

Board of Trustees
Village of Tarrytown
Regular Meeting No. 3
January 6, 2020
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Brown, Hoyt, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Treasurer Hart; Village Attorney Kathy Zalantis and Village Clerk Booth

ABSENT: Trustee Butler

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell wished everyone a Happy New Year.

Trustee Rinaldi noted the importance of the upcoming Census 2020 for our community in many ways. Let's keep talking about it.

Trustee Hoyt noted that the Tarrytown Environmental Advisory Council will be holding an Environmental Film and Discussion Series. The first one kicks off tomorrow, January 7th at the Warner Library, on the 3rd Floor between 7 p.m. and 9 p.m.; the topic is "An Inconvenient Sequel." The other 5 series discussions will be held on the first Tuesday of each month in February, March, April, May and June.

Trustee Brown wished everyone a Happy New Year. In the year 2020, the Village of Tarrytown will be celebrating its 150 Anniversary. We are looking forward to having celebrations throughout the year. The Village is looking for ideas on how to celebrate. The Village is putting together a committee of residents who would like to help. If anyone is interested to participate on this committee, please go to tarrytowngov.com and send an email expressing your interest. The actual anniversary date is December 9, 2020.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- He spoke to representatives from the New York State Thruway Authority and they said that the facility yardwork is done down by the Ramp E entrance to the Thruway. The crosswalk is done by the Bridge Plaza shopping center. They did not have a date when the entrance Ramp E will open. The shared use path on the bridge is getting close to completion, but they do not have a date when it will open.
- The regular Work Session will be held on Monday, January 13 at 6:15. On Wednesday, January 15 at 6:15, the Board will have a Work Session with a specific discussion on the Station Area Overlay Zone.
- There are new owners at the Junior League property on S. Broadway and would like the neighbors in the area be aware that the Village will no longer have public parking on West Elizabeth Street adjacent to John Street. By the end of January, the Village will be removing all of the Village's parking equipment.
- As people may know, there have been a few burglaries around the Village of Tarrytown in the past several weeks. The Police Department has very good leads that they are working on. He reminded everyone to take precaution with regards to your homes and vehicles, lock doors and windows. The Village has a "SecureCam Program," whereby residents may choose to register your property address if you have a door bell camera and/or property cameras, which can provide valuable information to the Police Department. If a resident would like to register, please go to the tarrytowngov.com, under the police department, click on the "SecureCam" registration link on the website.
- The swap of land at Wilson Park, which was land for land was approved and signed by Governor Andrew Cuomo and the Village will move ahead to finalize the paperwork.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES EACH TO ADDRESS THE BOARD OF TRUSTEES

There were no speakers.

CONTINUATION OF A PUBLIC HEARING – KEEPING OF CHICKENS

Trustee Brown moved, seconded by Trustee McGovern and unanimously carried, that the hearing be opened.

Dean Gallea, 28 Wildey Street and Co-Chair of TEAC, noted that he applauds the changes that were made to the proposed local law requiring outside fencing for the chickens to run and to limit the keeping of chickens for egg production. The one thing that some of the TEAC members wished was part of the proposed law was to increase the maximum size of the chicken coop to provide more room for 12 chickens, which the Village's proposed law would allow.

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Tuesday, January 21, 2020, the next regular meeting of the Board of Trustees so that the revised text may be re-published prior to adoption.

CONTINUATION OF A PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

Trustee McGovern moved, seconded by Trustee Brown and unanimously carried, that the hearing be opened.

There were no speakers.

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, January 21, 2020, the next regular meeting of the Board of Trustees.

CONTINUATION OF A PUBLIC HEARING - CHAPTER 305 ZONING – NEW ARTICLE FOR THE STATION AREA OVERLAY (8:55)

Trustee Hoyt moved, seconded by Trustee Zollo and unanimously carried, that the hearing be opened.

Dolf Beil, 108 Main Street, noted that he would like to speak about Infrastructure and Strategic End Point. Suggested Actions: 1. Hold a Public Work Session 2. Define the building height, including setbacks and rooftop obstructions. 3. Eliminate appearance of "Pro-Developer Bias." 4. Present benefits – especially impact on taxes and Why is the Village doing this, he hasn't heard anything that makes sense to him. 5. Provide transparent information to developer and citizens. If you won't allow something, say so in writing. Involve the stakeholders. Allow their commitment to the historic river and town character of our Village to be better represented. He illustrated SAO viewpoints from Wildey and N. Broadway and Main St. and N. Broadway going from 72' to 140', where the line of sight would be obstructed. Mr. Beil prepared an SAO Theoretical Max Units, as a benchmark, he used 29 S. Depot Plaza, as an example. After 2.5 years, they were approved for 69 units on 1.2 acres, that's for 1 level retail and 3 levels of residential. So, in that area, theoretically, you can build up to 858 units. He doesn't believe that 858 units will ever be built, but it could. Foundational Questions. What is the impacts on infrastructure and its limits? Traffic, parking, schools, sewers, waters etc. with 858 units. Somebody needs to be looking at that. He doesn't think it is the responsibility of the developer to look at it for one individual parcel, he believes it is the responsibility of the Village to look at that for the whole area. It has been said that parkland will not be sold or leased to a developer. He thinks it might be a good idea to define which of those parcels might be available to a developer, so we have a level playing field. He asked again, why, what is wrong with the current zoning. His strategic approach – Infrastructure is constraining, roads and schools are near capacity. Village controls key

parcels. Sequencing is incredibly important. We don't want to have the first developer to use up the scarce resource and then somebody comes along with an even better idea and find out there is no more resource available. The Village should direct the developer, not the other way around and stakeholders should be involved. In summary, he wants to make sure the public is involved. If you can't involve the public with respect to a rezoning of a major area in the Village, then just leave the zoning alone.

Calvin Chin, 143 West Main Street, noted that he moved to Tarrytown for its charm and beauty. When he moved here, he was aware of the original Master Plan that the Village negotiated with the developer, National Resources, which only called for 238 housing units. They didn't want to move where it could turn into a busier area. Everyone who has bought in the Hudson Harbor area believes that the Village has a moral, ethical and possibly legal responsibility to uphold that Master Plan. He suggests that Hudson Harbor should be exempt from the SAO. He loves living at Hudson Harbor, but the summers are insane with traffic and the Toll Brothers project hasn't even started yet. The condition of the H-Bridge is an important issue. He loves the town, the people and the feel of Tarrytown and wants it to be more manageable. He has lived on Staten Island, he suggests not to turn this place into Staten Island.

Mike Cohen, 45 Hudson View Lane, noted that everyone in his building is hungry for the Cooney Building and the Gate House projects to be developed; the renderings are beautiful. There is enormous support for these two projects to move ahead as soon as possible. The last thing they want is an eyesore and a vacant building in their backyard. He believes the anxiety on the SAO that has been presented has been blown way out of proportion. He thinks the scoring is very quantitatively sound. He thinks the risk is under development in the area as opposed to overdevelopment.

Administrator Slingerland noted that the plans for the two projects have not been submitted to the Planning Board yet.

Barbara Goodman Bennet, 104 Main Street, noted that one of the goals of Tarrytown Connected was to develop implementable recommendations that reflect community input, they scheduled many meetings to reach out to the community. They did a thorough job, preliminary drawings and plans were presented. Personal to her, was the schematic drawing of the Tarrytown Train Station parking lot. It revealed a three-story building with a rooftop garden. She was apprehensive about this since her house is located behind the parking lot and looks out to the Hudson River. She knew that this three-story structure would block her view. However, she loves her home and she loves living in Tarrytown, she was determined to remain open minded, looking out at a rooftop garden seemed promising. She never in her wildest dreams thought that a ten-story building could potentially be built in that location. That was never brought up at the meetings and she asked why?

David Barnett, 104 Main Street, noted that it seems to him that the reactions so far from the community for the ten-story overlay, in general, has been disappointment. Disappointment in the fact that this could happen to our Village that's completely out of character with the rest of Tarrytown. Since the residents have expressed their disapproval, why does the Board think it is a necessary direction for the Village?

Mayor Fixell noted that it may not. The Board will be discussing the SAO on January 15th at the special work session. The Board will also be discussing view sheds down Main Street.

Trustee Brown noted that she would like to ask Joan Raiseles to address why the Village is doing this. The Village held many meetings over 4 years. From those meetings, it was determined that zoning needed to be changed to make the best development for Tarrytown. She noted that all of the public comments are being considered during this public hearing process and she feels that the Village Board will come up with something that most people will agree with. She thanked everyone for their input.

Joan Raiselis, Planning Board Member and Co-Chair of the Comprehensive Plan Management Committee, noted that the committee realized that the current zoning wouldn't allow for a lot of things that the Village thought would be beneficial in that area. The area was changed radically during the 70's, when the 2 large affordable houses went up. The Village Board did want to be the guiding factors in this process. It would be naïve to think that there will be no development in this area. This public process allows to hear what the Village wants, not just the Planning Board or the Village Board. They had over 16 public outreach sessions to discuss what the residents want, not only by elected or appointed

members of the Village. The SAO is to setup a framework that would allow the Village Board to make informed decisions and to understand what the ramifications of those decisions would be. If the SAO zoning gets adopted, there are many points in the process that evaluations happens for each project. It starts at the very beginning and then goes through levels and levels of evaluations and understanding as to its value to the community. At the end, it is the Village Board's decision to either approve or not approve a project. It gives the Village a strong hand in what happens in this area or what doesn't happen in this area.

Peter Bartolacci, 67 Miller Avenue, asked if the Village actually wants more ten plus story buildings in the train station area. He thought with the outrage over the cell tower, the Village Administration would have learned the lesson that the residents don't want any more tall structures down by the river. Shouldn't the zoning proposal reflect this, or is he naïve to think that the laws should be consistent with the will of the people. He feels that it is almost contempt that this document was released with 10 story buildings included. There is no way that anyone wants 10 story buildings in this area.

Trustee Rinaldi, noted that the Village Board takes their responsibility of the decision making process very seriously and the Board is trying to be extremely transparent in this process. As the public should know, this is the beginning of the public process and he welcomes the public response.

David Barnett, 104 Main Street, noted that in the Comprehensive Plan, which took years to complete, it never mentions a ten story building. He doesn't understand how we got from the Comprehensive to this idea of tall buildings.

Mayor Fixell noted that he hasn't been a fan of ten-story buildings, however, there is a logic that underlies that if a project otherwise provided sufficient benefits to the Village, in terms of greater view sheds, more open space, better environmental, more affordable housing, there is a possibility that going up could make for a better project. If the benefits were not viewed for being worth the height, than the Board would say no to the project. Even though he is not a fan of a 10 story building, he believes there is a logic and it is not a given.

Amy Weston, 85 Main Street, asked if there is a timeframe laid out for this process as to what the next step is and if there is a timeline for this process.

Mayor Fixell noted that after the Village Board's work session to discuss the SAO next week, the Village Board will most likely make revisions to the document and provide those changes to the public and continue the public hearing process to hear comments to those changes.

Village Attorney Zalantis noted that it is difficult to specify a timeline because the Board hasn't met yet to discuss the SAO and the Board wants to hear all of the public comments.

Ms. Weston and her neighbors at Rivercliffe Condominiums feel that this SAO is like opening up Pandora's Box. She understands the creativity and what can come. They trust this Administration, but in the future, the Administration could be very different. She hopes that this Board takes into account the preservation of the architecture and the look of that area, a focal point when you come into the Village. The two tall project buildings that are currently there are somewhat out of the character with the Village. The tall heights is part of that conservation.

Mayor Fixell noted that development can still happen under the current zoning in this area, which it has in the past. We are confronting the proposed SAO zoning in a transparent way to have better control to look at projects for the entire area and the vision of what is best for the Village in this area.

Trustee McGovern noted that the Board will be discussing the possibility of what would happen if there is a new Administration.

Mayor Fixell noted that anything that the Village Board adopts as local law can be undone.

Joan Raiselis noted that when we speak about a new Administration coming in, we also have to remember that the Administration would be voted on and elected by the majority of the people in the Village. The two tall buildings that reside in this area is the fabric of the Village. Whether you like those two buildings or not, those two buildings are not going away and they are people's neighborhoods. We are trying to respect the neighborhoods that are

already in the train station area, to build upon them and to make them a bigger part of the weave. From what she is hearing, she doesn't think a 10 story building will happen, but this zoning makes for a really holistic approach because it talks about the whole neighborhood.

Dolf Beil, 108 Main Street, noted that he has to disagree that it is not a holistic approach. When you allow one developer to come in and take all of the scarce resource (for example using Main Street and the traffic and the ability of getting people in and out of this area is a key resource), the first developer can come along and utilize that key resource because there is capacity and he can use it all. The second developer who might have a better solution to the Village, doesn't have that capacity available to be used. In his opinion, somebody should be looking at the scarce resources of this Village and figure out the best way for the Village to allocate them rather than a first come, first serve.

Mayor Fixell noted that if any project were to be evaluated, it would be evaluated in the context of the possibility of other developments in the area. You wouldn't assume in any analysis that nothing else would happen. We would look at a project in terms of the overall impact and what else would happen. A project doesn't get evaluated in a vacuum under this process. The scorecard would be looked at and analyzed to all those factors. You look at the full impact of a project within the context of the whole area. The Village wouldn't do anything on public property, the rules would really govern private property.

Trustee Zollo noted that as far as he is concerned that the Village Board has no plans to sell any public property.

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Tuesday, January 21, 2020, the next regular meeting of the Board of Trustees.

PUBLIC HEARING - NOISE – UNLAWFUL ACTS. §215-2, H-(2) (Adopted)

A LOCAL LAW to amend the Code of the Village of Tarrytown, Chapter §215-2, H-(2), entitled, Noise – Unlawful acts to allow snow plows to operate on public and private property, including parking lots during a period of a snowfall and/or Village-declared snow emergency.

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. Amending Existing Provision. Chapter 215-2, Section H Commercial Equipment Part (2) is hereby amended as follows:

Commercial equipment.

(2)

During the period of a Village-declared snow emergency **or within twenty four (24) hours of a snow fall**, snow plows on public and private property, including parking lots, shall be exempt from this section. Municipal vehicles shall be exempt from this section at all times.

Section 6: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 7: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Trustee McGovern moved, seconded by Trustee Rinaldi and unanimously carried, that the hearing be opened.

There were no speakers.

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the hearing be closed.

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, entitled, Noise – Unlawful acts. §215-2, H-(2) to allow snow plows to operate on public and private property, including parking lots during a period of a snowfall and/or Village-declared snow emergency; and

WHEREAS, a public hearing was held for the proposed action on January 6, 2020; and

WHEREAS, a notice of public hearing was published in the Journal News on December 20, 2019; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 1 of 2020.

APPOINTMENT OF GENERAL FOREMAN

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint William R. McGuire to the position of General Foreman in the Department of Public Works at an annual salary of \$112,000.00 effective January 6, 2020 and shall be subject to a probationary period and to all applicable civil service rules and regulations.

APPOINTMENT OF SENIOR VAN DRIVER

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Greg Egan to the position of Bus Driver for the Senior Van for the Village of Tarrytown at an hourly rate of \$19.33 per hour, effective January 6, 2020 and shall be subject to a probationary period and to all applicable civil service rules and regulations.

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the

November 19, 2019 Board of Fire Wardens meeting: Members: Dave Cova, Goga Urotadze, Dyanna Wrobel and Michael Redmond have been removed from active membership from Riverside Hose Fire Company; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the December 17, 2019 Board of Fire Warden meeting: Members: Tim Arduino has been removed as active member from Phenix Hose and Lisa Pinzel has been removed from Washington Engine. Drivers: Ricardo Cantillana and Dominic Buono have been approved as drivers for Washington Engine.

EXTENSION OF B. THAYER ASSOCIATES CONSTRUCTION INSPECTION SERVICES

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with B. Thayer Associates, from Woodbury, New York, for additional weekly SWPPP (Storm Water Pollution Prevention Plan) inspections until February 29, 2020 not to exceed \$9,100.00.

AUTHORIZATION OF GRANT ADMINISTRATION AGREEMENT FOR THE TARRYTOWN MUSIC HALL

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize the Village to enter into a grant administration agreement for the Tarrytown Music Hall to administer a grant from the Westchester Community Foundation, directs the Village Administrator to execute this agreement and directs the Village Administrator and Village Clerk to take the necessary and appropriate actions to effect this agreement.

RESOLUTION AUTHORIZING TAX CERTIORARIS

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT HEREBY RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve settlement of the following tax certiorari cases as outlined in the Village Tax Certiorari Attorney's correspondences dated December 19, 2019, in the total amount of \$526,088.19:

Address	Property ID Numbers	Amount of Refund
39-51 North Broadway Associates	Section 1.40, Block 14, Lots 2, 3, 26	\$ 39,446.27
Continental Manor Condominium, 240 S. Broadway	Section 1.100, Block 71, Lots 31.10A etc.	\$ 23,162.38
County Homes LLC, 81 Highland Ave.	IDs – 1.80-51-30; 1.80-51-31; 1.80-110-75-7	\$133,905.77
Hitachi America Ltd., Prospect and Martling Ave.	IDs: 1.100-73-3, 1.110-83-2	\$255,624.57
Holy Spirit / H.A.S. 13 Emerald Woods and 740 S. Broadway	ID 1.190-112-25 and ID 1.220-128-28.5	\$ 37,205.22 \$ 8,083.40
Holy Spirit/HAS (Exempt Properties) 548 Broadway 723 South Broadway South Broadway	ID 1.180-106-7 ID 1.221-129-1 ID 1.260-134-7	Change in exemption status – no refunds required.

Marshall Cavendish, 99 White Plains Road	ID 1.140-89-2	\$ 28,660.58
	Total Refunds	\$526,088.19

AND BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer and the Village Administrator to make payment of these Tax Certiorari Refunds through the use of operating funds, appropriated fund balance, or the future issuance of debt.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 12 of Audited Vouchers in the total amount of \$843,245.75 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 469,923.62
Water	\$ 133,935.38
Sewer Fund	\$ 88.66
Capital	\$ 207,308.36
Library	\$ 29,941.02
Trust & Agency	\$ <u>2,048.71</u>
Total	\$ 843,245.75

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

There were no speakers.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned at 9:05 p.m. by vote of six in favor, none opposed.

Carol A. Booth
Village Clerk