

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, SEPTEMBER 13, 2017
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Discussion with Howard Wessells, Superintendent of Public Works

Board of Trustees Concerns

Open Session

1. Reserved Spaces for Kayak Launch at Losee Park
2. Parking Lot Sign Amendments Regarding Verbiage and Parking Lot Regulations
3. Valet Program – Discussion and Possible Action
4. Award of Construction Management Services for Loh Park Project
5. Proposed Filming Law Amendments
6. Van Wart Area Water System Phase VII Cost Estimate and Proposals for Construction Management
7. Halloween Parade

Kathy Deufemia

From: Richard Slingerland
Sent: Tuesday, August 29, 2017 6:43 PM
To: Kathy Deufemia; John Barbelet
Subject: FW: Kayak launch at Losee

Something for the next Work Session.

Richard Slingerland
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From: Dean Gallea [<mailto:d.gallea@ieee.org>]
Sent: Tuesday, August 29, 2017 6:28 PM
To: Richard Slingerland <rslingerland@tarrytowngov.com>
Cc: Rachel Tieger <savvypalates@optonline.net>
Subject: Kayak launch at Losee

Rich,

Following up on our meeting Monday evening:

There are no parking spaces designated for kayakers near the Losee Park kayak launch ramp. When the lot is full, as often happens when there are ball games and a busy night at Sunset Cove, kayakers have to unload then abandon their boats and find parking at a distant spot. Might it be possible to create a couple new spaces on the right of the ramp, on the turf adjacent to the air-monitoring station, signed for kayakers only?

An alternative would be to follow through with a kayak-storage rack, as some of us suggested when the ramp was first proposed. That way, kayakers who desired to do so could leave their boats locked into the rack near the launch, and wouldn't need to bring their cars there. A seasonal fee could be charged for rack use (like the lakes-access fee), with a disclaimer for theft or damage.

-- Dean

Local Law Number __ of 2017

A local law to amend Tarrytown
Village Code Chapter 157 entitled
Filming to update language
regarding filming regulations,
filming times and update penalty
provisions

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 to be
deleted~~):

Section 1. The following Chapter 157-1.1 is added:

**§ 157-1.1 Definition of filming. For purposes of this Chapter 157, “filming” means the
filming, videotaping, recording or otherwise capturing of commercials, movies, television
programs, documentaries, photo shoots, internet programs or other similar operations.**

Section 2. Chapter 157-2. Filming on private property, Part A. is deleted in its entirety
and the following language is enacted, as amended:

§ 157-2. Filming on private property.

A. ~~No commercial, movie, television program, documentary or similar presentation or any
portion thereof shall be filmed, videotaped, recorded or otherwise made~~ **There shall be no
filming** on any private property in the Village of Tarrytown without first obtaining a permit. ~~A
permit shall be required for the running of cable, the placing or storing of equipment of
any kind, the parking of vehicles or any other film-related activity for the purpose of
filming.~~ . Filming in ~~any district zoned residential (R or M Zones)~~ shall be permitted subject to
the following conditions:

[Amended 11-1-1993 by L.L. No. 11-1993; 11-7-1994 by L.L. No. 11-1994]

(1) ~~The property must be at least two acres in size.~~

(2) (1) All vehicles associated with the filming must be contained on the site and not
parked on any Village street or private road. **If vehicles or equipment are placed on public
streets, the public filming fee shall apply.**

[Amended 12-20-2010 by L.L. No. 19-2010]

(3) (2) **Use of any vehicles with any audible alarm or warning device** ~~Travel on local
streets to the site~~ is restricted to the hours of 8:00 a.m. to 8:00 p.m.

Section 3. Chapter 157-2 Filming on private property, Part D. (1) is deleted in its entirety and the remaining sections in Part D. are renumbered, and new Part D. (1) is amended to read as follows.

Language to be deleted:

~~(1) Filming shall not be conducted at the same location (i.e., in the same building or at the same street address) more than 30 calendar days within any twelve month period or for more than 10 consecutive days in a three month period.~~

~~(2) (1) Filming shall not be conducted at the same location within 14 days of another filming operation.~~

Section 4. Chapter 157-2. Filming on private property, Part D. Sub. (3) is deleted in its entirety and the following language is enacted, as amended:

(3) Filming shall not be conducted prior to 7:00 a.m. or after 10:00 p.m. Filming may be permitted **before 7 a.m. or** after 10:00 p.m. provided proof is submitted to the Village Administrator that there will be no impact upon anyone outside of the location where the filming is to occur, **and an additional fee set by the Board of Trustees is paid to the Village of Tarrytown for either early start or late completion. Filming past 12 a.m. Midnight will incur filming fees for another day.** The Village Administrator may extend the hours of filming to 12:00 midnight subject to any additional conditions and additional fees deemed necessary and appropriate. Should permission be granted for filming after 10:00 p.m. and it is determined that there is an impact upon anyone from the filming, the filming shall be immediately shut down by the Village.

Section 5. Chapter 157-2. Filming on private property, Part D. Sub. (4) is deleted in its entirety and the following language is enacted, as amended:

(4) Equipment used in connection with such filming, including but not limited to lights, generators and related equipment, shall not be set up or operated at the location described in the permit application prior to 7:00 a.m. or after 10:00 p.m., subject to the exception noted in Subsection D(3) hereinabove. **Exceptions may be allowed for silent or low-decibel (under 70 db) equipment.**

Section 6. Chapter 157-3. Filming on public property, Part A, is deleted in its entirety and the following language is enacted, as amended:

A. ~~No commercial, movie, television program, documentary or similar presentation or any portion thereof shall be filmed, videotaped, recorded or otherwise made on~~ **There shall be no filming on** any public property in the Village of Tarrytown, including but not limited to streets, sidewalks, parks and buildings, without first obtaining a permit. A permit shall be required for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles or any other film-related activity on any public property or any other use of public property for the purpose of making films. ~~No commercial, movie, television program, documentary or similar presentation or any portion thereof shall be filmed in any district zoned residential (R or M zones).~~

Section 7. Chapter 157-3. Filming on public property, Part E, Sub (1) is deleted in its entirety and the following language is enacted, as amended:

E. Operational limitations.

(1) Filming shall not be conducted prior to 6:00 a.m. or after **10 p.m. Filming may be permitted before 6 a.m. or until** 12:00 midnight. ~~Filming may be permitted after 12:00 midnight~~ provided proof is submitted to the Village Administrator that there will be no impact upon anyone outside of the location where the filming is to occur. The Village Administrator may extend the hours of filming to 2:00 a.m. subject to any additional conditions and additional fees deemed necessary and appropriate. **Filming starting before 6 a.m. or continuing after 10 p.m. shall incur an additional fee set by the Board of Trustees, and shall be paid to the Village of Tarrytown for either early start or late completion. Filming past 12 a.m. Midnight will incur filming fees for another day.** Should permission be granted for filming after 12:00 midnight and it is determined that there is an impact upon anyone from the filming, the filming shall be immediately shut down by the Village.

Section 8. Chapter 157-3. Filming on public property, Part G, is deleted in its entirety and the following language is enacted, as amended:

G. The Village Administrator may permit the use of **public** parking spaces and/or **public** parking lots for filming purposes and shall charge a fee associated therewith; provided, however, that no permission may be granted from 3:00 p.m. on Friday through 12:00 midnight on Sunday.

Section 9. Chapter 157-3. Filming on public property, Part I, is deleted in its entirety and the following language is enacted, as amended:

I. A security deposit shall be required in order to obtain a film permit, **at the discretion of the Village Administrator, at a cost to be established by the Village of Tarrytown.** ~~The security~~

deposit shall be a minimum of \$1,000 per day and a maximum of \$5,000 per day. Any violation of any of the provisions of this chapter or the conditions included in the film permit shall automatically reduce the security deposit by \$500, except for the use of public parking spaces not authorized in the permit, the violation of which shall automatically reduce the security deposit by \$1,000. There shall be no exception to the reduction of the security deposit and decisions relating to the reduction of the security deposit shall not be appealable. The security deposit shall be replenished should the reductions in the security deposit, pursuant to this subsection, reduce the security deposit to \$0. Should the security deposit not be replenished, the film permit shall be deemed null and void and filming shall immediately cease until the security deposit is replenished.

[Added 12-20-2010 by L.L. No. 19-2010]

Section 10. Chapter 157-4. Requests for Film Productions. is deleted in its entirety and the following language is enacted, as amended:

A. Applications for filming must be submitted at least twenty one (21) days prior to the start of filming.

B. Requests for film productions which will exceed five **consecutive** days ~~must be submitted to the Village Administrator at least 28 days prior to the date filming will take place.~~ The request will thereafter **may** be submitted to the Board of Trustees for approval, approval with conditions or disapproval. The Board of Trustees may establish any **additional necessary** fee it deems reasonable and appropriate for such filming. Filming cannot occur until at least ~~14~~ **five (5)** days after the approval is granted.

Section 11. Chapter 157-5. Use of Village employees. is deleted in its entirety and the following language is enacted as amended:

A. Applicants shall be responsible for all costs associated with the use of Village employees during the filming process.

B. The decision **to assign** ~~to use~~ Village employees shall be the responsibility of the Village Administrator **and/or the police chief for both public and private filming operations.** ~~for filming of five days or less and shall be the responsibility of the Board of Trustees for filming which will exceed five days.~~

C. The security deposit noted in Section 157-3, Sub. I., shall be reduced or released on completion and determination by the Village Administrator and/or the Police Chief that no damages or additional filming-related expenses were incurred.

Section 12. Chapter 157-8. Penalties for offenses is deleted in its entirety and the following language is enacted, as amended:

§ 157-8. Penalties for offenses.

- A. **Failure to comply with any provision of Chapter 157 Filming shall be deemed a violation and shall be subject to a penalty as set forth in this Chapter.**
- B. Penalties shall be as provided in Chapter 1, General Provisions, Article H. **applied within a 12-month time frame (not calendar year) as follows:**
 - First Offense: Fine up to one thousand dollars (\$1,000) per day.**
 - Second Offense: Fine up to two thousand five hundred dollars (\$2,500) per day.**
 - Third Offense: Fine up to four thousand dollars (\$4,000) per day and filming privileges may be suspended for up to thirty (30) days, effective immediately, subject to the determination of the courts.**
- C. In addition to the penalties noted in Subsection A hereinabove, the Village may also revoke the permit.

Section 13: 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 14: 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.