>; Francis Sheehan (fsheehan@greenburghny.com) <fsheehan@greenburghny.com>
Subject: RE: bike share

To my question of the company regarding incentives for us to use p3gm they provided the following response to me"

The incentive:

- We will be able to launch faster, a bigger order with our supplier means a faster turnaround time.
- One homogenous system that is station based, keeping the right of way public and for the people.
- More villages means we can make more and more improvements as the system matures and grows.
- More technologies than just bike share. P3GM is a smart city development company with a focus on mobility. We also work with smart parking, electric car share, traffic management, congestion pricing, etc., to improve mobility throughout an entire region, not just a particular municipality.

Village of Tarrytown Comprehensive Plan

COMMENTS RECEIVED AS OF 8/6/18

6/3/2018 & 6/4/2018

Drew Fixell comments via PDF markup **CP updated to address comments unless specifically noted**

p. 6

Not that it's so important, but this number actually seems wrong. I don't see how we get to 5.7 square miles when we're less than 3 miles long and barely over 1 mile wide at the widest point.

p. 18

Seems like it would be more informative to include something about how if we compare Tarrytown to the Westchester communities of similar size, i.e., excluding the big cities, Tarrytown is significantly more diverse. Same goes for income section. **Data does not bear out with significant diversity**
It also might be useful to have something about our school systems and the differences and connections to the other villages within those 2 systems. **Refer to CPMG for further addition; also covered in Community chapter**

p. 32

Dannon was in Tarrytown?

p. 35

approximately 20% decline

The loss of assessables is not just the hotels, though they have taken a big bite. Certs filed by condominiums and just about every other commercial property, as well as the conversion of taxable property, especially Kraft and the GM training center, into non-profit status, were all significant parts of the decline.

This is wrong – we get our population share of the 1/2% sales tax (out of the total 7.375% imposed here) that's distribute to the non-city municipalities in Westchester. Greenburgh has nothing to do with any of that (other than they get the same population share). The critical point is that there is no direct link between what is collected in Tarrytown and what the village gets.

p. 36

We need to have reference to the fiscal impacts of development – within the constraints set by others, every form of development also has to be viewed through the lens of how it affects our financial position. "Sustainability" is too vague a phrase

p. 42

See prior note about viewing nearly everything through the lens of the fiscal impacts, including the relative impacts of different proposals, and how we operate within a severely constrained, state-run legal/financial environment.

... and may inform better decisions on management.

This seems awfully specific and "small." Don't we want to speak more generally about smart technologies and other technology-based measures that improve productivity and efficiency?

GA

p. 46

an ostensibly robust network. Destinations outside of mid- and downtown Manhattan, for the most part do not line up with the mass transit options. And/or frequency and/or reliability of service doesn't sufficiently match local needs to offset the benefits of auto use.

p. 48

Auto congestion does not really create undesirable conditions for pedestrians. Pedestrians can co-exist far more easily with slow congested traffic than with faster-moving uncongested traffic.

I don't think this is backed up with evidence. It may be true, but this paragraph is too certain about these claims

Is this true? As far as I know, I've never seen studies that say there are insufficient # of crossings. Not that the crossings couldn't be better, like with pedestrian-actuated signals.

p. 49

and businesses

p. 52

I think that in this section (and probably in the next one), there is a general need to note more clearly that:

- 1) though biking is important, improving pedestrian safety/convenience/etc. is the most important goal
- 2) just like with traffic congestion fixes, there can be conflicts between increased bike access and pedestrians
- 3) while we wish to avoid traffic gridlock, particularly during rush hours, it may be worth noting that slow moving traffic and parallel street parking, are entirely consistent with pedestrian-friendly downtowns.
- 4) Measures to improve bike movement, such as removing parallel parking, may also facilitate faster moving auto traffic, which may run counter to pedestrian-friendly goals.
- 5) Though slow-moving downtown traffic is, in fact, desirable preventing gridlock on route 9, which is contrary to both our other environmental goals and our desire to be welcoming to visitors, should be a high priority.
- 6) I'm not sure how/if this can be fit in, but there's a need to demonstrate that the net impact of any strategy to increase biking would sufficiently reduce auto traffic/parking demand that whatever is lost (capacity, flow, etc) is at least equaled by the gain from reduced auto use. For example, if we do something that encourages, say, 25 drivers to bike instead of drive during nice-weather weekends, but regularly cause 5-minute 40-car gridlock conditions during weekday rush hours, that's not a good tradeoff. Not that I think a hard analysis of this type would be at all easy, but proposals at least need to be considered with that perspective in mind.

See edits (new bike paragraph on p. 50-51) that introduces the debate & tradeoffs

p. 54

I'm having a tough time seeing how this is very important. If someone is willing to bike in bad weather, why would covered bike parking be an issue at all?

p. 55

It needs to be noted that what makes the situation more complicated is that downtown parking also serves the many residents who do not have access to off-street parking.

p. 59

This is too jargony – I love the way it sounds, but I'm pretty sure very few readers (including me) know what it means.

9A

p. 60

Shouldn't mention be made of the new affordable housing law?
physically or geographically?

"across the rail line would improve the linkage between the recreational opportunities on the waterfront and the retail downtown"

Though I think this comment was meant to refer to the entire range of projects built since 1988, its placement makes it seem like it mostly refers to VH and Hudson Harbors., neither of which are particularly illustrative examples of this ailment. Maybe just move it after the following sentence ("Outside of downtown...")

I don't know what this means or how it relates to the downtown being "urban in scale" (it seems to refer to trips not within the downtown)

We also have fairly high number of condos, coops and apartments, particularly along Broadway and 119, serving lower-middle income people. And there doesn't seem to be much chance that they won't continue as such. I don't know the number, but it has to be fairly substantial.

This seems unnecessary here

p. 64

I don't think we generally use this term to describe 87/287. Maybe "highway"?
Should Meadow street be somehow identified as the lone street crossing 87/287, other than Route 9?
Maybe I missed it earlier, but it seems to have no other reference.
a bit jargony. Would "installation" work?

p. 69

I think we should add something more specific about examining the possibility of expanding the areas in which 2 or 3-family homes are allowed. "Accessory units" sounds like something different, especially in the context of the sentence about "short-term" rentals.

p. 74

The RiverJournal has to be mentioned also

Is this still true about TUFSD? I think that unlike Irvington, TUFSD has had rather large enrollment increases over the last 10 years

p. 80

should probably be "religious institutions"

p. 82

this phrase is probably unnecessary.

p. 84

Shouldn't there be mention of current restrictions? This suggests that there are none.

One of the recognized barriers to higher overall recycling rates is our relatively high proportion of multi-family properties, which generally have lower recycling rates.

p. 88

The 46 miles is what is planned, but parts of the RiverWalk have been built, including 2 significant pieces in Tarrytown. We may have the longest portion that's in place

9A

6/3/2018, 5:51 PM

From: John Greenspan <John@davidadamrealty.com>
To: connected@tarrytowngov.com

I am interested in learning more about smart growth development opportunities in Tarrytown. My firm is active community development firm based on Westport, CT. **No changes to the CP needed**

Regards,
John

John Greenspan
David Adam Realty, Inc.
57 Wilton Road
Westport, CT 06880
w 203.221.8998
john@davidadamrealty.com

6/7/2018, 9:46 AM

Davin Milun - davin.milun@gmail.com
via connected@tarrytowngov.com

I am reading the just released draft Tarrytown Connected plan, and I have some minor comments, mostly layout and typo related:

- Blue print on Green background is very difficult to read. Just as pages 24, 25, 31, etc. **update**
- Page 18, first Income paragraph, there is a "from one-third" that should be "by one-third": "At the same time, the share of households earning less than \$35,000 annually decreased from one-third from 23.6% (2010) to 15.9% (2015)." **corrected**
- Page 67. Very difficult to tell the red vs magenta apart for National/State vs Village structures. **Will update**
- Page 75. The two South-Side firehouses are missing! **Will update**
- Page 101. The wetlands off Sheldon Rd: why are they marked as "Impervious & roads"? **noted; the surface analysis was created from pixel-level color analysis, but there is some margin of error these wetlands clearly fall within.**
- Page 105. The second pie chart: what does the large light-orange 40.90% region represent? It has no Key entry. **Will update**
- The whole History section needs proofreading! "fanning" instead of "farming" etc. Clearly OCR - and needs cleanup. **noted**

Wednesday, June 13, 2018 1:31 PM

From: Georgieclara <georgieclara@aol.com>
To: Connected <Connected@tarrytowngov.com>
Subject: comprehensive plan comment

Please stop stressing bicycles and getting people out of cars. I have physical issues (not to mention my age) that keeps me from walking and bicycling everywhere. I moved out of the city and into Tarrytown so I could get around by car and therefore be more independent. This idea that you should be "teaching" your residents how to live is very offensive. As our elected government you should be trying to make the village as convenient for everyone as possible, not favoring one group at the expense of others. So give us our parking and our roads free of traffic jams and stop preaching what you think is best for us.

Noted; to be posed to CPMG

GA

Thank you,
Helene Rubinstein
225 Benedict Ave
Tarrytown, NY 10591

Friday, July 6, 2018 9:34 PM

From: Brenda Genao <bgenao5@yahoo.com>
To: connected@tarrytowngov.com
Subject: Suggestions

A free trolley to get you up the hill, looping from the train station through Main St. down through Beekman Ave. to the lighthouse, as that condo development progresses into the shops/eateries planned, funded by advertisements on the side of the trolley. **Noted; no edits at this time**

Best,
Brenda Genao
Quayer

Saturday, July 14, 2018, 4:53 PM – Village Historian via Bill Brady

From: Richard Rose [mailto:richardrose1@verizon.net]
Subject: Re: Draft Comprehensive Plan for Review and Comment

Bill: This is an outstanding product which compiles so many ideas and proposals. It is indeed multifaceted and somewhat overwhelming. However, the Board of Trustees must determine which areas are the greatest priorities. I worked on the Historic Impact section as the Village Historian.

Comments below noted; to be folded into action item priority list for CPMG; no edits needed

1. The village must continue to identify and preserve historic buildings by giving them landmark status.
2. The village must coordinate with the Historical Society on the village website how to access these historic places. (We have walking tours functioning already. The village web site must direct people to the Historical Society to take the tours.)
3. Parking is vital. The shortage gets worse with time. The village should buy the League of Women's Voters on S. Broadway and construct a parking garage since there is a hill which falls away in back. The village also owns the parking lot next door.
4. We need some type of mini bus to move people around the inner village during peak times. Perhaps having a 15 minute loop would help people park and get to restaurants and historic sites.

I know everyone have their wish list but these items are essential to preserve the character and attract more tourists to enjoy them. Great for local businesses.

From: JoAnne Murray <jmurray@allanblockinsurance.com>
Sent: Sunday, June 17, 2018 8:31 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Subject: RE: Tarrytown CP/Z - 6/4 BOT agendas

Hi Rich,

I think the number one thing that jumps out at me is the emphasis on getting people out of their cars and the lack of emphasis on increasing parking. I think the Merchants and many of the residents have made it clear that we need more parking. While I can appreciate that the future may bring fewer cars on the road, I don't think we will see that in the next 10 years and I think it will have "pocket" impact rather

GA

than across the board. (Cities will see this first; areas that have efficient public transportation will have more success) I don't believe Tarrytown's topography lends itself to biking and until we can come up with ways as a County to transport people from one area to another on public transportation, I think parking will continue to be an important issue. It appears to everyone that Tarrytown government has dragged its feet on the Citibank parking lot. We all heard that the eminent domain was approved and yet nothing has happened. We never get straight answers on what is going on with that property.

It's unlikely that we can provide public transportation around the Village of Tarrytown and even if the Village were willing to do that, there would still be a need to park the many cars coming in from other areas.

Architects are designing Parking Garages that can be retrofitted into usable space should the parking garages become obsolete. We need to consider that. Short term, accessing the Citibank lot again would help tremendously.

I would like to see the Comprehensive Plan draft include more emphasis on creating more parking. This doesn't mean merchants don't support other means of transportation. (i.e. biking). It means, in reality, Tarrytown doesn't lend itself to biking for everyone and we need to address getting people around who are not open to biking.

Noted, for incorporation into potential actions, in particular the parking study

Thank you!

JoAnne Murray
914 703 3130

Wednesday, July 18, 2018 8:02 AM

From: Jared Rodriguez <jared.t.rodriguez@gmail.com>

To: connected@tarrytowngov.com

Subject: Cortland Street - Automotive/Junk Yards, Trash, Oil Spills, Large Parking Lots, Strip Mall

Creating a welcoming atmosphere to visitors, good urbanism, and walkable continuity from the Station Area to points downtown and to attractions in Sleepy Hollow is the #1 way to promote downtown business and support economic sustainability.

Will add sentence underscoring importance of increasing continuity with SH

Automotive Junk Yards, large parking lots, self-storage, major oil spills and trash are no way to achieve this goal. Tarrytown must eliminate these uses in such a valuable location. **noted, no edit**

The automotive junk yard (Stiloski) frequently dumps oil and fluids into stormwater catchment basins, which enter the Hudson River. This is a major concern.

Via Rich Slingerland: the person making this comment lives in Rockland. I had some back and forth comments with this person. He has never witnessed this directly. His comments are about the trucks on the street, and how they must leak fluids all over the place. Nothing specific, and no actual incident to report.

Propose no edit / remove only these two sentences from record

Cortland Street is the weakest link in a truly Connected Tarrytown. Please encourage Major Redevelopment of this corridor, which can support high density and quality development. **noted, no edit**

GA

Wednesday, July 18, 2018 6:47 PM

From: Lindsay Rauch <lindsay.rauch@gmail.com>

To: connected@tarrytowngov.com

Subject: Station Area and H Bridge Concern

To Whom It May Concern,

I am impressed with the draft comprehensive plan document, but I believe it is lacking the dire need to improve pedestrian safety at the H Bridge and Cortland/Wilkey Street intersections. These are among the largest and most dangerous intersections in Tarrytown would likely be better served by unsignaled roundabouts. **Can add specific reference to H Bridge and Cortland / Wilkey in goal #5**

We have a major problem in our station area where visitors are immediately given a very poor impression of Tarrytown and Sleepy Hollow. There is a lot of trash accumulating throughout the area, plus lots of asphalt and open parking areas is unsightly and dangerous. I have also noticed a lot of Tappan Zee Express and jitney idling and oil slicks that degrade the air and our Hudson River. **Refer to CPMG**

Please do everything in your power to attract new construction along this area that improves the pedestrian experience. Strip malls and parking lots just aren't cutting it. Thank you for listening!

Lindsay Rauch

July 20, 2018 – various commenters, collected via Joan Raiselis

Pg 15. PB had a big discussion and the MSRP quote about “the report notably identifies Tarrytown as a center for growth” is a controversial one. Do we want developers to use that as support for more growth than we are comfortable exploring, etc. there was a question about taking that out.

Propose keep reference; can remove “notably”

Maybe we want, somewhere to specify what type of growth. I look at it differently than the next guy and so it may seem too general (leading with the built environment/ developers’ interpretation.)

P. 42 leveraging land use — I think we have to follow up with this in the station area zoning and possibly more specifically here as well. I think we need to figure out a way to limit density. If this area gets built out to the max of what we are proposing in the code, it will be too much. We have to make some sort of density cap for the overall area. Maybe that means air rights or density rights or something.

Propose address through zoning, not in CP

In all sustainability discussions: one of the problems that is apparent more lately than ever before is water use, clean water infrastructure. Where we discuss methods for energy generation, water collection and reuse as part of the water management systems maybe should be included.

Refer to Goal #11; see also update to Sustainability chapter intro

5.a.iii. Should specifically address including a bike path. There was also talk w MNR about using the easement that runs align the tracks from the station and into SH to make a covered moving walkway. It should be included as a possibility. **Action to be updated**

Mobility: the river walk should be an action item **See 17.b.i**

9.a.i should incorporate 9.a.ii. Can't see the need to have them separate.

Leaving separate; one deals with designation, the other is focused on funding

P. 97 action 13. 13.a.i Develop an accessible communication... seems misplaced. And “expand citizen access to and participation in local government” **no edits needed at this time; refer to CPMG**

GA

13.b.ii should be a part of 13.a. **will update / combine**

And in general, this section needs a little more alignment. **Noted, no edit**

And in ref. To our PB conversation yesterday, maybe an item that instigates specifically meetings quarterly between land use boards and the BOT. **Refer to CPMG as an item for future consideration**

Sunday, July 22, 2018 5:04 PM

From: Susan Schwarz <sdschwarz@aol.com>

To: connected@tarrytowngov.com

Subject: Comments on Comprehensive Plan

The plan is most impressive. I think it would be strengthened with some more specificity.

For example, #10 housing could add a target of 15% workforce housing in new developments.

Leave without update for now; refer to CPMG

For #4, a small sales tax increase could pay for more parking.

Propose no edit, for BOT / CPMG consideration.

SS guidance: additional sales taxes is outside the authority of the Village without specific authorization by the State legislature.

For #19/environment: a pesticide ban/least toxic policy should be considered and the lakes should be specifically mentioned. **Continuation of #16; reference other goal and importance of clean water**

For parking: why not exempt residents but still charge for parking at night and on weekends?

Propose no edit; included in parking study action

Is there a way to charge landlords for keeping their storefronts empty for long periods?

Consider adding action for implementation of vacancy fee with BOT sign-off; Refer to CPMG

Thank you for all this work.

Respectfully submitted,

Susan Schwarz

240 Martling Avenue

Tarrytown, NY 10591

sdschwarz@aol.com

July 27, 2018 – Gary Friedland (ex-officio)

To: Connected@Tarrytowngov.com

From: Gary Friedland

Re: Comments to Village of Tarrytown Comprehensive Plan – Draft 6/4/2018 (the “Comp Plan”)

1. If offsite improvements (such as infrastructure) are necessary for the future development of a site, will the owner/developer be solely responsible for all costs and expenses for providing and installing the offsite improvements and associated costs? That is, is it assumed that the Village will not contribute towards, or bear, any related cost or expense?
no edit; refer to Zoning WG
2. If further development of the west side of the railroad tracks (from north to south) is proposed, will the owner/ developer be solely responsible for all costs and expenses (including the cost of the acquisition of any land or easements) for providing and installing emergency access?
propose no edit, to be determined in a future RFP
 - a. For example, Goal/Policy 1.1.1 on page 114 refers to strategies to reduce congestion over the H bridge. The H Bridge is inadequate to handle existing conditions. If the west side of

the tracks are to be further developed, will the owner/developer be required to provide emergency access?

- i. What is the status of the Village's efforts to obtain a grant or public financing for replacement of the H Bridge? If this is not available, has a feasibility study been conducted to demonstrate that further development is warranted, especially taking into account future use by residents and guests of the 1,177 units to be developed at the Edge? The Comp Plan merely refers to "strategies to reduce congestion over the H bridge."

**Village not currently seeking grants to replace H Bridge
strategies to reduce congestion focus on mode shift, reconfiguring the intersection**

SS: settlement with Sleepy Hollow includes provision for certain traffic improvements to be implemented; Village Admin working on implementation

- b. How does the above coordinate with goal 8.a.1 – study and implement capital projects to improve the connection across the track? Presumably, the developer will be responsible for bearing all costs?

propose no edit, to be determined in a future RFP

3. Will overall density, floor area ratio, uses and bulk standards for any future development be tailored to the relevant area, taking into the cumulative impacts of the entire area and the surrounding area, whether or not the areas are within the Village? (Presumably this is required by SEQRA.) **Village can control density of village-owned parcels at the time of any RFP; refer to Zoning WG; no edit to CP needed**

- a. How will the Village protect against "overbuilding," particularly excessive residential construction, particularly if the Village has not performed a Generic Environmental Impact Statement before the adoption of the relevant new zoning district?

No edit to CP; refer to ZWG

- i. For example, if the rezone of the Station Area permits residential (single family and multifamily) development and does not impose an overall limit, how will the Village control a potential oversupply of residential units throughout the Village, taking into account future development within the entire Station Area, as well as existing and future development in other areas of the Village, as well as existing and future development in neighboring areas, such as the 1,177 residential units planned for development at the Edge on Hudson in Sleepy Hollow?
- ii. Will future rezoning by the Village take into account the anticipated impact that the limitation on the deductibility of state and local taxes under the 2017 Tax Cuts and Jobs Act is likely to have upon future homes sales in New York State and, in particular, Tarrytown. **No edit to CP; refer to ZWG**
4. Has the Village determined whether the real property taxes paid by new development, residential and commercial, will offset all of the additional costs borne by the Village and County as a result of the new development on a continuing basis? **No edit to CP; refer to ZWG // or add action item for economic impacts study?**

- a. If this has been determined by a study, is the study current?

- i. Has the study been made available to residents?
- ii. Has the study been updated to compare the study's conclusions to the actual results subsequent to the study's findings?
- iii. Does this take into account any additional capital costs (such as infrastructure) or maintenance costs?

5. Will the Village study the potential increase of the "recreation fees" (fees in lieu of recreation facilities) to be imposed in connection with any residential development in the Village so that new development bears a fair share of the increased costs as a result of the increased use of recreational facilities within the Village? **No edit to CP; refer to ZWG**

6. Parking:

- a. Goal number 6.b.ii. refers to a reevaluation of commuter parking as a revenue opportunity.

GA

Page 51 of the Comp Plan illustrates that the annual commuter parking permit "price" for residents is substantially lower than the 5 comparable municipalities. Should the Village increase the commuter parking fees to be more in line with the other municipalities?

No edit to CP; included in any parking study

- b. Will parking fees near the Music Hall be increased for nights when performances are scheduled? **No edit to CP; included in any parking study**

- 7. How does the Comp Plan propose to accommodate the increased traffic (vehicular and pedestrian) associated with the development of the Edge on the Hudson in Sleepy Hollow?

Propose no edit to CP; Village is continuing to work on mitigations

- a. Goal 5.a.iii on page 115 refers to the construction of a MNR connector pathway along service pathway parallel to the H Bridge to Green Street and MNR Station. Will this cost be borne by the developer of the Edge on Hudson or its residents? **Yes (no edit needed)**
- b. Has a study been prepared to analyze the options to mitigate traffic impacts? Is it intended that "Work with Sleepy Hollow" modifies only the mitigation of traffic impacts or also design and construction of the pathway (see placement of semicolon **noted.**) **yes (no edit needed)**
- c. Presumably "traffic" refers to vehicular and pedestrian.
- d. What is the current procedure to handle emergency access from the west side of the train station? **Refer to Village for response; not applicable to CP edits**

- 8. Sleepy Hollow is also evaluating its Comp Plan. Will the amendment of the Tarrytown Comp Plan be coordinated with the new Sleepy Hollow Comp Plan? How?

Ongoing coordination needed through CPMG

- 9. Page 113 of the Comp Plan indicates that the "Existing Conditions" section is "IN PROGRESS." How is this section being updated?

Revised Draft will have complete maps

- 10. The existing Comp Plan has not been amended since its adoption in 2007. At its special meeting in June 2018, the Village indicated that it intends that this be a living document to be updated from time to time as necessary to reflect then current conditions and needs. What is the mechanism to ensure that the Comp Plan will be reviewed on a periodic basis? For example, will this be the responsibility of particular members of the Village Board of Trustees or the Planning Board? What is the future procedure for an amendment of the Comp Plan?

Refer to Implementation chapter; no edits needed

- 11. Goal 6 refers to a reduction in the dependence on personal vehicles. Does the Comp Plan encourage reliance on new technology, such as artificial intelligence and driverless vehicles? Is more specificity appropriate? **Refer to Village team / CPMG for consideration; no edit to CP**
SS guidance: driverless vehicles not regulated by the Village

- 12. Does the Comp Plan address the use of drones for commercial as well as personal purposes? **Not currently; refer to CPMG for further consideration as well as the below**
SS guidance: driverless vehicles not regulated by the Village

- a. How will the Village ensure safety in connection with drone use?
- b. How will the Village prevent the invasion of privacy?
- c. Will Village limit hours and/or areas of use?

July 24, 2018

Carole Griffiths – member TEAC
General comments

Page 42

Local revenue sources could include added taxes from the redevelopment of under-performing properties or the reassessment of improved properties, **the lease or sale of Village-owned lands.**
Not a good idea! Is there any way to tax commercial landlords who keep businesses vacant?

Consider adding action for implementation of vacancy fee with BOT sign-off; refer to CPMG

Page 86

Residents have voiced concern over the use of gasoline powered leaf blowers due to the high levels of noise and pollution they produce. **Will update**

Page 92

Any new developments adjacent to the Village's open space and recreational resources present an opportunity to facilitate access to and between these public facilities.

Any new development plans should be given to the Environmental Council to assess these concerns.

Refer to CPMG / BOT for consideration

At a minimum, new developments must set aside a portion of their units as onsite affordable housing.

This has been ineffective. **Noted, no change to CP**

Page 98

The campaign of Solarize Tarrytown, in 2016, resulted in the installation of photovoltaics on Village Hall.

No, photovoltaics on Village Hall were installed prior to Solarize Tarrytown **Will update – installed 2010**

Comments on Implementation Actions

2.b.i. - Some kind of legislation should be developed to prevent landlords from keeping long-term vacant storefronts. **See above; noted**

5.a.i – TEAC has been working on complete streets for several years. **Noted**

16.a.1 - TEAC and the Tree Commission already do this and would do more if the Board of Trustees supported these initiatives. **Noted**

16.a.ii – We need protection for undergrowth, shrubs, natural habitat, not just tree canopies. Plans for new developments and re-developments should include preservation of all natural growth, not just trees.

Can expand action item pending Village team review

17.b.ii – Other mechanisms exist, not just purchasing private parcels.

Noted, will add reference to easement creation change to CP needed, refer to CMPG

19.a.i.

2. TEAC and TaSH are working on this.

3. TEAC has for years been promoting the Love Em and Leave Em, encouraging mulching leaves. Village support is needed for this. **Noted**

19.b.i. Bans on idling do not work unless the police enforce them. **Noted; added enforce**

20.a.i. 2. The village is a climate smart community.

Status is confirmed in certain places but not in others; will update to "pursue higher levels of certification"

20.a.ii. In 2009, the village board was presented with a report that included a comprehensive analysis of GHG emissions and suggestions for reduction. The village adopted the goal of the Climate Smart Communities at the board meeting on June 15, 2009

Edit action to provide a 10-year update?

GA

Monday, August 6, 2018 12:48 AM

From: Catherine Ruhland <cruhland@aol.com>

To: connected@tarrytowngov.com

Subject: Comments from Tarrytown Lakes Committee

Dear Committee for the Comprehensive Plan,

My comments range from corrections to philosophical. As Chair of the Tarrytown Lakes Committee, I have studied the Tarrytown Lakes Park Area like the back of my hand and thought about and read about many of the issues affecting it. Many goals for recreation and trails have been reached. Some of the storm water work has been undertaken. The next steps for the two major deteriorating buildings on the Lakes are being pursued. Now what remains of utmost importance for the Lakes area is improving the water quality and addressing the pressing issue of biodiversity. **Noted**

To make things simple, I will go page by page with my comments:

Page 16

Under Tarrytown Lakes it talks about the "protected Critical Environmental Area of Tarrytown Lakes". If one goes to the Village Code, all that one finds is a designation of the Tarrytown Lakes Watershed Area (capitalized and more or less defined) as a critical area of environmental concern (this is not capitalized and not defined). In the Comprehensive Plan, however, Critical Environmental Area is capitalized, thus giving the sense that the village actually has put a lot more thought and analysis into this concept than it actually has. What does it actually mean to be a critical area of environmental concern? What does the Village want to do with such an area?

I don't think there are any protections in place from what I can read in the Village Code.

CEA is a NYS designation. Will update local context description to remove reference / use local terminology. Will keep reference on map of Village CEAs (pg. 87)

Also, as a matter of clarification, in that paragraph reference is made to several "...Village playing fields..." I believe there is only one soccer field in that area. **Will update text**

Page 85

In the section, Natural Environment and Open Space, a plan for the formulation of a Parks' Policy should be addressed. The purpose is to put into words what the Village trying to achieve with its parks—maybe healthy citizens, maybe access for all ages, maybe quiet and reflective time in some parks and activities in others. This could additionally address two of our greatest concerns in this day and age: obesity and the effect of technology on our lives. It would be forward-looking to promote participation in nature via walking, running, biking in order to improve health and to get "un-plugged" from technology for a while.

Noted, add reference to development of Parks Policy under Goal #17 pending Village review

It would also be forward-looking to use the Tarrytown Lakes Park area and trail system to educate villagers about the many issues that are rampant in that watershed: storm water problems, invasive species, degradation of habitat, ramifications of climate change.

Propose incorporating these points under Goal #16

Page 86

In the fourth paragraph there is a mention of Tarrytown's current Sewer System. It states that water collected from streets and gutters flows directly into waterways without being treated.

The ever-increasing algae growth on the upper Tarrytown Lake is caused by the continuing inflow of Phosphorus and Nitrogen which is being loaded onto very high existing levels of phosphorus and nitrogen already in the lake. This demands new methods of stormwater treatment. It also demands that

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attention be paid to catch basins: they need to be maintained—cleaned out and kept in repair. In May of this year, Lake George in the Adirondacks received a \$343,000 grant from the \$2.5 bio Clean Water Infrastructure Act of 2017 to "repair and upgrade local wastewater collection systems around the lake." If our "natural environment" is so important to villagers, the upgrades, repairs, improvements need to be part of the Comprehensive Plan. Maybe there is some grant available to Tarrytown in the \$2.5 bio.

In many European countries where tourism is critical and lake water quality has to be high, town ordinances are very specific about what can and can't be undertaken in sensitive watersheds. For example, just before a rainfall, lawns within a certain number of feet from a waterway cannot be fertilized. The Comprehensive Plan should consider some of these best practices from other first world nations.

Propose updates to action list for pursuit of grants, upgrade drainage strategies on existing homes, investments in clean water infrastructure (pg. 118) with reference to water infrastructure in Goal #17

Page 88

In the middle of the first paragraph it states "...recent developments around the Tarrytown Lakes area has resulted in a steady decline in water quality, damaging the local ecosystem. This damage is evident in the regular algal blooms at the Lakes."

This statement is not clear and is potentially incorrect. The recently built homes that are near the Tarrytown Lakes and which were built by Toll Brothers over the period 2010-2017 had very stringent requirements, put in place by the Planning Board. In fact 100% of the water landing on each property had to be captured on the property. I am not aware of any other developments around the Tarrytown Lakes, and I believe it is clear that the increasing algal blooms are caused entirely by the (previously mentioned) very high existing phosphorus and nitrogen loads already in the lakes compounded by the runoff coming predominantly from the existing homes and institutions whose properties drain into the lakes—and where the water treatment practices are in need of repair and upgrade.

Will revise statement about new developments; see notes above for action list / Goal #17

Page 90

In the first paragraph, a reference is again made, but this time in the plural—to "Tarrytown's Critical Environmental Areas..." The Village Code lists only one "critical area of environmental concern" and that is the Tarrytown Lakes area. It is not capitalized in the Code.

See comments above; will expand reference to Village critical area of ... and State CEAs

In the second paragraph it states: "The increasing presence of invasive species represents a threat to local biodiversity."

In fact, climate change with ever rising temperatures permitting species never before seen in Tarrytown, will exacerbate the problem. The entire area around the Tarrytown Lakes lying within the village of Tarrytown has been subject to disturbances: the area includes the village dump; the back section of several estates that were previously cleared and used for gardens, orchards, small farming efforts; an area that was used as the dumping site for materials dredged from the upper lake in 1986; a Tarrytown DPW storage and staging area; an area recently totally re-landscaped to create new water treatment structures required by the 2007 approved Wilson Park Subdivision Plan; a soccer field dug out of the side of a hill; a tornado devastated parcel; a Hurricane Irene and Sandy-devastated forest parcel; and possibly one or two other disturbances. As a consequence, this disturbed area comprising maybe 20-30 acres has a huge inventory of virulent invasive species (Japanese Knotweed, Porcelain Berry, Wine Berry, Mile-a-Minute Weed, Japanese Angelica Tree, Mugwort, Garlic Mustard, Japanese Barberry, Oriental Bittersweet, Multiflora Rose, Sycamore Maple, Winged Euonymus, Common Reed Grass, Black Locust). It is essentially an enormous dump of noxious weeds. There is probably no remnant of the original ecosystem remaining, except possibly an old tree here or there. To rehabilitate this area will require major thought and effort.

GA

Noted, will include reference to climate change exacerbating existing threats to biodiversity

To provide some additional information on how to think about a rehabilitation, I am citing below a section of the June 2014, New York City Parks Department, Native Species Planting Guide for New York City.

[The Value of Native Plants]

What is a "Native" Plant? What is Biodiversity? If one asks five different people "What is a native plant?" one is likely to get five different answers. Defining "native" in geographic terms is complicated and not necessarily suited to protecting indigenous flora. Since the 1970s with the creation of the Federal Endangered Species Act, the United States has attempted to save native flora, with mixed success. The standard approach has been to use geographic or political boundaries to conserve native plants; for example: New York State Environmental Conservation Law Section 9-1503.

New York City's Local Laws 10 and 11 of 2013 represent an evolving approach to protect our native plants by focusing on biodiversity, rather than individual plant species, and reflects an increased understanding of plant conservation. A focus on biology is a better way to understand what is native and how best to protect native populations. Seen through this lens, the protection of native plants is linked with the protection and sustainability of ecosystems.

Biological diversity, or biodiversity, is the richness of species, both animal and plant, that occupy a given ecosystem. Taken out of the context of the ecosystem, biodiversity has little biological meaning. This is recognized both in the present law, and in the commonly accepted definition of native species from Federal Executive Order 13112: "... 'native species' shall mean, with respect to a particular ecosystem, a species that, other than as the result of introduction, historically occurred or currently occurs in that ecosystem."

The more intact an ecosystem the more species richness there is, and the greater its resiliency - its ability to recover from the minor and major perturbations of weather, biological invasion, and other disturbances. As species and their assemblages are lost, the ecosystem begins to unravel, and the ability of the ecosystem to endure and recover from disturbance is lessened. Unmitigated, the systems collapse, and even if the ecosystems appear superficially unchanged, their functionality - their ability to deliver ecological services, whether carbon sequestration, food and shelter for wildlife, retention and cleaning of stormwater, or lowering of the heat island effect - is compromised.

Seeking to increase the biodiversity, and thus resiliency of an ecosystem, is the primary and most effective means of protecting native plants. Conversely, biodiversity cannot be increased by randomly planting additional species of plants or introducing new animals into the ecosystems. Ecosystems are groupings of species that have evolved over time, often millennia. As the eminent biologist E.O. Wilson states in his defense of biodiversity:

"...diversity, the property that makes resilience possible, is vulnerable to blows that are greater than natural perturbations. It can be eroded away fragment by fragment, and irreversibly so if the abnormal stress is unrelieved. This vulnerability stems from life's composition as swarms of species of limited geographical distribution. Every habitat, from Brazilian rain forest to Antarctic bay to thermal vent, harbors a unique combination of plants and animals. Each kind of plant and animal living there is linked in the food web to only a small part of the other species. Eliminate one species, and another increases in number to take its place. Eliminate a great many species, and the local ecosystem starts to decay visibly." (Wilson, E.O., *The Diversity of Life*, 1985.) [Emphasis added]

GA

New York City Local laws 10 and 11 of 2013 serve the important purpose of requiring Parks to maximize its efforts to increase the biodiversity of functioning ecosystems in New York City. While planting native species outside of well-functioning ecosystems will not increase biodiversity it does not mean that those species cannot still provide habitat for bird, animal, and insect species as well as aesthetic value throughout the urban environment. Furthermore, it is the philosophy of Parks to enhance the proportion of native species throughout the built city when appropriate.]

Page 92

Paragraph 2 talks about linking up the Old Croton Aqueduct trail with the RiverWalk within Village limits.

Here the Plan should also include linking up these two trails with the North and South County Trailway which is just next to the eastern-most edge of Tarrytown and very important for villagers and visitors alike. **Agree, will update reference to linking beyond Tarrytown and to the N & S County Trailway**

Paragraph 2 also talks about public rights of way.

In this context all existing easements created for the purpose of making trails that link other trails or provide alternative paths for pedestrians or bikers should be utilized and have paths built on them. More and more walkability, bikeability should be a goal. There are currently two easements awaiting the build-out of trails in the Wilson Park Area. They have been on the approved Subdivision plans since 2007.

Agree, add explicit reference to public easements, bikeability as well as walkability

Page 114

No. 3.a.i. "Promote the village..." The Tarrytown Lakes should be included in the information provided. Visitors always want to experience not only the culture, but also the beautiful nature of Tarrytown.

Will update & include reference

Page 115

No. 7.a.i. "Improve wayfinding..." The Tarrytown Lakes trails and features should be included in wayfinding signage. **Will update & include reference**

Page 118

No. 17.b.ii. "Promote, maintain and ensure access..."

The trails cited should include the North-South County Trailway as it really is very heavily utilized by Tarrytown residents. **Will update & include reference**

Page 127

Under "Natural Environment & Open Space"

Again there is the mention of Critical Environmental Areas. Please refer to my comments above.

See notes above; no changes required here

Thank you for considering my comments. If anything is unclear, feel free to contact me by email or by phone at (914) 631-6104. Thank you for undertaking this effort in the hopes of making Tarrytown an even better place to live going forward.

With kind regards,
Cathy Ruhland

GA

Monday, August 06, 2018 4:54 PM

From: Catherine Ruhland [<mailto:cruhland@aol.com>]

Subject: RE: Comments from Tarrytown Lakes Committee

Bill,

I want to add one last comment. Tarrytown has remnants of a lot of history (old buildings, walls, old gates, entry posts, old trees, sections of old gardens). It is something that sets the village apart from other villages/places and makes it interesting to some visitors. There are so many true stories and so much historical information about the village that could inspire both young social studies lovers as well as older history buffs. Slowly incorporating historical information on signage or on way finding markers could add another dimension to Tarrytown offerings. **See 12.a.i; no edits to CP needed**

The Tarrytown Lakes Committee is in the process of preparing a sign at the Skate Shack on the upper Tarrytown Lake with a map on one side and some of the fascinating history of the Tarrytown Lakes area. There is something similar to this down in the Pierson Park area for the Riverwalk. I think this should be expanded as opportunity permits. **Noted**

Thanks for the opportunity to comment,

Catherine Ruhland
Chair, Tarrytown Lakes Committee

Date: August 6, 2018

To: Connected@Tarrytowngov.com

From: Gary Friedland

Re: Comments to Village of Tarrytown Comprehensive Plan – Draft 6/4/2018

This supplements the comments to the Comp Plan I submitted on July 27, 2018.

A July 31, 2018 news story on CNBC describes the recent devastation caused by overdevelopment in Ellicott City, Maryland, a river town. There a catastrophic flash flood ripped through the town on Memorial Day weekend. Here is a link to a story and the related article from the CNBC website: <https://www.cnbc.com/2018/07/31/more-intense-flash-floods-hit-overdeveloped-real-estate-destroying-sm.html>. Similar articles appeared on NPR radio and in Bloomberg Businessweek.

The article describes the conditions that led to the devastation. Natural vegetation was replaced by an increase in impervious surface areas, such as concrete, asphalt and well as rooftop materials that do not allow water to penetrate. Climate change is increasing the intensity and frequency of storms. Flood maps based on outdated predictions compounded the problem.

Overdevelopment could expose Tarrytown to similar impacts. These circumstances raise various questions:

- Are the Village of Tarrytown flood maps current?
Yes (2007), with post-Sandy updates in progress – pFIRMs published 2014
- When were the flood maps last updated and were evolving conditions taken into account?
 - o For example, do the flood maps take into account the increase in impervious surface created by the Edge at Hudson master planned community in Sleepy Hollow and the potential increase in flood levels?
this is a question for FEMA, but flood maps cover historical patterns of flooding and do not take into account future conditions, so no

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- If the maps have not been updated recently, will the maps be updated before the Village consider any rezoning or changes to zoning within the Village? **Propose no edit to CP; refer to ZWG; however, zoning proposal includes measures for adapting to SLR**

Date: August 6, 2018

Via email (connected@tarrytowngov.com)

Mayor Drew Fixell and Board of Trustees
Tarrytown Village Hall
One Depot Plaza
Tarrytown, New York 10591

Re: Comments on Draft Comprehensive Plan

Dear Mayor Fixell and Board of Trustees:

On behalf of Coco Management, Inc. and Kaufman Tarrytown Company, LLC, Keane & Beane, P.C. together with Sullivan Architecture, P.C. respectfully submits comments on the Draft Village of Tarrytown Comprehensive Plan (the "Draft Plan"). It is immediately apparent that the Draft Plan is a product of many hours of thoughtful consideration to the future of the Village and we commend everyone who has had a part in creating this important document. We have remarkably few comments on the Draft Plan, but we feel they are nonetheless important to consider against the backdrop of the transformative development project our clients are working to submit to the Village for review. We are pleased that our concept for re- development is consistent with, and indeed implements, the Draft Plan.

As you know, earlier this year we presented an exciting concept plan to your Board and the Village of Tarrytown Planning Board for the redevelopment of property located at 39-51 North Broadway (the "Property"). As presented, the concept plan proposes 225 residential units in a mix of approximately 50 studios, 140 1-bedroom units and 35 2-bedroom units and 36,000 square feet of retail. A multi-level parking structure, internal to the development, includes 225 parking spaces for the residences and 175 parking spaces designated for municipal parking. The proposed concept plan will dramatically increase additional public parking in the downtown area. It also includes pedestrian linkages to courtyards and pocket parks, improvements to pedestrian linkages to Main Street, preservation of the Lyceum Building, affordable housing, and opportunities for uniquely situated pocket retail storefronts along the proposed internal two-way street through the site. The architectural design pays close attention to maintaining streetscape scaled elements along North Broadway and Dixon Lane by stepping back the upper floors of the proposed buildings.

The redevelopment of the Property will necessarily include zoning amendments. As you know, any amendment to the Village Zoning Code cannot be inconsistent with the Village's Comprehensive Plan. Our review of the Draft Plan held these principles in mind and resulted in the following comments for your consideration in preparing a Final Comprehensive Plan for adoption:

	Page #	Suggested Revision	Rationale
Goal 6: Reduce dependence on personal vehicles	p. 54; 1 st parag.	...In the station area, <u>for example more than anywhere else in the Village</u> , an increase in density could be served by the existing transit network of rail and bus service, as well as	While an increase in density in the station area could be served by the existing transit network and benefit from network and benefit from access to the downtown, the same can be said for increased density in

GA

		benefit from its immediate access to the downtown area. Edit is acceptable pending Village review	the downtown area. Replacing the phrase "more than anywhere else in the Village" with the phrase "for example" recognizes that there are other areas in the Village aside from the station area where an increase in density can be served by the existing transit network and benefit from access to downtown.
Goal 10: Ensure housing stock supports a diverse & multi-generational community	p. 69	... Both the u Underutilized parcels in the station area, <u>downtown</u> parcels and Route 119 corridor properties represent an opportunity to imagine a variety of new developments integrated with transit that serve residents of all family sizes and income levels. Edit is acceptable pending Village review	The existing language excludes the downtown area. The language should be revised as shown to reflect that underutilized parcels in the downtown area also represent an opportunity for new developments integrated with transit systems to serve a wide demographic.
Implementation Table	p. 114; Item 2.b.i	2. Restricted Retail (RR): opportunity to support greater density <u>utilizing increased height limitations</u> (4-5 stories) for dwelling space above business uses, especially along N. Broadway ... Edit is acceptable pending Village review	Referenced to 4-5 stories should be stricken to allow flexibility for more than 5 stories where it is demonstrated that such height is warranted.

We appreciate the opportunity to provide these comments to the Board for consideration during preparation of the final Comprehensive Plan.

Thank you for your consideration. Very truly yours,

Richard L. O'Rourke

Richard L. O'Rourke

RLO/sj

cc: Jennifer L. Gray, Esq.
Steven Silverberg, Esq.
Katherine Zalantis, Esq.
Richard Slingerland
Dan Pennella
David Aukland
Joan Raiselis

VILLAGE OF TARRYTOWN COMPREHENSIVE PLAN

Full Environmental Assessment Form: Part 1 Attachment

Map of the Village of Tarrytown



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**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Village of Tarrytown Comprehensive Plan		
Project Location (describe, and attach a general location map): The plan addresses all areas located within the Village of Tarrytown. See attached map of the Village's boundaries.		
Brief Description of Proposed Action (include purpose or need): The Proposed Action is an update of the Village of Tarrytown's Comprehensive Plan, which has not been revised since 2007. The purpose of the Comprehensive Plan is to create a community-based roadmap that expresses the Village's values and goals to guide future planning, growth, land uses, and investment. As a policy guiding document, the Village of Tarrytown's Comprehensive Plan update does not amend the Village's existing zoning resolution or endorse a specific development plan, but rather presents the general policy objectives and community values that should later inform more detailed planning, zoning, and infrastructure studies.		
Name of Applicant/Sponsor: Richard Slingerland, Village Administrator		Telephone: (914) 631-1785 E-Mail: rslingerland@tarrytowngov.com
Address: One Depot Plaza		
City/PO: Tarrytown	State: NY	Zip Code: 10591
Project Contact (if not same as sponsor; give name and title/role):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

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B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Village of Tarrytown Board of Trustees	October 2018 for formal adoption.
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Stormwater Management Program; New York City Watershed Agreement; Westchester 2025 Strategic Plan; Mid-Hudson Regional Economic Development Council (MHREDC) Strategic Plan; Mid-Hudson Regional Sustainability Plan; The Westchester County Greenway Compact Plan.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

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C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? All Zoning Districts in the Village of Tarrytown including R80, R60, R40, R30, R20, R15, R10, R7.5, R5, M4, M3, M2, M1.5, M1, OB, MU, LB, NS, HC, RR, GB, WGBD, WD, ID	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? Specific zoning text changes are not proposed at this time.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? Tarrytown Free Union School District, Irvington Union Free School District	
b. What police or other public protection forces serve the project site? Tarrytown Police District	
c. Which fire protection and emergency medical services serve the project site? Tarrytown Fire Department, Phelps Hospital Emergency Department, Urgent Care of Westchester	
d. What parks serve the project site? Scenic Hudson RiverWalk Park, Pierson Park, Losee Park, Neperan Park, Patriots Park, Heritage Park, Sarah Michaels Park, Loh Park, Gracemere Park, Tarrytown Lakes Park, Old Croton Aqueduct State Park, Rockefeller State Park	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. 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	
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If No, anticipated period of construction: _____ months ii. If Yes: <ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ 	

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f. Does the project include new residential uses? ☐ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No

If Yes,

- i. Total number of structures _____
- ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
- iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

- i. Purpose of the impoundment: _____
- ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____
- iii. If other than water, identify the type of impounded/contained liquids and their source. _____
- iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
- v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

- i. What is the purpose of the excavation or dredging? _____
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 - Volume (specify tons or cubic yards): _____
 - Over what duration of time? _____
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

CB
ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

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<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?	
If Yes:	
<ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste:	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. How much impervious surface will the project create in relation to total size of project parcel?	
_____ Square feet or _____ acres (impervious surface)	
_____ Square feet or _____ acres (parcel size)	
ii. Describe types of new point sources.	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?	
<ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ 	
<ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? 	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify:	
i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)	
g. Will any air emission sources named in D.2 f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. In addition to emissions as calculated in the application, the project will generate:	
<ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

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<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p>			
<p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

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s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
 If Yes,
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Has the facility been formally closed? ☐ Yes ☐ No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
 ☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
 ☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 ☐ Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____

 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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v. Is the project site subject to an institutional control limiting property uses?

☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site?

☐ Yes ☐ No

If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____

_____ %

_____ %

_____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____ % of site

☐ Moderately Well Drained: _____ % of site

☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site

☐ 10-15%: _____ % of site

☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site?

☐ Yes ☐ No

If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?

☐ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site?

☐ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?

☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?

☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway?

☐ Yes ☐ No

j. Is the project site in the 100 year Floodplain?

☐ Yes ☐ No

k. Is the project site in the 500 year Floodplain?

☐ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?

☐ Yes ☐ No

If Yes:

i. Name of aquifer: _____

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<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

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e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Richard Slingerland Date September 4th, 2018

Signature _____ Title Village Administrator, Village of Tarrytown

Kathy Deufemia

From: Richard Slingerland
Sent: Friday, August 17, 2018 12:31 PM
To: Kathy Deufemia
Subject: P3gM Bike Share Agreement with New Rochelle
Attachments: New Rochelle Contract.pdf

Richard Slingerland
Village Administrator
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1785
fax: 914-909-1208
e-mail: rslingerland@tarrytowngov.com

From: Michael Mills <michaelmills@elmsfordny.org>
Sent: Thursday, June 21, 2018 2:43 PM
To: Charlene Indelicato <cindelicato@dobbsferry.com>; Anthony Giaccio <agiaccio@villageofsleepyhollow.org>; Francis Frobel <Villagemanager@hastingsgov.org>; Richard Slingerland <rslingerland@tarrytowngov.com>; mayorelmsford@aol.com; nkaboolian@ardsleyvillage.com; Merideth Robson - Ardsley <mrobsen@ardsleyvillage.com>; Bob McLoughlin <mayormcloughlin@dobbsferry.com>; Mayor Swiderski <mayor@hastingsgov.org>; bsmith@irvingtonny.gov; lschopfer@irvingtonny.gov; Kenneth Wray <kwray@sleepyhollowny.org>; Drew Fixell (external) <drew.fixell@gmail.com>; fsheehan@greenburghny.com; kmorgan@greenburghny.com
Subject: RE: VOC Meeting Tonight

Attached is the company's contract with the City of New Rochelle. Unless I'm missing something in this contract there is not cost nor revenue to the City.

From: Charlene Indelicato <cindelicato@dobbsferry.com>
Sent: Thursday, June 21, 2018 2:31 PM
To: Michael Mills <michaelmills@elmsfordny.org>; Anthony Giaccio <agiaccio@villageofsleepyhollow.org>; Francis Frobel <Villagemanager@hastingsgov.org>; Richard Slingerland <rslingerland@tarrytowngov.com>; mayorelmsford@aol.com; nkaboolian@ardsleyvillage.com; Merideth Robson - Ardsley <mrobsen@ardsleyvillage.com>; Bob McLoughlin <mayormcloughlin@dobbsferry.com>; Mayor Swiderski <mayor@hastingsgov.org>; bsmith@irvingtonny.gov; lschopfer@irvingtonny.gov; Kenneth Wray <kwray@sleepyhollowny.org>; Drew Fixell (external) <drew.fixell@gmail.com>; fsheehan@greenburghny.com; kmorgan@greenburghny.com
Subject: RE: VOC Meeting Tonight

How much, if anything, does it cost? I met with Lime bike and they are free for the municipalities

Charlene Indelicato
Village Administrator
Village of Dobbs Ferry

10 112 Main Street
Dobbs Ferry, NY 10522

From: Michael Mills [<mailto:michaelmills@elmsfordny.org>]

Sent: Thursday, June 21, 2018 2:25 PM

To: Anthony Giaccio <agiaccio@villageofsleepyhollow.org>; Francis Frobel <Villagemanager@hastingsgov.org>; Richard Slingerland <rslingerland@tarrytowngov.com>; mayorelmsford@aol.com; nkaboolian@ardsleyvillage.com; Merideth Robson - Ardsley <mrobson@ardsleyvillage.com>; Bob McLoughlin <mayormcloughlin@dobbsferry.com>; Charlene Indelicato <cindelicato@dobbsferry.com>; Mayor Swiderski <mayor@hastingsgov.org>; bsmith@irvingtonny.gov; Ischopfer@irvingtonny.gov; Kenneth Wray <kwray@sleepyhollowny.org>; Drew Fixell (external) <drew.fixell@gmail.com>; fsheehan@greenburghny.com; kmorgan@greenburghny.com

Subject: VOC Meeting Tonight

On the Bike Share item attached is the proposal I received for Elmsford that also includes other areas that make up the VOC. This is just a starting point which can be added to and/or taken away from. I am sending this now so those who are not coming today and comment if they wish.

From the company P3GM Vincent Raia and John Kelly will be attending.

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**BIKE SHARE AGREEMENT
BETWEEN
the
CITY OF NEW ROCHELLE
and
P3 GLOBAL MANAGEMENT INC.**

THIS AGREEMENT is made and entered into as of March 16, 2016 by and between the **CITY OF NEW ROCHELLE**, with offices at City Hall, 515 North Avenue, New Rochelle, New York 10801 (hereinafter referred to as "City"), and **P3 Global Management Inc.**, a Delaware corporation having offices at 315 West 36th Street, 5th floor, New York, New York 10018 (hereinafter referred to as "Contractor" and collectively "Parties").

WITNESSETH:

WHEREAS, the City issued Request For Proposal Specification No.5085 seeking proposal for establishing and operating a bike share program for the City of New Rochelle and featuring self-serve rental stations or remote unlocking mechanisms for Phase I deployment from the downtown area to the waterfront to include the North Avenue corridor with other sectors of the City to be incorporated into the bike share program in subsequent phases; and

WHEREAS, the Contractor submitted a Proposal dated September 15, 2015 to perform such services;

NOW, THEREFORE, the parties agree as follows:

1. The Contractor shall perform all of the services relative to establishing and operating a bike share program *in accordance with the specifications and terms and conditions in the Request for Proposals Specification No. 5085*, attached hereto and made a part hereof as Exhibit A, and the Contractor's Proposal in response thereto, attached hereto and made a part hereof as Exhibit B, to the satisfaction of the City's Commissioner of Department of Development, or authorized designee. The term of the Agreement shall be for ten (10) years from the launch date of the bike share system with one renewal for an additional five (5) years upon mutual agreement of the parties and approval by Commissioner of Development that Contractor has fulfilled its obligations in compliance with this Agreement.

2. The Contractor shall perform services as outlined in *Contractor's Proposal* (Exhibit B herein) and be responsible for the design and implementation of a bike sharing system for the provision of bike sharing services and rentals at automated self-service stations offering both short term rentals and membership subscriptions. Contractor at its sole cost and expense shall provide all of the equipment reasonably necessary for the operation of the bike share system, provided that Contractor shall not be required to provide any helmets to bike share riders.

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3. The Parties agree that the funding of the bike share program is fundamental not only to launching the bike share program but also ensuring its sustainability throughout the term and any extension hereof. As such the Parties commit to work collaboratively so that the Contractor can raise such funding. Recognizing the importance of this aspect, the City agrees that, although the intent is to launch the bike share program as soon as possible: (a) the Contractor may need up to two (2) years to secure the necessary funding; (b) until such funding is available, no obligation will exist to launch the bike share program; (c) if the funding required should not be available after twenty-four (24) months from the date first written above, the Parties will meet and decide the best course of action to pursue.

4. Implementation

Contractor shall implement the bike sharing program, including installation, operation, management, maintenance and marketing during the term or any extension consistent with the approved Implementation Plan and the terms and conditions of the Agreement.

- (i) Contractor shall develop prepare and submit a plan to the City for implementation of the bike sharing system (Implementation Plan) consistent with the parameters for the program set forth in this section. The Implementation Plan shall identify the phases for the implementation of the bike sharing system in different areas of the City, the geographical area and boundaries for each phase, and shall include the site list, map Implementation Schedule and marketing plan to be implemented.
- (ii) Contractor shall submit the Implementation Plan after the funding has been secured. Within ten (10) business days of receipt of the Implementation Plan, City shall review and approve or shall provide its comments to Contractor. If the City provides comments, the Parties shall meet within one week to discuss the comments and agree upon any necessary changes. Once resolved, the Plan shall be deemed approved and the program implemented according to the approved plan. Approval shall not be unreasonably withheld or delayed.
- (iii) Contractor shall prepare a detailed implementation schedule for installation of bicycle stations leading up to operational rollout for each phase and the Parties shall use commercially reasonable efforts to adhere to the schedule. Contractor may seek an extension of the schedule based upon written request stating the reasons therefore and setting forth anticipated time of completion. Approval shall not be unreasonably withheld.
- (iv) Parties shall agree upon a detailed schedule for installation of the bicycle stations for Phase I as further detailed in Exhibit C.
- (v) Contractor shall erect, install, operate and maintain, at its sole cost and expense, and at no cost to the City, bike sharing system that will include bicycles, stations, signage and other equipment related to and needed for bike share operations. Each station may be accompanied by an advertising structure (pillar or panel) with characteristics similar to the ones depicted in Exhibit D.
- (vi) The Parties shall implement a plan to market the bike sharing system to residents

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and visitors for membership, use and growth of the bike sharing system (Marketing Plan).

- (vii) Contractor shall be responsible for securing sponsors and for the sale of all advertising to be displayed on bicycles, stations, advertising structures and other locations. Sponsorship and advertising content shall comply with guidelines set forth in Exhibits E.
- (viii) The Parties agree that in connection with the RFP section on bicycle helmets, (a) Contractor shall only be required to provide the City and users of the bike sharing system with information on rider safety including recommendations for obtaining helmets in accordance with approved safety standards, (b) Contractor shall not be responsible for providing any helmets to the users of the bike sharing system.
- (ix) The Parties agree that in connection with the RFP section on bicycle lanes, (a) Contractor shall not be required to design or develop or create any bike lanes for the bike sharing system, provided however that Contractor upon the City's request, shall provide advice regarding the design or development or creation of bike lanes; (b) Contractor shall not be responsible for any expenses associated with the design or development or creation of any bike lanes for the bike sharing system; (c) Contractor shall not be liable for any costs, expenses.
- (x) The City will provide all needed documentation and reasonable support to Contractor to obtain City, State, and Federal permits, as may be required.
- (xi) The City will reasonably consider granting Right of Way and Installation permits for all bike share system components including advertising structures.
- (xii) The City will reasonably consider removal of parking meters in the designated bike share stations. The City will not bill the Contractor for "lost" parking revenue due to parking spot replacement with bike share stations. As reasonably determined by the City, the City will also allow free parking for all bike share maintenance vehicles (rebalancing, cleaning, repairs and other) in the metered or otherwise restricted parking areas.
- (xiii) Contractor reserves the right to enter into contract with third parties as it deems necessary to comply with its duties under this Agreement. Contractor reserves the right to expand (or advance) the system physically and/or technologically should the need arise after mutually agreed with the parties.

5. Default Provisions

The following shall constitute an Event of Default under this Agreement regardless of whether any such event shall be voluntary or involuntary or shall result from the operation of applicable Laws, rules or regulations or shall be

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pursuant to or in compliance with any judgment, decree or order of any court of competent jurisdiction:

1. P3GM fails to cause to be carried and maintained the insurance required by this Agreement and fails to immediately remedy such failure within thirty (30) days of receipt of written notice thereof from the City of New Rochelle.
2. Either party fails to comply with any material term, condition, or obligation of this Agreement and such failure continues un-remedied for a period of thirty (30) days after the receipt of written notice thereof from the non-defaulting party unless the defaulting party has taken reasonable steps during such thirty (30) day-period to cure such default and steps taken to cure will do so within a reasonable time if diligently prosecuted; or
3. Either party commences a voluntary case or other proceeding seeking liquidation, reorganization or other relief under any bankruptcy, insolvency or similar law, or shall make a general assignment for the benefit of creditors, or shall have an involuntary case or other proceeding instituted against it seeking similar relief;
4. Either party commits an act, which brings its name into disrepute, or otherwise substantially diminishes the value of the marketing partnership association for the other party.
5. A change in the legal framework, including all applicable laws, regulations, ordinances or permits, that may have, or that could reasonably be expected to have, a material adverse effect on the rights and obligations of P3GM under this Agreement.
6. Independent Contractor

Contractor acknowledges that it will not hold itself, its officers, employees and/or agents out as employees of the City. Consultant is retained by the City only for the purposes and to the extent set forth in this Agreement, and its relationship to the City shall, during the periods of its services hereunder, be of an independent contractor. Consultant shall not be considered as having employee status and shall not be entitled to participate in any of the City's workers' compensation, retirement, fringe benefits, unemployment insurance, liability insurance, disability insurance, or other similar employee benefit programs. Similarly, Contractor, its officers, its employees and/or agents shall not be considered as having employee status for the purposes of any other rights, privileges or benefits derived from employment by the City. Contractor agrees that this Agreement does not confer benefits of any nature whatsoever upon it other than payment for services provided herein. Contractor shall not assert any claim for additional benefits of any nature, including, but not limited to, unemployment compensation benefits, by reason of the services to be performed pursuant to this Agreement. Contractor shall not be entitled to assert any claim to entitlements

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pursuant to any collective bargaining agreement now or hereafter in effect between the City and its employees.

7. The Contractor shall supply and maintain the following insurance throughout the provision of services hereunder:

Workers Compensation	Statutory Requirements;
New York State Disability Coverage	Statutory Requirements;
General Liability/Property Damage	\$1,000,000 per occurrence and in the aggregate bodily & property damage;
Automobile Liability	\$1,000,000;

Proof of insurance shall be provided satisfactory to the City. Insurance certificates shall name the City as an additional insured upon the general liability policies, and insurance certificates shall state that such insurance shall be primary to any other coverage held by the City. The insurance certificate shall provide for at least thirty (30) days' notice of cancellation to the City.

8. The Contractor shall defend, indemnify and hold harmless the City, and its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees (including reasonable attorney's fees) or losses to the extent the same shall be caused by the Contractor's (or any third party under the direction or control of the Contractor) negligent acts, errors, or omissions in the performance of this Agreement.

9. Assignment

The Contractor shall not subcontract this Agreement without the prior written consent of the City, provided the Contractor is herewith authorized to assign this contract to a fully owned or a majority owned entity of Contractor. The Contractor shall comply with all applicable laws, rules and regulations in performing the services under this Agreement.

10. Reports

Any documents, data, plans, studies, reports or other materials produced in conjunction with this Agreement shall be delivered to and become the property of the City. The Contractor may keep a copy of such documents for its own use.

11. Delay Damages

The Contractor agrees to make no claim for damages for delay in the performance of this agreement occasioned by any act or omission to act of the City, or any of its boards, officers, employees or representatives, and agrees that any such claim shall be fully compensated for by an extension of time to complete performance of the work as provided herein.

12. Non-Discrimination

The Contractor shall not discriminate, in any way, against any person on the basis of race,

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sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of this Agreement.

13. Gifts

A. Contractor is familiar with the City's prohibition against the acceptance of any gift by a City officer or designated employee, which prohibition is found in Section 94.02(3)(a) of the New Rochelle Municipal Code.

B. Contractor agrees not to offer any City officer or designated employee any gift prohibited by said section.

C. The offer or giving of any gift prohibited by Section 94.02(3) shall constitute a material breach of this Agreement by Contractor. In addition to any other remedies the City may have in law or equity, the City may terminate this Agreement for such breach.

14. Books and Records

A. Contractor shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to the City for a minimum period of six (6) years, or for any longer period required by law, from the date of final payment to Contractor pursuant to this Agreement.

B. Contractor shall maintain all documents and records which demonstrate performance under this agreement for a minimum period of six (6) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

C. Any records or documents required to be maintained pursuant to this agreement shall be made available for inspection or audit at no cost to the City at any time during regular business hours, upon written request by the Corporation Counsel, City Auditor, City Manager or a designated representative of any of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Contractor's address indicated for receipt of notices in this Agreement.

15. Governing Law

This Agreement shall be interpreted and enforced according to the laws of the State of New York, without application of its conflicts or choice of law rules and shall be construed without the aid of any presumption or other rule of law regarding construction against the party drafting this Agreement or any part of it. No action, claim, proceeding or lawsuit shall be commenced or maintained by either party in connection with this Agreement, except in a court of competent jurisdiction in Westchester County, State of New York.

16. Notice

All notices of any nature referred to in this agreement shall be in writing and sent by a nationally recognized overnight carrier, such as Federal Express, registered or certified mail, postage prepaid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

If to City:

The Office of the City Manager
Charles B. Strome, III, City Manager
City Hall
515 North Avenue
New Rochelle, NY 10801

With a copy to:

The Department of Planning & Development
Luiz C. Aragon, Commissioner
City Hall
515 North Avenue
New Rochelle, NY 10801

Law Department
Kathleen E. Gill, Corporation Counsel
City Hall
515 North Avenue
New Rochelle, NY 10801

If to Contractor:

Carlos Pujol, Chief Executive Officer
P3 Global Management Inc.
315 West 36th Street
Fifth Floor / P3GM
New York, NY 10018

17. Bankruptcy

Contractor shall, not later than three (3) business days after any of the following events of bankruptcy shall occur, notify, in writing, the City Manager and Corporation Counsel of the City of the occurrence of any such event of bankruptcy. The aforementioned events of bankruptcy are as follows: Contractor (a) shall become insolvent or shall fail to pay its debts generally as they

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become due, or shall admit, in writing, its inability to pay any of its indebtedness; (b) shall file a case under the federal Bankruptcy Code to be declared bankrupt or for reorganization; (c) shall consent to, or petition or apply to any authority for the appointment of a receiver, liquidator, trustee or similar official for itself or for all or any part of its properties; (d) any such receiver, liquidator, trustee or similar official shall otherwise have been appointed and shall not have been removed, dismissed or stayed within sixty (60) days of such appointment; or (e) insolvency, reorganization, arrangement or liquidation proceedings (or similar proceedings) shall have been instituted by or against Contractor, and if instituted against Contractor, shall not have been dismissed within sixty (60) days of being instituted.

18. Counterparts

This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same agreement.

19. Waiver

The failure of either party to enforce any of its rights hereunder or at law shall not be deemed a waiver or a continuing waiver or any of its rights or remedies against the other party, unless such failure or waiver is in writing.

20. Severability

If any provision, or part thereof, of this Agreement is judicially declared invalid, void or unenforceable, each and every provision, or part thereof, nevertheless shall continue in full force and effect, and the unenforceable provision shall be changed or interpreted so as best to accomplish the objectives and the intent of such provision within the limits of applicable law.

21. Non-Discrimination

The City of New Rochelle's hiring practices strive to comply with all applicable federal regulations regarding employment eligibility and employment practices. Thus, all individuals and entities seeking to do work for the City are expected to comply with all applicable laws, governmental requirements and regulations, including the regulations of the United States Department of Justice pertaining to employment eligibility and employment practices. The City reserves the right at its discretion, but does not assume the obligation to require proof of valid citizenship or, in the alternative, proof of a valid green card for each person employed in the performance of work or services for the City. By reserving this right the City does not assume any obligation or responsibility to enforce or ensure compliance with the applicable laws and/or regulations.

22. Authority to Perform

Contractor represents to the City as follows:

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That it has, and has exercised, the required corporate power and authority and has complied with all applicable legal requirements necessary to adopt, execute and deliver this Agreement and to assume the responsibilities and obligations created hereunder and that this Agreement is duly executed and delivered by an authorized corporate officer, in accordance with such officer's powers to bind Contractor hereunder, and constitutes a valid and binding obligation enforceable in accordance with its terms, conditions and provisions.

23. Amendments

This Agreement constitutes the entire agreement between the Parties hereto with respect to the subject matter hereof and supersedes all prior oral or written agreements and understandings between the Parties relating to the subject matter hereof. This Agreement may only be amended or modified by a written instrument signed by all Parties hereto.

24. Drafting

The Parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of this Agreement.

25. In the event of a conflict between the provisions of this Agreement and any attachment hereto, the following order of priority shall apply: a) this Agreement; b) Exhibit A and c) Exhibit B.


IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

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CITY OF NEW ROCHELLE

By:


CHARLES B. STROME III
City Manager

By:


CARLOS PUJOL
Chief Executive Officer

Approved as to Form:

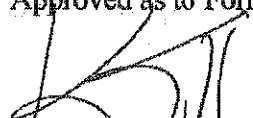

Corporation Counsel

EXHIBIT A
Request For Proposal Specification No. 5085 (sent as attachment)

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EXHIBIT B
Proposal for
Specification No. 5085 (sent as attachment)

EXHIBIT C
Phase I: New Rochelle Bike Share Program

7. Plan of Action Timeline (Initial Proposal)

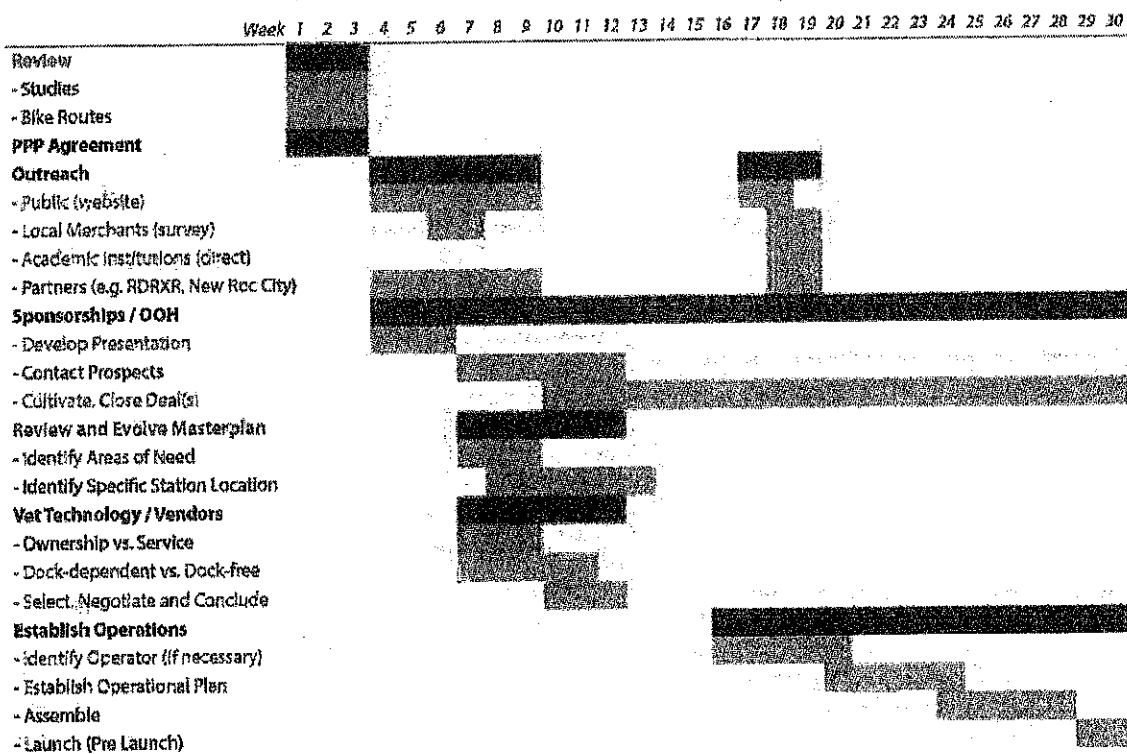
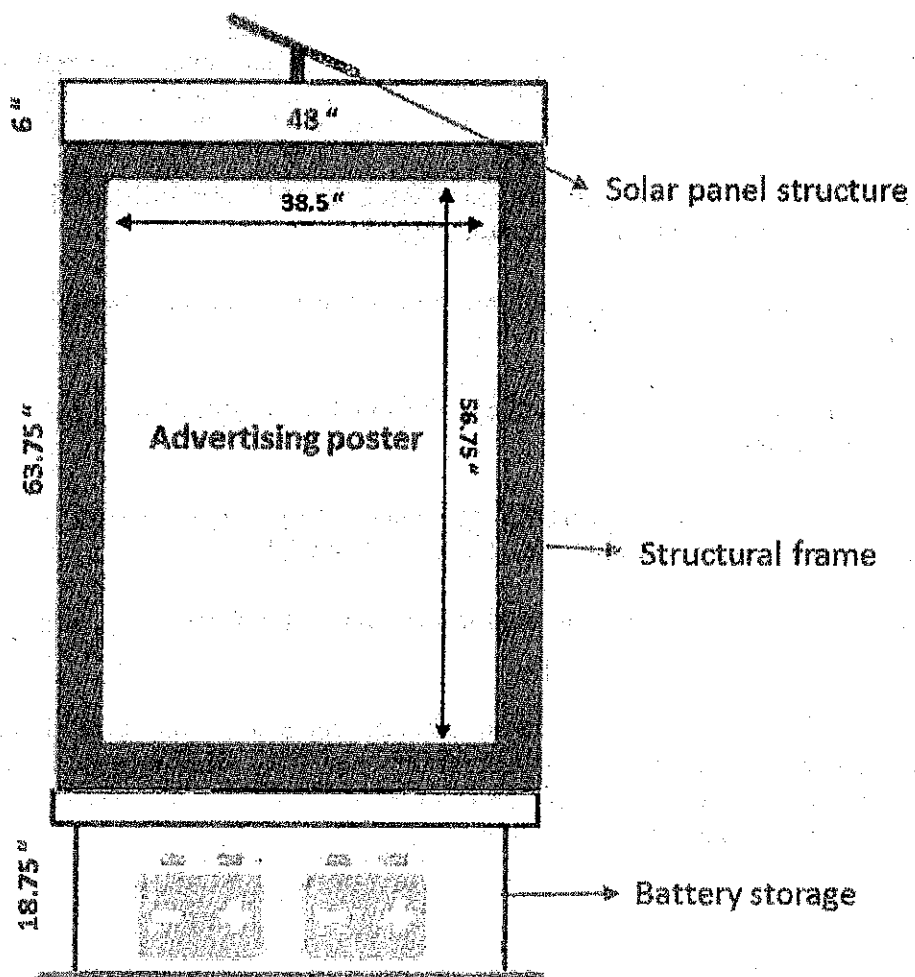


EXHIBIT D

Advertising Panels



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EXHIBIT E

Advertising Guidelines

1. In its agreement with its advertising contractors, Contractor shall reserve the right to reject any advertisement, commercial or noncommercial.
2. All advertising posted at Bike sharing Stations must conform to the following criteria:
 - A. Defamatory Advertising. No advertising will be permitted that falsely disparages any person, product, or company, or that is likely to damage the reputation of any person, product, or company.
 - B. Advertising Condoning Criminal Conduct. No advertising will be permitted that is likely to incite or produce imminent unlawful activity.
 - C. Obscene Advertising. No advertising will be permitted that contains obscene matter or matter harmful to minors.
 - D. False Advertising. No advertising will be permitted that contains false or grossly misleading information.
 - E. Tobacco and Firearms. No advertising will be permitted that promotes the sale of tobacco or tobacco products, electronic cigarettes, or firearms.
 - F. Existing Laws. All advertisements must conform to applicable federal, state, and local laws.
3. The Cities may make demand upon Contractor for the removal of any advertisement, commercial or noncommercial, that does not conform to this policy. Such demand shall be in writing and shall state reasonable grounds for the demand. BTS shall consider and act upon the demand in accordance with this policy.