

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 1  
Via Zoom Video Conference  
December 7, 2020  
7:00 p.m.

PRESENT via Zoom Video Conference: Mayor Butler presiding; Trustees: Brown, Hoyt, Kim, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Attorney Kathy Zalantis; Village Treasurer Hart and Village Clerk Booth

The meeting began with the Pledge to the Flag.

Members of the Public interested in viewing the meeting should visit <https://www.tarrytowngov.com/home/events/32006> for instructions on how to join & participate.

Members of the public who wish to have an item "screen shared" (i.e. displayed during the meeting) during their public comment period, must submit their document(s) to [Administrator@tarrytowngov.com](mailto:Administrator@tarrytowngov.com) no later than 12PM the day of the Board of Trustees Meeting

REGULAR MEETING: Immediately after the Organizational Meeting, which starts at 7 p.m.

#### MOMENT OF SILENCE – PEARL HARBOR REMEMBRANCE DAY

Mayor Butler noted that today is Pearl Harbor Remembrance Day and requested a moment of silence to remember and honor the United States citizens who were killed during the attack on Pearl Harbor in Hawaii.

#### REPORTS

Mayor Butler noted the following:

- He sent out a salute to Armando "Chick" Galella, who was a World War II Combat Veteran as he approaches his 100<sup>th</sup> Centennial Birthday. Trustee Hoyt noted that in today's Journal News, there was an article on Chick Galella recounting his time at Pearl Harbor and wished Chick a Happy 100 year Birthday.
- On behalf of the Village, he thanked the Little Gardens Club of Tarrytown for the beautiful handmade holiday wreaths. The wreaths are on display at Village Hall, the Police Dept. and DPW for everyone to enjoy.
- The Village of Tarrytown was founded in 1870, the core of the community has been its volunteers and that still holds true today. The things that make Tarrytown a great place to live is our diversity. As one of the ten most beautiful towns in America, we are grateful for the staff, the police and the many volunteers who work tirelessly. He and the Board want to thank the police, the staff and all the volunteers for their service to the Tarrytown community. We would not be the Tarrytown that we are without your gifts, time, effort and caring. Tarrytown

must continue to respect all of the Village's Boards and Committees' decisions. Let us stand united, be understanding and be respectful to our fellow Tarrytowners.

- Regarding flyers being distributed on people's cars, etc., on a personal note, a flyer was left on his car, which was parked on his private property. He did not read it, he immediately threw it away because of COVID-19. He doesn't know the health status of the person who distributed the flyer. He asked that the distribution of the flyers be stopped due to the uptick of the virus and for the safety of the residents of Tarrytown; we are currently in a COVID-19 Yellow Zone.

Trustee Brown noted that the TASH Pop-Up Holiday Market did not happen this past Saturday due to inclement weather, but it will take place this weekend from 2:30 – 6 p.m. This event will follow all COVID-19 procedures for safety. She thanked TASH for a wonderful year.

Deputy Mayor McGovern thanked Administrator Slingerland and Assistant Administrator Ringel and the Parks Department for their help with the Tree Lighting Event that took place on Friday, December 4<sup>th</sup>. She also thanked Santa and the Fire Department who drove Santa around the Village.

#### ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- December 9, 1870 was the incorporation date of the Village of Tarrytown. This Wednesday, December 9, 2020, is the 150<sup>th</sup> Anniversary of the Village of Tarrytown. The Village has discussed a celebration to commemorate this event, but unfortunately all of the plans of celebrations and gatherings were all quashed, due to the COVID-19 pandemic. Administrator Slingerland asked the Mayor and Board of Trustees and all of the people of Tarrytown to wish Tarrytown a Happy 150 Year Anniversary and wish another 150 years of positive existence, diversity and good coexistence among all the members of the community. Happy Birthday Tarrytown.
- Tarrytown is presently part of a yellow zone (Covid-19) that includes a significant portion of Tarrytown and Sleepy Hollow. Over the weekend, we had 24 new cases in Tarrytown. We urge people to take all the proper precautions, maintain social distance of 6 ft. or more, wear a mask whenever you are out and could come into contact with people, wash or sanitize your hands and don't have in-home gatherings. We are really hopeful and looking forward to the possibility for when the date of the vaccine will be prepared and distributed, but everybody should also be aware that the number of vaccines will be restricted. There are 350 million people in the United States and if everybody needs two shots, we are talking about 700 million vaccines. It will take some time and we ask everyone to be patient and stay safe until we all can be together safe again.
- As part of the plan to do traffic mitigation and improvements around Tarrytown, which is funded by the Stipulation Agreement between Tarrytown and Sleepy Hollow, the Village is moving the fire hydrant on Broadway between Main Street and Central Avenue to create a bypass lane in this area. As part of this, there will be a partial water shutdown to those businesses and residents. Work will begin on December 8<sup>th</sup> at 8 p.m. and proceed to 7 a.m. Wednesday, December 9<sup>th</sup>. Flyers have been handed out to all of the properties. No parking will be allowed starting 6 a.m. on December 8<sup>th</sup> to 7 a.m. on December 9<sup>th</sup>. Trustee Hoyt asked if the water shutoff will only affect the businesses or businesses and residents in that

area. Assistant Administrator Ringel noted that it will both the businesses and the residents in that area and they have all been notified.

- He reminded everybody that there is no holiday meter bagging this year. The Village spent almost \$75,000 on the Main Street closures for Outdoor Dining. Because of that and also we have had concerns that actually bagging the meters didn't actually help the businesses. We want people to have turnover of vehicles and short stays and we want the businesses to benefit from takeout and quick shopping trips. We encourage everyone to shop local, support the local businesses and the local restaurants.
- The Police Survey is open until Friday, December 11. Residents should have received a postcard in the mail. The link for the survey is [www.surveymonkey.com/r/engttpd](http://www.surveymonkey.com/r/engttpd) or for the Spanish-language version, the link for the survey is [www.surveymonkey.com/r/JQF7W3D?lang=es](http://www.surveymonkey.com/r/JQF7W3D?lang=es). He encouraged everybody to take the survey to help the Village with its Police Reform review. Assistant Administrator Ringel noted that people have called and said they had difficulty with the link. 1) Don't "google" the link, you need to put the link into the browser bar and 2) The period after the link should not be included as part of the link, the period was indicating the end of the sentence. Trustee Brown asked for the link to be shown on the screen. Assistant Administrator Ringel noted that the link is on the home page on the Tarrytown website. Trustee Rinaldi asked if there was a paper version of the survey. Assistant Administrator Ringel noted that there is not a paper version, however, the library will be assisting anyone who doesn't have access to a computer to complete the survey. Trustee Rinaldi thanked Trustee Zollo for his coordination with the Police Reform Committee. He believes the survey and the constant feedback that the Police Reform Committee is getting has been a very good exchange. He believes the police survey could be a model for getting feedback from the community in the future. Assistant Administrator Ringel noted that the Tarrytown Police Department is conducting a Toy Drive. The Toy Drive ends on December 9<sup>th</sup>. Toys can be dropped off at the Warner Library, Village Hall or a Nu Toy Store on Main Street.

Assistant Administrator Ringel noted the following:

- Governor Cuomo noted today, if hospitalization cases continue to rise, there can be a change in indoor dining capacity from 50% to 25% and in New York City, indoor dining would be shut down completely. He noted that on November 12<sup>th</sup>, the Village of Tarrytown had 13 active cases, today, we are 80+ active cases.

CHANGES AND/OR ADDITIONS TO THE AGENDA The Mayor and Board of Trustees added a resolution to postpone the Public Hearing relating to Protests and Demonstrations.

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby postpone the public hearing to Tuesday, January 19, 2021, at 7:00 p.m., at the Regular Tarrytown Village Board Meeting to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause, to add a Section to the Code of the Village of Tarrytown relating to Protests, Demonstrations and Rallies and Permit Application.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Trustee Brown noted that going forward the Board of Trustees meetings will be held at 7 p.m. except for the meeting on December 21, 2020, that will begin at 8 p.m. because we have the Police Reform and Reinvention Committee that evening at 7 p.m.

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

Linda Viertel, the former Chair of the Waterfront Advisory Committee, asked that her statement be read into the record. She is unable to attend tonight because she is attending a ceremony on behalf of Congresswoman Nita Lowey, who is retiring. Her replacement who won at the last election is Mondaire Jones. Administrator Slingerland read the following statement from Linda Viertel concerning 29 S. Depot Plaza:

“I am speaking tonight in full support of the Planning Board’s vote endorsing the zoning change for residential development at 29 S. Depot Plaza. I have watched the Board of Trustee meetings, heard various speakers on both sides of the issue, and read the minutes from recent Planning Board meetings, and am totally confident that setting this planning process in place by approving the zoning change is the appropriate way to proceed for the good of the village. County Planning Commissioner Norma Drummond has made it patently clear that affordable/work force and middle income housing are desperately needed, and our village has always wanted to provide affordable housing in the spirit of inclusivity, growth and reinvigoration.

But, what has disturbed me most in watching the proceedings is the reckless dissemination of incorrect facts, speakers’ misplaced rancor, the ego rants, and even a flyer sent out with baseless, gross misrepresentations masking as truth. I am saddened to see residents I know and respect be so divisive, unprofessional and unproductive. When we have housing authorities such as Sadie McKeown, Executive Vice-President and Chief Operating Officer of the Community Preservation Corporation and chair of Tarrytown’s Housing Affordability Task Force, devoting countless hours to work on this project, delineating facts and figures relevant to our county’s housing shortage, patiently explaining who is eligible for such housing, what funding streams are available and working collegially with other knowledgeable volunteers who are giving countless hours and expertise to this project, I am grateful and heartened. But, when others hurl unfounded attacks, create specious flyers to gin up the public, or come into our village as spurious consultants here to line their pockets while helping unravel the thread of collegiality and decency in our village, then I have to speak up.

Those who know me, know I am passionate about our village’s connection to the Hudson River. It’s why I spear-headed removal of the asphalt plant, along with former Mayor Fixell, and helped create RiverWalk Park. I worked with Main Street merchants to meet with the Hudson Harbor developer, and brought upper village residents together with Hudson Harbor’s new residents for conversations about the park and the sprawling river development’s public access points. Congenial, respectful, collaborative stakeholder discussions are the way to interact with one another in our village, not with

hurtful threats, tantrums, demands or uninformed disrespect. As Ruth Bader Ginsburg has famously said, "We can disagree without being disagreeable."

So, let's press "pause" and actually listen to Sadie, our new trustee David Kim- an expert urban planner who works all across the country, and others who have devoted countless hours to smart transit oriented development. They are abiding by a time-honored Tarrytown planning process that now sets forth the site plan review wherein the building specifics will actually begin to be formulated, revised, drawn and redrawn. Discussions can flow about integrating 29 S. Depot Plaza via greenspace and walkways, with a newly refurbished Franklin Towers and a restored Franklin Courts; our village will gain new residents, a vibrant hub, more ratables, funding from HUD and FEMA, and contribute smart growth to an area sorely in need of improvement. Unsightly containers scattered throughout Depot Plaza is not the best use nor the most aesthetically pleasing entry into or departure from our beautifully restored Tarrytown train station and award-winning village.

I am all in favor of open space, view sheds, access to the river. But, that can't happen along every inch of waterfront. Our views are blocked at the bottom of Main Street by residential structures, by Asbury Towers, by some of Hudson Harbors, but then we get magnificent vistas if we turn our head or go right around the corner.

So, along with supporting a zoning change to move toward site plan review, I would ask participants to engage in this project with a more congenial approach, strive to lessen tensions and divisiveness. We are all experiencing the wages of a pandemic, a fraught election period, and we all need one another now more than ever. I hope we will listen carefully to one another and not continue posturing and repeating falsehoods; let's not remain stagnant but accept inclusivity into our wonderful village. Please treat one another with fairness and decency- be collaborative and, by all means, participate in the planning process going forward. I am hopeful our residents can do so with respect for one another's point of view and by doing the research so that comments aren't baseless, full of rumor and innuendo, but are knowledgeable, factual, respectful and productive."

Jaime Valencia, 17 Kaldenberg Place and member of the Tarrytown Fire Department and Ambulance Corp, noted that he had a problem completing the police survey online. Assistant Administrator Ringel asked Mr. Valencia to call him in the office tomorrow and he will help him complete the survey. He has lived in Tarrytown since 1999 and he loves the way the Village has grown. He loves the changes that were made along the riverfront. He believes that the new proposal to build by the river is too aggressive for everybody in the area. He believes that the Village should let the residents know about this new proposal; he heard by word of mouth.

Village Attorney Zalantis, noted that tonight, all that will be happening is potentially setting a date of a public hearing. If there are comments related to the substance of the application itself, she noted it would be best to leave those comments for the public hearing, so those comments could be part of the record of the application. There will be an opportunity for the public to comment at the public hearing. She believes it's the intention of this Board to at least carry it through for two public hearings.

Howard Smith, 87 Main Street, noted that he recommends to defer the public hearing on 29 S. Depot Plaza. The owner and the developer understandably attempting to optimize return on investment. Neither of them live here, so they will not have to deal with the impact of a building on that scale,

which is about 50% longer than any stretch of buildings and Riverfront area and 50% higher than existing zoning allows. The Village officials would like to see some revitalization in the area in a manner that increases the diversity and affordability of housing in the community and the results of increased tax revenue. The Village has a well-established history of wisely requiring developers seeking significant zoning amendments to provide proportionate benefits to people who already live in the community, not just those who would be moving in. The TOD concept has yet to be tested in the Rivertown communities above Yonkers. Public sentiment is overwhelmingly opposed to the project as proposed. People are not opposed to all new development just to projects on a scale that is so out of character with the community. He encouraged the Board of Trustees not to move forward with a public hearing on the requested zoning amendments, but to encourage the planning board to work with the property owner and come back with a more sensitively scaled and designed lower density mixed use proposal. Perhaps a three-story residential structure above self-storage allows for some kind of view corridor. This developers all or nothing protestations aside, can you seriously argue that trading a second level of self-storage for three levels of housing and a 48 foot tall four story building is financially untenable, the rents he's proposing compromise such as this would still advance the owners and developers interest in generating a reasonable profit, while at the same time advancing the Village's goals addressing the concerns expressed by the public.

Trustee Brown asked if the Board of Trustees has to open the public hearing so that the Board can talk about it and decide whether or not we want to send it back to the Planning Board.

Village Attorney noted that is correct. The Planning Board made a recommendation to this Board; this Board is not bound by that recommendation. This Board can determine something different. To consider the issue, you have to have a public hearing on it.

Dolf Beil, 104 Main Street, noted the reason not to have the public hearing on December 21<sup>st</sup>, 1) Material mistakes, 2) results of balloon test will not be known, 3) Franklin Court residents have not been notified, 4) A GEIS is needed, and 5) It's the Holiday Season. The artist rendering of the proposed building has been significantly under presented. He showed a picture of the bridge before the proposed building and then showed a picture with a red block showing what the picture of the bridge would look like after the proposed building. He showed an email from Wilfredo from the Municipal Housing Authority advising Dolf that they are in the beginning stages of developing the land at 50 White Street. He will be informing all the residents after the holidays. This is 100% affordable housing that is going to be built with the Municipal Housing Authority, but is exempt by the Tarrytown regulations. They can build 20 units "by right," which would equate to 200 units of at market housing and the 29 S. Depot Plaza could use up the scarce resource, that is why a GEIS is needed. He noted that they are not only looking at 29 South Depot Plaza, Lot 39 is only 150 feet away.

Dean Gallea, 28 Wildey Street and Co-Chair of TEAC, congratulated the Mayor and the Trustees on their appointments and he looks forward to working with them. He noted that the members of TEAC had submitted a comment to the Planning Board at the last meeting regarding the 29 S. Depot Plaza development and basically recommended that we do not accept the EAF as is, but to ask for a DEIS because we couldn't ascertain that there has actually been testing of the sub soil underneath slab etc. We are trying to stave off any environmental hazards that could occur during either construction or to residents of the units that might be constructed. We don't feel that there was

adequate test results publically available. He asked the Board if they could get the DEIS or GEIS as a requirement before the project proceeds, he believes that's a prudent choice.

Katy Krider, 42 North Washington Street, requested that the Board postpone the discussion on 29 S. Depot Plaza to Tuesday, January 19<sup>th</sup> because of the holidays coming up. She has spent 20 years as a lead negotiator for global headquarters of one of the big four accounting firms, negotiating strategies and tactics. After reviewing all of the documents on 29 S. Depot Plaza, she was struck by one thing that she feels is important. When Collins Enterprises joined Lexington 202 Group, the tone of the negotiations before the Planning Board changed dramatically. Collins is very skilled at hardcore negative negotiation tactics that she usually only saw in very large, very wealthy corporations. These tactics include pressure to move quickly, bullying, misleading information, exaggeration of truth, threats, and the ability to learn what you want and to use it against you. The attacks got personal and when the public got involved, they attacked the public. They refused any reasonable requests and push backed on just about every idea that was proposed. Collins made a threat to pull out of the negotiation and just put up storage even though that was not in his best interest. These threats are very effective and she has seen many seasoned negotiators buckle under this type of pressure. She wanted to make sure that the Board is forewarned and forearmed and that the time around the holidays is not in best interest of the public.

Peter Barolacci, 67 Miller Avenue, noted that regarding Linda Viertel's comments, it shows a level of ignorance of what this project is about. Which is probably misunderstood by a lot of people. She mentioned that the flyer was full of misinformation, but she didn't provide any specifics whatsoever. Because he believes that the flyer is accurate. She talks about affordable housing, this project has nothing to do with affordable housing, it provides the bare minimum of affordable housing that Tarrytown requires. Anyone who learns about this proposal is very concerned about it. He thinks it is incumbent on this Board to make sure that the word gets out that this is what is being proposed and that people really understand what it means for this Village.

Mike Love, Main Street, Coffee Labs, noted that he thinks it would be wise to set the public hearing in January and give everyone their holiday season. Regarding restricting residents' time to speak, in his opinion that really just amounts to quieting people's voices in the Village because there's so much dislike of this project and other proposed developments.

Trustee Rinaldi noted that we have been having meetings that go on for over four hours. He noted that nothing productive gets done with the meetings that last that long. We truly want to hear from everyone, but we'd like to hear from more people.

Dr. Claudia Luiz, Park Avenue, noted that she is in a state of alarm that this proposal is even going to a hearing, she can barely pull out of her block and get onto Broadway now. She is very happy living in Tarrytown, but to hear about this proposal is putting her over the edge because she doesn't understand that the traffic will be managed.

Barbara Goodman Barnett, 104 Main Street, noted that she would like the Board to postpone the public hearing until 2021. She feels that the public needs more information, in addition to being very troubled about the added density and traffic the 29 S. Depot Plaza project will bring to Tarrytown. She is concerned about the impacts of the pandemic, we cannot pretend that life in Tarrytown will ever be the same. People are now working remotely and in many cases, after the

pandemic is over, we'll continue to work remotely. Train ridership will probably be way down. Does it make sense to build 88 residential units just feet away from the Metro North train station if people are working at home? It seems very short sighted to move forward with a project that could prove to be a total disaster. What is the rush to approve this proposal without having a clearer vision of the future of Tarrytown post COVID-19?

Mark Fry, 36 S. Highland Avenue, Ossining, New York, noted that he has been asked by many Tarrytowners to jump in to help with this because he was a restaurant owner and resident for a long time; he lived in Tarrytown for 27 years. In his professional view, the meeting at the Planning Board was improperly noticed. Administrator Slingerland said that it wasn't. He would like to see written comment on that from the Village Attorney and from that point, we can move forward and decide if we can agree on that or if we're going to have to agree to disagree possibly in court. He believes that the public hearing should be postponed because there is a lot that is not known. He has the DEC from this site and they have nothing on the remediation of this site. The view impacts are tremendous, that needs to be done. He suggests that the Board resolve the underlying issue of failure to notice and send it back to the Planning Board and require a positive declaration. After those things are done, and much more is learned about the site, then the Board can vote to proceed.

Administrator Slingerland, noted that the Village has been receiving a number of communications from concerned residents and there was an unsigned flyer that was circulated door to door by various outreach people to many people around the Village. The proposed 29 S. Depot Plaza project application has been in a report and recommendation stage of the process now for over two years since November 2018. At this point, we have a recommendation from 3 of the 5 members of the Planning Board for the Board of Trustees to consider rezoning for the project, a public hearing will be required for a local law to amend the zoning. If the zoning changes are authorized, the application goes back to the Planning Board to go through the site plan process, with an accompanying review by the Architectural Review Board. The Planning Board will be required to hold the Public Hearing and in accordance with Zoning Code, Section 305-111. Further the Planning Board shall duly notice public hearings and meetings during its SEQRA review and obtain substantial input from the public prior to making their SEQRA determination. He noted for the record, that all of the information at this point, has said that the process has been valid. The Village has to make sure that we have a valid process moving forward.

Mayor Butler noted that the Board received the majority opinion from the Planning Board, but we're still waiting for the minority opinion from the Planning Board. Once we receive that, we can take a look at the whole thing. Administrator Slingerland noted that is correct.

Administrator Slingerland noted that Chairman Friendlander is one of the participants or attendees on this meeting tonight, so Mr. Freidlander, we did send you a request for the Minority Report and have requested that it be delivered to the Board on or before this Friday, December 11, 2020.

Colin Vanderhorn, LeGrande Avenue, asked why the Board is supporting projects like 29 S. Depot Plaza, while 90-95% of public comment opposes the project. The only legitimate reason is that we could increase the percentage of affordable housing in Tarrytown. But that's not the case with this project. We are trying to make our voices heard and that should not be discouraged. The statement read at the beginning of the meeting reinforces that Linda seems to think that this is an affordable housing project, the number of affordable units, eight out of 88 that should tell you enough. The



YMCA, on the other hand, faces almost no community opposition, it is clearly a benefit to the Village. The statement read by the Administrator was unfortunate and showed disrespect that people don't have valid grounds for objection is just not accurate. There are many legitimate reasons to disagree with this project. He asks, why are we doing this, the Villagers clearly don't want it. The height and density are completely uncharacteristic with the Village.

David Barnett, 108 Main Street, noted that he would like to encourage this Board to postpone the public hearing on December 21<sup>st</sup> regarding 29 S. Depot Plaza. He believes that we all want what's best for our Village. Tarrytown is a very unique and special place, voted one of the most beautiful Towns in the U.S. by Forbes magazine. He doesn't underestimate the many hours this Board contributes to the process, but he also believes the residents of this Village have also put in countless hours examining and attending these meetings regarding the proposal at 29 S. Depot Plaza and he hears their frustrations. He is not sure their voices are being heard. Based on the architectural renderings supplied by the developer, the proposed building is 300 feet wide and 60 feet tall. He believes that this large scale rectangular structure will block many great existing views of the Hudson River and the Palisades. That is what this community currently cherishes. He honestly believes this area needs development, but not to this scale. When asked why this building needs a fifth story, the developer bluntly replied, for profit. He has been addressing the issue of height and density in these meetings for over a year, but nobody seems to be listening. If we refer back to the Comp Plan, you'll see there were only 3 references to height and stories, none of which justifies the scale of 29 S. Depot Plaza.

Amy Wessan, 85 Main Street, noted that she would like the Board to postpone the meeting on December 21 to January, it's 4 days before Christmas. Originally, it was a two-story storage building that was proposed at 29 S. Depot Plaza, and she still doesn't know why and how this project was encouraged to get this large, except that the developer wants to turn a profit. She thinks it strange, a combination of a storage unit with housing above it. It's not affordable housing, its market price rentals, except for the eight units. It doesn't make sense. She would like to know how this project got this big and she doesn't want to have this big blocky thing down by the river.

Trustee Rinaldi, noted that the developer could essentially break ground tomorrow on developing the Self-Storage Facility. This is now a different proposal with zoning to have some residential.

Assistant Administrator Ringel noted that when this public hearing takes place, there will be a chance for people to hear a presentation that may answer some of these questions.

Olivia Gerth, LeGrande Avenue, noted that she believes limiting time to speak at the public comment period seems anti-democratic. She understands that these meetings can take a long time, she doesn't like spending her Monday nights attached to her computer screen either. As Board members, leaders of our community and by accepting these roles, you accept the community representation and that involves you having to engage with the public that you represent.

Lizzette Mendez-Boyer, Grove Street, congratulated Mayor Butler on this great achievement. She thinks it's very inspirational for all of us to see you there. She also congratulated all of the Trustees and wished everyone well. She noted that she is in favor of this project. Understanding the concerns of her neighbors and residents in the area, she can assure them as an architect and a planner that both the drawings prepared by the developer and some flyers that are going around, those renderings are

both inaccurate, we need to actually see what it's going to look like. She noted that the traffic issue is real and that is something that the Village should really look at. But in reality, our traffic will not come from the 80 new units, our traffic is coming here because we live next to a regional highway with a bridge and because Broadway is carrying so much load for all the Villages. We are used to going around in our cars, we need to design compete streets that allow people to walk, bike and really benefit from a healthy environment in this wonderful town that we all love. We have a wonderful town and wonderful residents. I think everyone has raised very good points. But unfortunately, there's this information out there. Views from your house is not the issue. Traffic possibly, I think those are things that can be resolved.

Marcie Cardwell, Franklin Courts, noted that she would like the public hearing to be postponed so we could find out more information. Everyone's so concerned about a view, but we're going to be the ones living right here. We will be going through all of the construction, there's a paper mill here, we're going to get rats etc. We need more information and want to know what is going to happen to the residents at Franklin Courts.

Rob Senger, 15 Park Avenue, noted that traffic is a real problem in Miller Park. He can't get out of his street in the morning, which is something we just deal with on a daily basis. We can talk about Transit Oriented Development and other developments that may be good for the Village, but until we address the traffic problems, it's just talk. Another major concern is the Edge on Hudson development and the unknown affects with over 1,000 units. It doesn't make sense to build it and then figure out the traffic problems later. He's concerned about the density precedent being set. He questioned the developer's report on the effect to the local schools. He believes it may not be a net positive for the school budget. He hopes that the public hearing gets postponed so he can learn more about this.

Jeannie Michael, Hamilton Place, noted that concerning the views, it's not only about where people live whose views will be blocked, although I do care about them. I'm a person who walks all around the Village, I don't drive, and every glimpse of the river that I get is precious. What it does to the beauty of the place you live in. The river is just a wonderful resource for us aesthetically and it's sad to see it threatened in any way. Couching that more people can speak when there's less time, it would be much better to let more people speak with ample time as it was before, hold more meetings because so many people are committed. She asked the Board to postpone the public hearing. We need more time to deal with it.

Debra Portnoy, 18 N. Broadway, noted that the Board should definitely postpone the public hearing. This is much too important to squeeze it in before Christmas and New Year's.

Doug Fox, 42 North Washington Street, noted that he has become aware that the developer used Franklin Towers and the other large apartment building down near the Plaza as justification for the height of their proposed development, which are two buildings that aesthetically are 70's Urban Renewal that were built at the detriment of losing the original center of Main Street and the business district of Tarrytown, which was a lot of old buildings, Victorian period etc. It's an insult to the residents that they would use those buildings to justify their building, which feels that they are saying in the future, we're going to have a bunch more of these kinds of buildings and the town has to get used to it. That is one of the reasons that we are fighting against 5-story buildings and such. Because that is going to be the future of Tarrytown if this is allowed to move forward. It's what they do and

they have been building all the way up the Hudson River. He asked that the public hearing be delayed until January. Look at the Sleepy Hollow development and how dense that's going to be. This is what the future of the development of the river towns is planned for by real estate development. Regarding views, the people who live above the height of that building, don't have their views impacted that much, but the people who live down below on or near the water, do have their views impacted. They are just as important as anybody else in Tarrytown.

Harley Dembert, 85 Main Street, noted that he believes people need more than 3 minutes to speak. He requests that the public hearing be postponed because it gives a little more time to do our due diligence. The sense he got from the Planning Board members that there was this urgency to rush it through and he doesn't understand exactly what was behind that urgency. He doesn't understand why we are putting development before trying to figure out traffic.

Trustee Brown noted that a lot of people have asked the Board to postpone opening the public hearing because of the date in December; she can understand that thought. But some people are asking us to postpone the opening of the public hearing so we can get more information. As she understands the process, we must open the public hearing so that we can study the project and ask for more information. Is that correct?

Mayor Butler noted that he had asked design professionals and planners to sit down and look at all the information from this project and give the Board their professional analysis. And we are still waiting for the Minority opinion from the Planning Board. He also wants to know how we went from a storage facility, then 44 units and then to 88 units. The developer said that they will present that process at the public hearing meeting. In his opinion, the architecture that the developer presented is a false representation than what will actually be there. Here we are with the majority opinion, but we don't have the minority opinion so that we can do an intelligent assessment of what's going on. Perhaps, five stories is not the right number. But we can't get there until we discuss it. The longer we delay this, we can't resolve it. He believes we need to move forward with it, get all the information and make an intelligent decision.

Village Attorney Zalantis, noted that it is inconsistent to say we need more information, but postpone the opening of the public hearing, because that is the vehicle to obtain the information and to consider all the points and to hear presentations from the public as well as the applicant. The vehicle to get that information is the public process, which has to be initiated by starting the public hearing process.

Trustee Rinaldi noted that if we open the public hearing on December 21<sup>st</sup> that is the beginning of the process. It will not be closed immediately, it will continue for a few meetings.

#### APPOINTMENT OF MOTOR EQUIPMENT OPERATOR (MEO) IN THE DEPARTMENT OF PUBLIC WORKS

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Daniel Flores to the position of Motor Equipment Operator (MEO), Step 2, in the Department of

Public Works at an annual salary of \$70,105, effective December 8, 2020 and shall be subject to a probationary period and to all applicable Civil Service rules and regulations.

APPOINTMENT OF LABORER IN DEPARTMENT OF PUBLIC WORKS

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Brian Puff to the position of Laborer, Step 1, in the Department of Public Works at an annual salary of \$50,355, effective Tuesday, December 8, 2020 and shall be subject to a probationary period and to all applicable Civil Service rules and regulations

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee Zollo moved, seconded by Trustee Rinaldi, that the following resolution be approved: Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself. Approved: 6-0-1

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 17, 2020 Board of Fire Wardens meeting. Members: Darlin Bonilla has been approved for out-of-town active membership at Washington Engine and Steven Pena has been approved pending the passing of a department physical for active membership at Washington Engine. Todd Goodman has been removed from active rolls from Conqueror Hook and Ladder and Ian Kelly and Breanne Touhy have been removed from active rolls from Washington Engine. Drivers: Dominick Buono has been approved as driver for Marine 5 and Patrick Derivan Jr. has been approved as driver for Riverside Hose.

RENEWAL OF THE MEMORANDUM OF UNDERSTANDING FOR THE SAW MILL RIVER WATERSHED COALITION

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve a renewal memorandum of understanding with respect to the Saw Mill River watershed and agrees to work together, with other members of the Saw Mill River Watershed coalition, to achieve mutually beneficial projects with respect to the watershed, and agrees that the cooperating municipalities will communicate regularly using the Saw Mill River Coalition as an organizing forum and means of communication, and to assess progress made in achieving the projects envisioned hereunder; and the cooperating municipalities agree that any cooperating municipalities have the right at any time to withdraw from this agreement upon written notice to the other parties; and

BE IT FURTHER RESOLVED, that the Village shall take steps as best as practicable in the Saw Mill River Watershed to address flooding, perform stormwater management, improve water quality,

increase public access and recreational opportunities, and improve aesthetics and pursue the planting of native species; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to take the necessary and appropriate actions to execute and implement such agreement.

RENEWAL OF INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF GREENBURG FOR TARRYTOWN TO CONTINUE TO PROVIDE FIRE PROTECTION SERVICES TO THE GLENVILLE FIRE PROTECTION DISTRICT FOR 2019

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved: Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself.  
Approved: 6-0-1

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown authorizes the Village to enter into a renewal Inter-municipal agreement for year ending in 2019 with the Town of Greenburgh for Tarrytown to provide Fire Protection Services to the Glenville Fire Protection District, and authorizes Village Administrator Richard Slingerland to take the necessary and appropriate actions to execute and implement such agreement, to the satisfaction of the Village Attorney.

RENEWAL OF INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF GREENBURG FOR TARRYTOWN TO CONTINUE TO PROVIDE FIRE PROTECTION SERVICES TO THE GLENVILLE FIRE PROTECTION DISTRICT FOR 2020

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved: Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself.  
Approved: 6-0-1

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown authorizes the Village to enter into a renewal Inter-municipal agreement for the year ending in 2020 with the Town of Greenburgh for Tarrytown to provide Fire Protection Services to the Glenville Fire Protection District, and authorizes Village Administrator Richard Slingerland to take the necessary and appropriate actions to execute and implement such agreement, to the satisfaction of the Village Attorney.

VEHICLE AND TRAFFIC AMENDMENT – PARKING ON WILSON PARK DRIVE

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Vehicle and Traffic Code to update the Village Code of the Village of Tarrytown, Section 291- 77, Schedule XII: Parking Prohibited at All Times on the east side of Wilson Park Drive.

All new material is set forth.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
-----------------------	-------------	-----------------

Wilson Park Drive

East

From Beech Lane to Cobb Lane

VEHICLE AND TRAFFIC AMENDMENT – ALTERNATE SIDE PARKING LEGRANDE AVENUE

Trustee Zollo moved, seconded by Trustee Kim, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Vehicle and Traffic Code to update the Village Code of the Village of Tarrytown, Section 291-19, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

All new material is set forth:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
LeGrande Avenue	North	Mondays & Wednesdays Between the hours of 7 a.m. and 10 a.m.	From a point 325 feet east of Croton Avenue easterly for a distance of 70 feet.

VEHICLE AND TRAFFIC AMENDMENT - SCOOTER AND MOTORCYCLE PARKING ATCOMMUTER PARKING LOT A.

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees designates an area at the northwest corner of of Lot A, along the side facing Depot Plaza as "Motorcycle and Scooter Parking Only" and be it further resolved, that the following amendments to the Tarrytown Village Code, Section 291 on Vehicles and Traffic, is amended to read as follows:

All new material is set forth in ***bold italics***.

§ 291-56. No-parking areas and restricted parking areas.

- A. No motor vehicle shall be parked in any space designated by a sign as a no-parking area.
- B. Only electrically powered vehicles may be parked in areas designated by a sign for a maximum of 24 hours. Electrically powered vehicles must be actively charging while parked.
- C. ***Only motorcycles and scooters shall park in any space designated by a sign as "motorcycle and scooter parking."***

SCHEDULE A PUBLIC HEARING ON A PROPOSED ZONING TEXT AMENDMENT TO ADD PROVISIONS FOR TRANSIT ORIENTED DEVELOPMENT MIXED USES IN THE "ID" ZONING DISTRICT

Trustee Zollo moved, seconded by Mayor Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a public hearing to be held on Monday, December 21, 2020, at 8:00 p.m., at the Regular Tarrytown Village Board Meeting to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause to hear and consider a proposed amendment to the Code of the Village of Tarrytown, Chapter 305 Zoning, to add provisions for Transit Oriented Development in the "ID" Zoning District.

Note – this change is being requested by the owners of the property at 29 South Depot Plaza, who are also known as Lexington 202 Group LLC, working cooperatively with Collins Enterprises, LLC.

SCHEDULE A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND  
CHAPTER 243 REGARDING VILLAGE STAFF AUTHORIZED TO ISSUE VIOLATIONS  
PURSUANT TO THIS SECTION OF THE CODE

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a public hearing to be held on Monday, December 21, 2020, at 8:00 p.m., at the Regular Tarrytown Village Board Meeting to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause to hear and consider a proposed amendment to the Code of the Village of Tarrytown, Chapter 243, entitled "Sewers" for the purpose of updating the language in this section to reflect that the Superintendent of Public Works, the General Foreman or Highway Foreman may issue violations pursuant to this section of the Code.

FUNDING FOR POLICE BODY CAMERAS

Trustee Zollo noted as Chairman of the Tarrytown Police Reform and Reinvention Committee Collaborative, he noted that the Village is now in possession of the police body worn cameras. After the killing of George Floyd, Governor Cuomo put forth Executive Order Number 203, requiring all police agencies in the state to form a Reinvention and Reform Collaborative Committee. The Village is in the midst of doing that now with himself and Trustees Brown and Rinaldi along with a steering committee, which are members from faith based ministers, from the DA's Office, and from our Administration and Police Departments. And there's about 20 members of citizens who volunteered to be on the committee. Between the Steering and Stakeholders Committee, we have about 30 people. The police survey that we spoke about earlier in the meeting will be incorporated into the plan that will be developed by the end of this year. A draft plan will be put before the Board of Trustees and then before the public for the public to immerse themselves in it and to get involved in it so that we can come up with a final plan, probably by the end of March to be submitted to the state in April. One of the things that the

Board did unanimously was the vote on September 8, to purchase body worn cameras for the police department. It is the position of the Tarrytown Police Department to implement the use of the body worn audio video recording systems to obtain unbiased objective views of officer's encounters during interactions while performance of their duties. It is to protect the police officers and the public, complete transparency. The Board authorized the expenditure of \$250,000 over a period of five years. That's for the purchase of cameras and for the storage of the information. The cameras are in the possession of the Police Department and they will be rolled out to a control group at the end of this month. The entire Police Department will have the cameras out on the street by the end of January. We had two choices, we could have bought a limited number of cameras and the officers would share them or buy enough cameras so that every member of the department has their own. We chose to buy cameras so that each police officer has their own camera. This is a step in the right direction for transparency and trust between the Police Department and the citizens.

Mayor Butler thanked Trustee Zollo and Trustees Brown and Rinaldi and all the members of the committee for hitting the ground running and doing an outstanding job. Other Villages have reached out to Tarrytown asking us for information to help them formulate their police committees.

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED, pursuant to the Board of Trustees authorization on September 8, 2020 for the purchase of the body-worn cameras for the Tarrytown Police Department, the Board of Trustees of the Village of Tarrytown does hereby authorize the funding for this purchase through the use of operating funds, appropriation of surplus, or the future issuance of debt.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON NOVEMBER 16, 2020

Trustee Zollo moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on Monday, November 16, 2020 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee Kim, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 10 of Audited Vouchers in the total amount of \$480,008 to be paid in the following amounts:

General	\$ 255,701.24
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Water	\$ 12,649.31
Sewer Fund	\$ 138.67
Capital	\$ 182,774.37
Library	\$ 15,152.40
Trust & Agency	\$ 13,592.35
Total	\$ 480,008.34

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

Mayor Butler asked Trustee Hoyt to report on the Fire Department with regard to the fire in Ardsley, New York.

Trustee Hoyt noted that there was a working fire at a 3-family home on Ashford Avenue in Ardsley. Fire Company 80 (Riverside Hose) and Company 37 (Conqueror Hook & Ladder) were called in. One of our firefighters was injured while pulling hose at the fire scene, but thankfully he is doing fine. It was a huge effort between all the neighboring fire departments, the fire was taken down and contained to that home. He thanked the Tarrytown Fire Department who do a great job and are currently responding to a working fire in Irvington. Mayor Butler thanked all of the firefighters who volunteer their time and effort for the Village of Tarrytown.

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

Terrence Murphy, 20 Kaldenberg Place, noted that he is a lifelong resident and he had questions on the film permitting process. Netflix filmed at the Music Hall two weeks ago for two days and it affected the downtown. There didn't seem to be any enforcement until the residents called Village Hall. We received notice that we were going to lose parking for two days starting at 6 a.m. He is a volunteer firefighter for almost 30 years now. He went to a fire call and when he got back at 3 a.m. all the parking on the street was taken. He called the police, they addressed the situation and within an hour, the film company took all the parking back. He believes that the film company are guests and they are not treating our Village respectfully. He thinks the impacts to the residents when this happens is atrocious. This needs to be thoughtfully considered how they do this in the future. The film company left and our neighbors had to call Music Hall because they left a mess. He would like the Village to look at the film permitting process so this doesn't happen again and to minimize the impacts to the Village residents. He agrees with a lot of the people who spoke earlier with regard to development that is happening in the Village at a number of locations. We really need to put a lot of thought on how it is going to affect the future of the Village.

Mayor Butler noted that regarding the film permit, there are some positives and some negatives and he is aware of what happened and have asked the Village Administrator and the Village Clerk to prepare an after action report. We want to let the executives at Netflix know the positive and negative issues during their filming in Tarrytown and how they plan to fix it moving forward.

Administrator Slingerland, thanked Mr. Murphy and other neighbors for sharing the problems they experienced on Kaldenburg Place with the film company. A lot of the things that happened were not authorized by the Village and we actually spoke to the film company in advance to prevent it and they flat out broke the rules. We talked about this with the Police Chief. As the Mayor said, we are going to prepare an after action report that we will be sending to the film company.

Peter Bartolacci, 67 Miller Avenue, asked if Con Edison has a schedule as to when the old utility poles will be removed. It's bad enough that they put a pole almost twice the size right in front of his house. But now for several months, we have the new giant pole and the old pole in front of our house. Assistant Administrator Ringel noted that he will follow up with DPW and with Con Edison and get back to Mr. Bartolacci.

John Jolly, 68 Main Street, noted that a few months ago, the parking was changed from Windle Park down to White Street from two-hour parking to on-street parking orange sticker. He believes that the spaces are under-used and thinks the spaces should not be designated as on-street parking and go back to two-hour parking for general use by the public.

Administrator Slingerland, noted that he will discuss this with the Police Department and see if we can do something to help the parking situation.

Trustee Brown noted that she would like to say something as a resident. We heard a letter from Linda Viertel tonight and then we heard some comments about her. Anybody who enjoys the RiverWalk in this Village, owes much of it to Linda Viertel who spearheaded that project for a decade or so and helped us with funding and planning. She's done more for the Village of Tarrytown than people know.

Mark Fry, 36 S. Highland Avenue, Ossining, New York, noted that he has worked on his presentation on the 29 S. Depot Plaza project for the benefit of the Board for about 40 hours to do a 10 minute PowerPoint and then he is told that he has 3 minutes to present it. It's just not possible. He asked the Board to revisit the whole issue of how long the public can comment. There might be a way to allow for a 10 minute presentation, so that we can go through, in an organized way, a lot of complex material. We would also like the ability to share our screens.

Mike Love, Main Street, noted that the Village sent out a postcard for the police survey. He thinks that's awesome. Why not send out a postcard and/or an email with a survey monkey about the S. Depot Plaza project to get a full understanding of what the community feels about it. He thinks the police cameras are awesome for the cops. The parking mentioned on Main Street does get utilized, but if the Village wants to use it during the day, that would be great.

Katy Krider, 42 N. Washington Street, noted that Zoom is not working for everyone. We can't see other people speaking and the Board can't see the public. She believes that Trustee Brown misunderstood what a lot of people were asking for. They were asking for more time for themselves to get educated on the South Depot Plaza project before you jump into these hearings. We want more information and want to understand what's there and what's missing. After researching this project, she found out that this project kept on morphing. She is looking for the 2013 traffic study, she can't find it. At the Planning Board meetings, we were not able to finish saying what we needed to say because 3 minutes is really not enough time to talk about it. She wants to make sure that the Board is really hearing the public and that Zoom is the right way to do this. Maybe it's the way the Village has structured Zoom because it doesn't seem to be working.

Mayor Butler, noted that he understands this is not the normal process on how the Village holds its meetings, but during the pandemic, right now this is the best we can do. Right now the number of positive cases are increasing in Tarrytown. Until we have a vaccine and until everyone is safe, this will be the forum to hold meetings because life is very precious and life is at risk. Please know that we do hear you, the communication on Zoom seems to be good. Hopefully, in the near future, we can go back to doing business like we did in the past.

Trustee Rinaldi, noted that he agrees that there is something lost by not meeting the person, however, in his 2 years that he has been a Board member, we have had much more participation from the public since Zoom, which has been great.

#### ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned at approximately 9:57 p.m. by vote of seven in favor, none opposed.

Carol A. Booth  
Village Clerk

STATEMENT FROM HOWARD SMITH RE 12/7/20 BOT MEETING

RECEIVED  
DEC 14 2020  
TARRYTOWN VILLAGE CLERK

The notion of compromise seems to have taken quite a beating in the world around us. But perhaps the stakeholders in this project are capable of arriving at one in the spirit of Mayor Butler's motto of "united, understanding, and respect." I would like to offer some food for thought towards that end.

There would appear to be three primary stakeholder groups representing underlying interests that are not totally in conflict:

- 1) The owner and the developer are understandably attempting to optimize return on investment. Yet neither of them lives here, so they will not personally have to deal with the impact of a building on that scale (which is about 50% longer than any stretch of buildings in the riverfront area and 50% higher than existing zoning allows). It is not unreasonable to expect someone seeking a zoning amendment of this significance to show some sensitivity to public concerns regarding the impact.
- 2) Village officials would like to see some revitalization of the area in a manner that increases the diversity and affordability of housing in the community and that results in increased tax revenue. There is justification, given that the property is arguably underperforming in terms of its best use and tax revenue generating potential. However, the Village has a well-established history of wisely requiring developers seeking zoning amendments to provide significant and proportionate benefit to people who already live in the community, not just those who would be moving in. Plus, the TOD concept has yet to be tested in the river town communities above Yonkers.
- 3) Public sentiment is overwhelmingly opposed to the project as proposed. These concerns include mass and height of the building, dwelling unit density, parking, environmental considerations, traffic and school age children implications that will exacerbate the substantial impact on the station area and the schools of the Edge on Hudson development, and the precedent that will be set for future development\*. People are not opposed to all new development ... just to projects on a scale that is so out of character with the community.

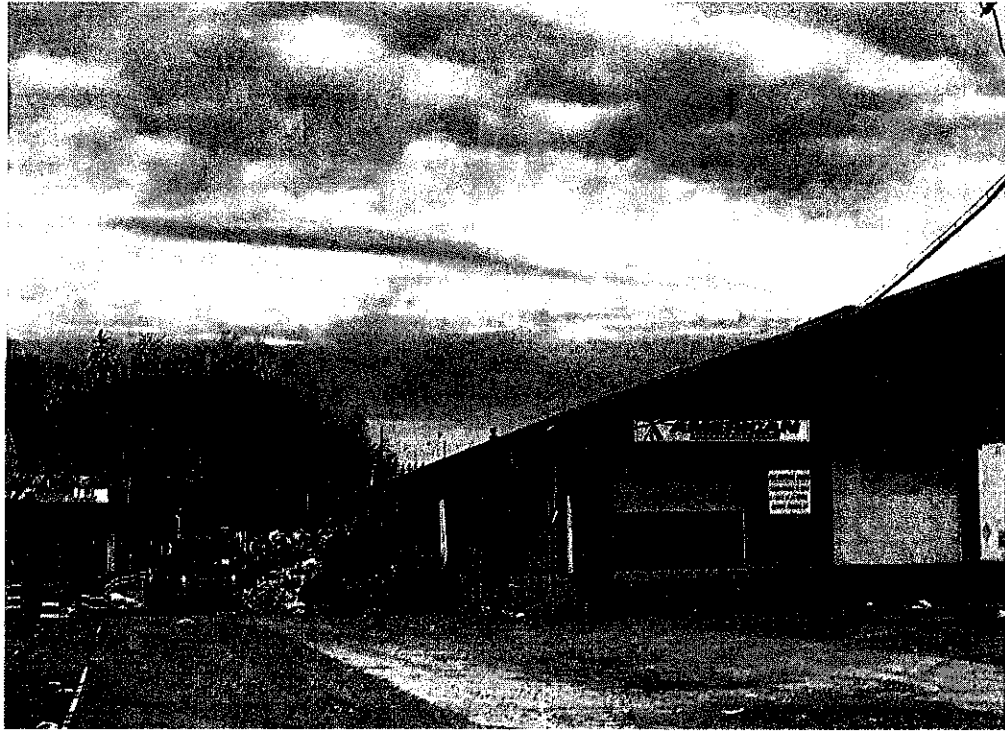
The first thing you see when you pull up the developer's website is the Yonkers waterfront. We are a Village, not one of the Big Five cities in NY State. A "Big box" project is not exactly the ideal poster child for the village's first foray into Transit Oriented Development. Perhaps a more appropriate course of action at this stage would be for the Board of Trustees not to move forward with a public hearing on the requested zoning amendments. You already know what you will hear, which is continued expression of questions and concerns that have not yet been adequately addressed ... even if people only have three minutes to express them and are confined to disembodied Zoom boxes in the process. Instead, how about deferring the public hearing process and encouraging the Planning Board to work with the property owner and developer to come back with a more sensitively scaled and designed, lower density, mixed use proposal. Perhaps a three-story residential structure above self storage that allows for some kind of view corridor along its expanse?

Developers typically overreach with the scope of their proposals. In this case it appears as if the mass of this project has been arbitrarily dictated by the existing 300-foot-long slab and the maximum 60-foot height limit set by the Village. This developer's all or nothing protestations aside, can he seriously argue that trading a second level of self storage for three levels of housing in a 40ish-ft-tall four-story building is financially untenable at the rents he is proposing? Since two less aggressive proposals were previously submitted, it is reasonable to assume that the owner believed they were financially viable.

A compromise such as this could still advance the owner's and developer's interest in generating a reasonable profit while at the same time advancing the Village's goals and addressing many of the concerns that have been expressed by the public. It would avoid delays caused by litigation and reassure citizens that this process is being done with them, not to them.

#### \*Ongoing Concerns

- There is no single building anywhere in the station area that is close to being 300 feet long and the only buildings as tall or taller than the proposed building are 2 HUD towers which did not have to comply with local zoning requirements.
- The 75 dwelling units per acre density of the proposal is unprecedented and "somewhat disproportionate" according to the 6/11/20 Chazen Technical Report.
- Parking availability relies upon theoretical TOD assumptions about personal vehicle ownership, that are not necessarily aligned with the actual driving need realities of people living in the village, and upon an agreement granting use of property owned by the MTA that has not yet been finalized.
- Traffic implications do not consider a July 2016 VHB preliminary traffic analysis projecting a 25% increase in traffic volume for that area based upon several station area development scenarios. Just saying that Edge on Hudson, which provides parking for about 3400 vehicles, is in Sleepy Hollow doesn't mitigate its impact.
- One of the school age children assumptions results in a net cost in excess of revenue for the same school district that is already facing a net cost in excess of revenue for the 217 students that Edge on Hudson is projected to generate.
- The height and mass of the building were misrepresented in the viewshed analysis material provided by the developer and the analysis did not include several important public viewpoints in the vicinity.
- Environmental concerns not fully addressed in moving to adopt a Negative Declaration have been expressed, including the fact that the slab will be disturbed to a significantly greater degree than originally disclosed.
- It will set a precedent for other new development projects on this scale, most likely starting with the neighboring Depot Plaza property. Does anyone seriously believe the 29 South Depot Plaza project, consisting of apartments that will rent for up to \$4100/month, would be pursued if the owner of the neighboring Lot 39 property plans to continue operating as is? (see photo below) Does anyone seriously believe it was simply a coincidence that the Lot 39 property was purchased a few months after Ferraro purchased Lots 37 and 38 by someone who is well known to the extended Ferraro family?



RECEIVED

DEC 14 2020

TARRYTOWN VILLAGE CLERK

December 14, 2020

TO: Village Board of Trustees

RE: Request to Provide an Opportunity for Citizen Group Conversation with Trustees

I am requesting that the Trustees create an opportunity for a small group of concerned citizens to meet with them, perhaps during a work session, for the purpose of engaging in a thoughtful conversation regarding the issues that have been raised relative to the 29 South Depot Plaza proposal. The goal would be to discuss the implications of these issues from multiple perspectives so that the Trustees will have a better sense of what approach to developing this site might generate more broad-based community support.

In voting to move forward with a Public Hearing on the TOD zoning amendment, Trustees made reference to the long period of time that has already been devoted to discussing the proposed project. However, it is important to note that, according to Planning Board meeting minutes, the current proposal with the increased height to 60 feet and the increased density to 88 units (75/acre) was referenced for the first time during their regular meeting of February 24, 2020. Up until that point, members of the public had not been expressing much concern because the impression was that the mixed use concept was in a lower density exploration phase and that nothing being discussed would be taller than the Hudson Harbor buildings.

Although the onset of the pandemic set everyone back for a little while, the record shows that public expressions of concern began to grow steadily in response to the final proposal as we moved through the summer into the fall. Yet, at their November meeting, without providing any direct response to the unusually large volume of concerns expressed by the public, a Planning Board member read a prepared statement and then two other members joined her in voting to send the proposed zoning amendment to the Board of the Trustees (over the strenuous objections of the two other Planning Board members).

This experience has led members of the public who have been following the process to fear that they may be facing the same treatment by the Board of Trustees via your public hearing process for the 29 South Depot Plaza proposal. We will be reduced to trying to cram everything we have to say into a single three-minute comment opportunity, isolated from each other as well as the trustees, by the confines of a Zoom box. We can follow up with letters to you, but if our experience to date is any indication, we cannot expect to have our letters and questions even acknowledged, let alone addressed. The lack of any response from Trustees during the hearings, along with the lack of response to our letters, will leave us feeling like our efforts to communicate are being sucked into the same black hole that characterized the Planning Board's review process. Under these circumstances, the only recourse left to members of the public is either to simply give up or to take a more vigorous course of action ... and the community will not give up.

At present, we seem to be headed for a situation that will result in one of two extremes, neither of which is good for the community. One would be that the village Boards eventually just roll over public concerns and approve the project as currently proposed, generating widespread

resentment that will make any further exploration of higher density mixed use development even more challenging. The other is that the ongoing community concerns will eventually result in the entire mixed use concept being abandoned in favor of a two-story self storage building, resulting in a serious setback to further exploration of the mixed use development concept.

Rather than limiting yourselves solely to the inevitable barrage of three-minute comments, which will almost universally be negative, the situation begs for you to exercise some leadership in creating an opportunity for a dialogue. Inviting a small group of concerned citizens to engage in thoughtful discussion with you regarding an approach to development of 29 South Depot Plaza might leave community members feeling like their views are actually receiving consideration. The result could be a consensus-based outcome, rather than an outcome that is imposed on the community. It is my hope that you will give serious consideration to this request during your upcoming December 16 work session.

Sincerely,

Howard Smith



D. Beil  
12-7-2020

# **Why Not Meet 12/21?**

**1/ Material Mistakes**

**2/ Results of Balloon Test**

**3/ Franklin Court Notification**

**4/ GEIS**

**5/ Holiday Season**

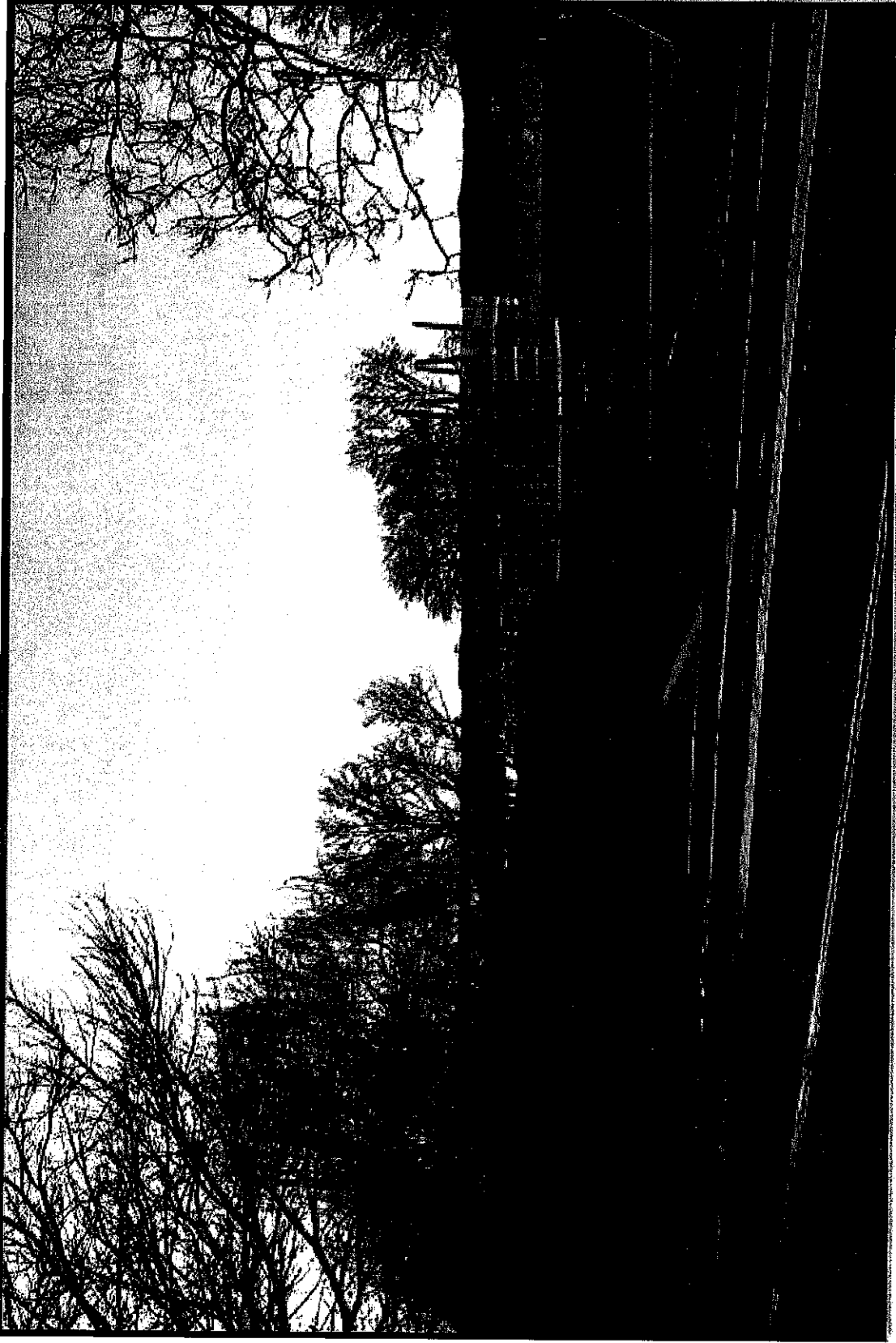
# **Material Mistakes**

**1/ Foundation Excavation**

**2/ LEAF on Website**

**3/ Grossly Mis-Pictured Height**

**4/ Neighborhood Notice**

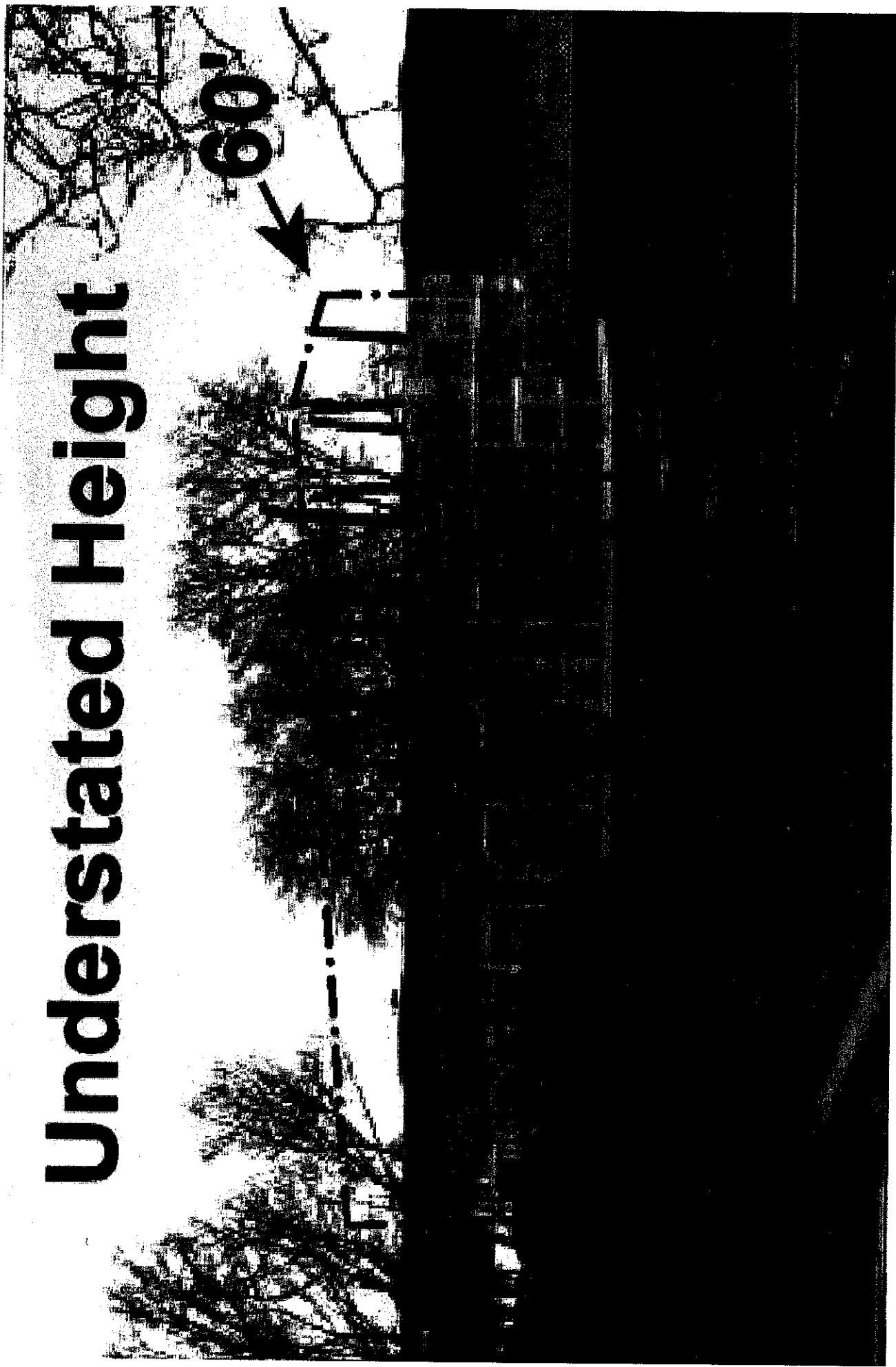


*The building depicted in this exhibit is representation only, the specific design will be prepared as part a specific site plan review process.*

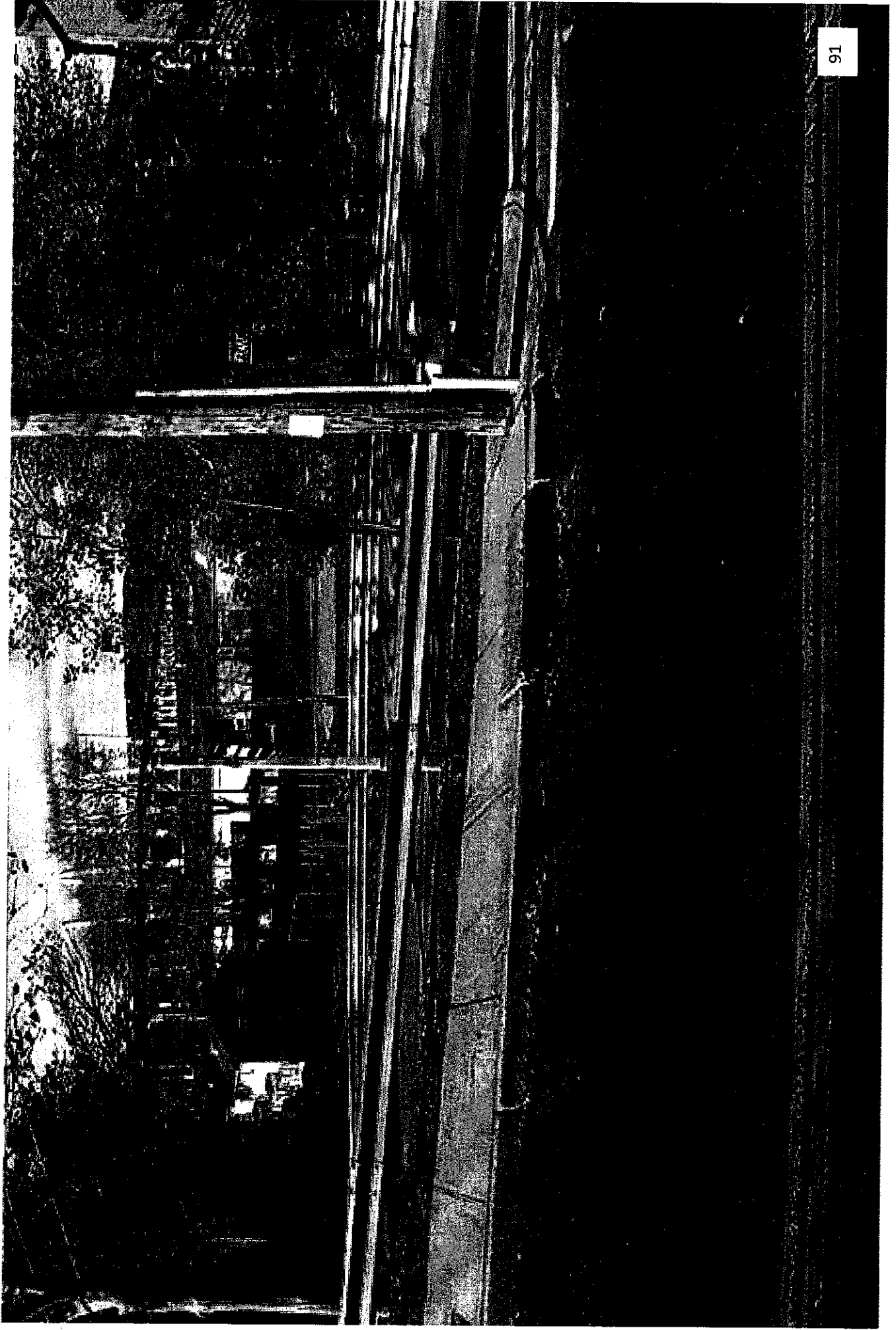
## Exhibit 6

### Photo-rendering from Franklin Court/Franklin Street Intersection

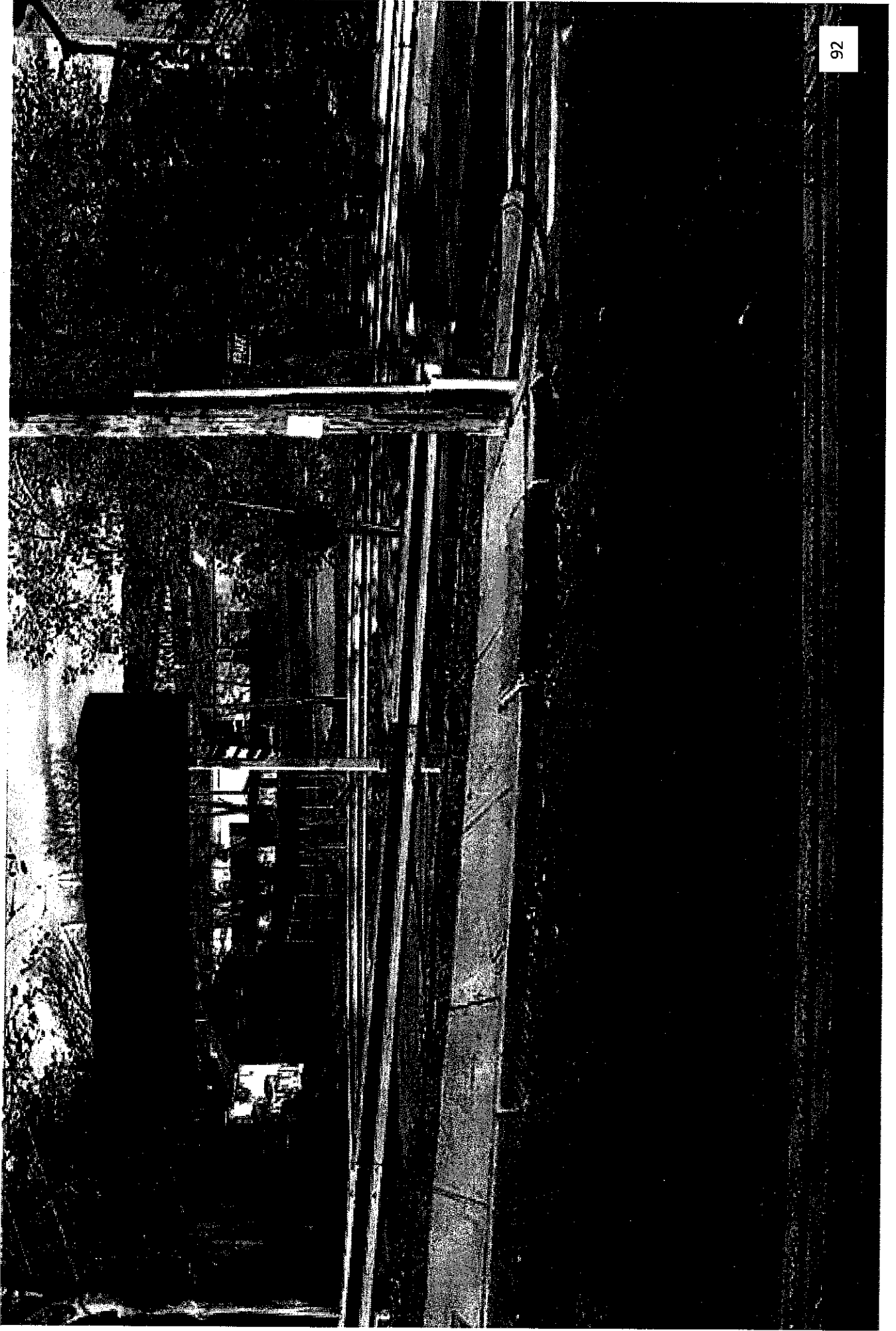
# Understated Height



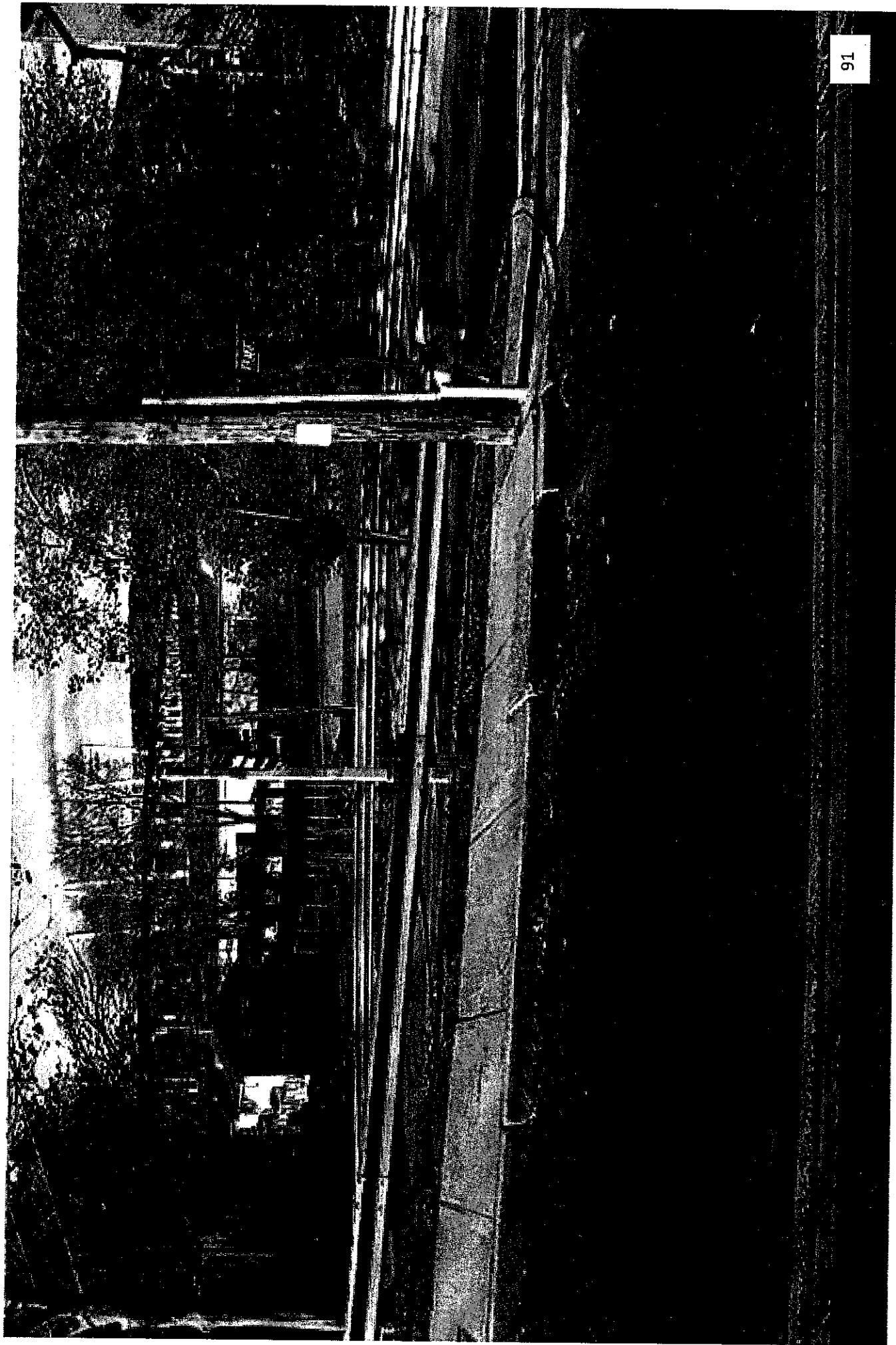
## W. Franklin Current Public View



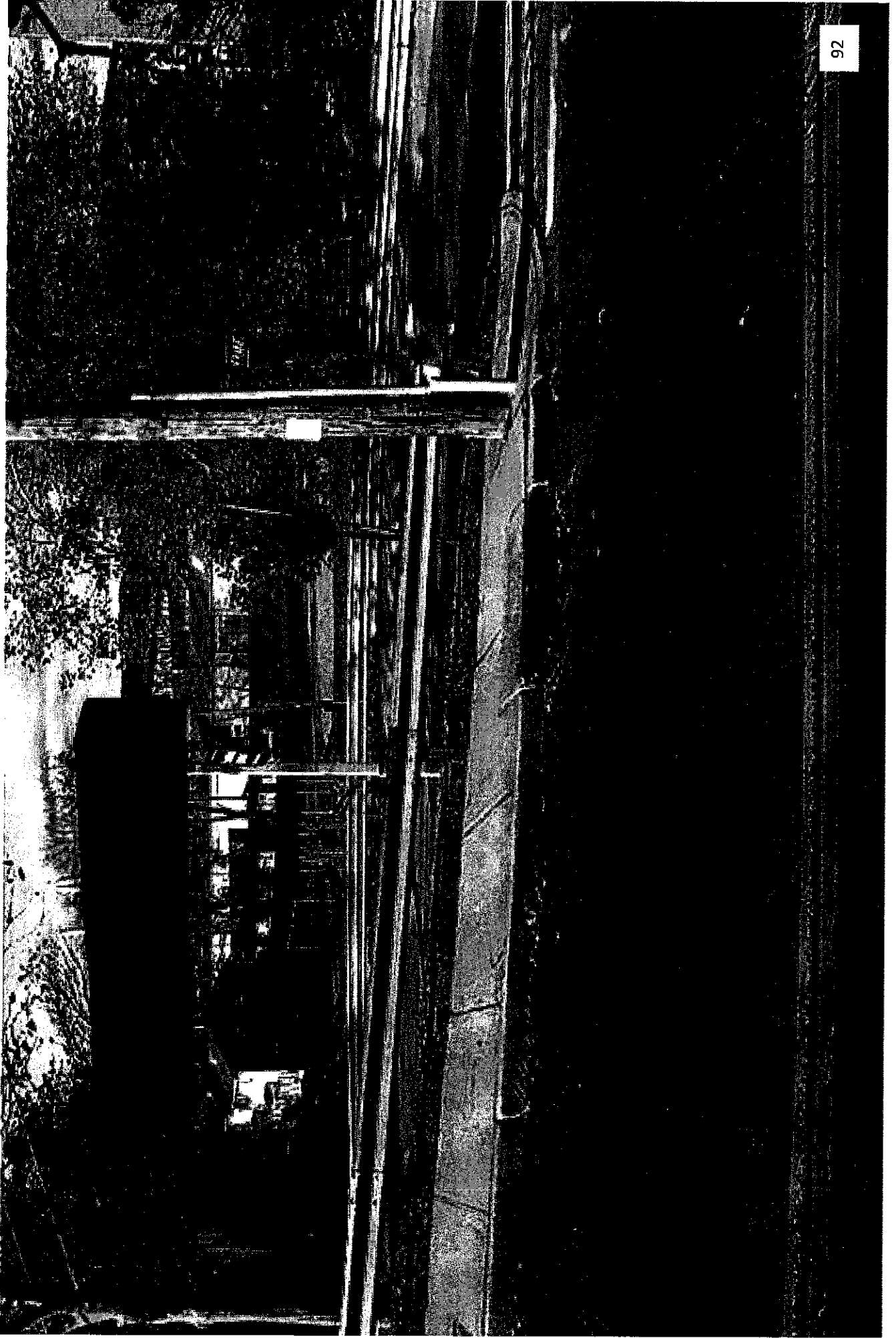
## View Blocked by 60' Structure



## W. Franklin Current Public View



**View Blocked by 60' Structure**





# Franklin Court Development

## (Announcement After the Holidays)

From: wil.tmha@verizon.net [mailto:wil.tmha@verizon.net]

Sent: Monday, December 7, 2020 9:26 AM

To: dolf@kw.com

Cc: [REDACTED]

Subject: FW: Message

Good morning Dolf.

As I mentioned during our conversation this morning, we are in the beginning stages of developing the land. Therefore, it is imperative that this is handled in certain steps outlined by HUD.

Our tenants are our first priority and we will be informing them after the holidays.

Although rumors are starting to flow, the Tarrytown community, outside of this development, will be properly notified with the correct information going forward according to our schedule.

Although I don't mind discussing this process with you, I must respectfully ask that all further communications between us stay confidential.

Thank you very much.

Wil Gonzalez

### Dolf's Comments:

**100% Affordable**

**Exempt from Tarrytown Regs**

**Can Build 20 Units "By Right" per Tarrytown Zoning**

**That Equates to 200 Units of "At Market" Housing**

**29 SDP Could Use Up "Scarce Resource"**

# DEC - GEIS Needed

A generic EIS may also be the most effective way for an agency to assess potential significant cumulative impacts from two or more small projects that individually do not have a significant impact on the environment.

GEIS for  
2 or More  
Projects



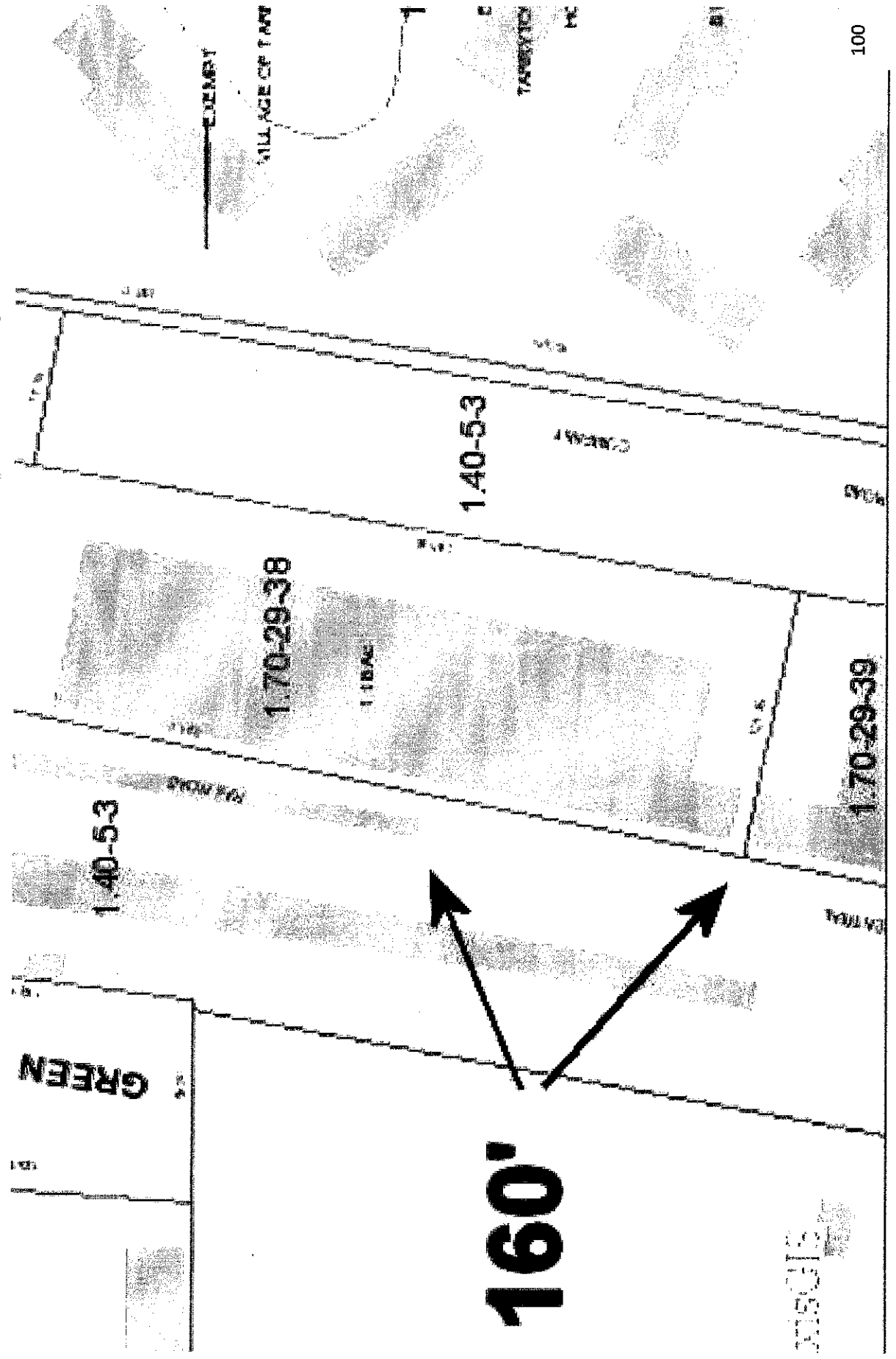
Segmentation  
is Not Allowed



Is there a common geographic location involved?

# Contiguous Properties - 29 SDP & Lot #39

(Extend Platform 60' for "By Right")



# **Why Not Meet 12/21?**

**1/ Material Mistakes**

**2/ Results of Balloon Test**

**3/ Franklin Court Notification**

**4/ GEIS**

**5/ HAPPY HOLIDAYS**

David Barnett 12/7/2020

# 29 South Depot Plaza is not in conformance with the 3 references to “Height” and “Stories” in the Comprehensive Plan

<b>1</b> Heading: Public Workshops, Economy/ <b>Built Environment</b> - Session 1		
<ul style="list-style-type: none"><li>• Unique sites<ul style="list-style-type: none"><li>○ Anywhere there is one-story, make it two</li></ul></li></ul>		
Comprehensive Plan page 134		
<b>2</b> Heading: Public Workshops, Economy/ <b>Built Environment</b> - Session 1		
<ul style="list-style-type: none"><li>• If build up, how high?<ul style="list-style-type: none"><li>○ 3 – 5 stories on Broadway/Main</li></ul></li></ul>		
Comprehensive Plan page 135		
<b>3</b> Heading: Economy		
<b>Goal / Policy</b>	<b>#</b>	<b>Action</b>
<b>2. Nurture an attractive and resilient business environment</b>		
b. Promote dynamic <u>office districts</u> to attract and retain businesses	2.b.i	2. Restricted Retail (RR): <u>evaluate</u> the opportunity to support greater density utilizing increased height limitations for dwelling space above business uses, especially along N Broadway. Permit incubator spaces and pop-up uses, including temporary use of vacant storefronts; study and amend the range of permitted uses; <u>study incentives</u> to reduce long-term storefront vacancies
Comprehensive Plan page 118		

# Concerns

- 1/ Development Surge
- 2/ Traffic / Environment
- 3/ COVID-19 Paradigm Shift
- 4/ Financial Impact
- 5/ Comprehensive Plan
- 6/ Unintended Consequences

*Munk Dy*  
*12/7/2020*

# Housing Units

<u>Site</u> <u>At PB or Approved</u>	<u>#</u>	<u>% Inc</u>
Artis	64	
Sunrise	85	
29 S. Depot	88	
YMCA	109	
39-51 Broadway	80	
Hudson Harbor	<u>30</u>	
TOTAL	456	10%
<u>Verbals</u>		
Phase 3	100	
Hudson Harbor	<u>66</u>	
TOTAL	166	4%
<u>SAO</u>		
At 29 SDP Density	887	19%
	=====	=====
GRAND TOTAL	1,509	32%

# Tarrytown's Population

## Historical population

Census	Pop.	%±
1960	11,109	—
1970	11,115	0.1%
1980	10,648	-4.2%
1990	10,739	0.9%
2000	11,090	3.3%
2010	11,277	1.7%
2019 (est.)	11,370 [3]	0.8%
U.S. Decennial Census [15]		



# Traffic Problem

**Table 1** shows the additional traffic projected to be added to the study intersections by the above projects.

**Table 1- Hourly Traffic Volumes by Other Developments**

	AM	PM	Sat. MD
Willey St./ Cortlandt St./ Division St.	51	83	107
H-Bridge (Railroad Av./ Division St.)	386	434	509
Cortlandt St./ Main St./ Depot Pl.	369	428	562
Franklin St./ Depot Pl./ White St.	282	318	408
Broadway/ Willey St.	10	15	22
Broadway/ Central Ave.	10	15	22
Broadway/ Main St.	67	80	108
Broadway/ Franklin St.	321	360	452

As can be seen from Table 1, other projects in the area are projected to add as many as 560 peak-hour trips to some of the study area intersections. Certain traffic improvement measures are tied to these projects to reduce the impact of these increases.

- Current development results in **MORE THAN 560 trips / hour**
- 2016 Traffic Study needs to be updated!

# Tarrytown Lawsuit vs. Sleepy Hollow Dismissed

The exclamation points are flying in emails about the "exciting" news to hit Sleepy Hollow yesterday. The lawsuit Tarrytown filed to halt GM site development was dismissed by Westchester County Supreme Court.

By Krista Madsen, Patch Staff **P**

Sep 13, 2012 5:30 pm ET | Updated Sep 13, 2012 7:37 pm ET

Tarrytown had filed a lawsuit against Sleepy Hollow for allegedly failing to take a "hard look" or make sufficient **mitigation efforts at the traffic and environmental impacts** the project would have on its neighboring village.

# DEC - GEIS Needed

A generic EIS may also be the most effective way for an agency to assess potential significant cumulative impacts from two or more small projects that individually do not have a significant impact on the environment.

**GEIS for  
2 or More  
Projects**



**NegDec  
Now is  
Improper**

Issuing a negative declaration and then requiring the project sponsor to conduct studies to determine the magnitude of an impact is improper.

Is there a common geographic location involved?

**Segmentation  
is Not Allowed**



# Here's how the coronavirus pandemic is affecting public transit

*Plunging ridership, service cuts, and deep cleanings: Here's what you need to know.*

Major changes also extend to daytime subway service with the MTA Essential Service Plan, which slashes train and bus service across its network.

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## New York Faces \$59 Billion Revenue Shortfall

Gov. Cuomo says services will be cut and taxes will increase if Congress doesn't pass another relief package

# Financial Impact

## Franklin Court Phase 3

Zoning Allows	91
Current Units	<u>70</u>
Difference	21
Planned	100
New Students @ Planned Density	43
PILOT	\$66,602
Current Students	30
PILOT / Student	\$2,220
TUFSD's Cost / Student	\$22,652
Shortfall / Student	\$20,432
Shortfall @ Planned Density	\$878,573
(Excludes **ALL** Other Municipal Services)	

## Comprehensive Plan

### 3 References to “Height” and “Stories” NO Hint of Height Change

- If build up, how high?
  - 3 - 5 stories on Broadway/Main
  - Anywhere there is one-story, make it two

2. Restricted Retail (RR): evaluate the opportunity to support greater density utilizing increased height limitations for dwelling space above business uses, especially along N Broadway. Permit incubator spaces and pop-up uses, including temporary use of vacant

# Unintended Consequence



Main Street Consulting  
36 South Highland Avenue  
Ossining, New York 10562

December 7, 2020

Mayor Thomas Butler and Members of the Board of Trustees  
Village of Tarrytown  
One Depot Plaza  
Tarrytown, New York 10591

Re: **Notice of Failure to Properly Notice a Public Hearing Regarding:**  
Lexington 202 Group, LLC and Collins Enterprises, LLC  
29 South Depot Plaza  
Tax Lot Section 1.70, Block 29, Lot 38

Dear Mayor Butler and Members of the Board,

As you have witnessed, a large number of concerned Tarrytown residents have joined a growing grassroots movement to protect the historic character of the village. I am writing on behalf of those residents.

Main Street Consulting was recently asked by these Tarrytown residents if we would donate our professional services to complete a professional review of the all submissions by the applicant to the Planning Board under SEQRA and under the Village of Tarrytown Zoning Code and further to determine:

**“Was the Public Hearing held on November 23, 2020 at the Tarrytown Planning Board properly noticed as required by local law?”**

We agreed to do so, and proceeded to carefully review the latest Notice of Public Hearing which is dated August 16, 2019. We also observed and photographed the Notice of Public Hearing sign which was erected by the Applicant on November 13, 2020.

Based on my review, I concluded that the Notice of Public Hearing described the wrong project, and that the Notice of Public Hearing sign had been posted on the wrong property.

I wrote a letter dated November 23, 2020 to Chairman Friedlander and the Members of the Planning Board informing them that due to very serious errors by the Applicant, the proposed public hearing had not been properly and legally noticed, and that therefore the hearing could not legally be held. Kindly review that letter and attachments, which I have enclosed herewith.

I received no response whatsoever, and the public hearing was held in violation of local law. We have consulted with a collegial land use counsel who has examined the evidence we provided and confirmed that the hearing was indeed improperly noticed.



Counsel further informed us that anything heard or decided at that improperly noticed hearing must by law be treated as a nullity. In other words, all actions taken at that Planning Board meeting, including the Negative Declaration under SEQRA, and the recommendation to your Board must be set aside until this threshold issue is addressed and rectified

The matter must be returned to the Planning Board, and the application before the Planning Board must be adjourned until proper notice, as defined in the code, reprinted in its entirety below, has been given.

For your convenience I have reproduced Section 305-111 below in its entirety:

Village of Tarrytown Code, Chapter 305. Zoning  
Article XIV. Administration and Enforcement  
§ 305-111. Notice of Public Hearing.

- A. All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail to all owners within 100 feet of the property and to any other such persons as the applicable Board may deem necessary, all at the expense of the applicant. Property owners entitled to notice shall be those listed as owners on the record in the Village of Tarrytown Tax Assessor's office as of the date of mailing. The written notice shall contain information equal to the notice published in the newspaper, and proof of mailing receipts must be furnished prior to the public hearing. [Amended 3-7-2016 by L.L. No. 2-2016]
- B. Any person making an application is further required to erect a sign facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held. Such signs shall be obtained from the Building Inspector. Signs are to be displayed for a period of not less than 10 days immediately preceding the hearing date or any adjourned hearing date. The sign shall not be set back more than 10 feet from any property or street line and shall not be less than two feet or more than six feet above the grade at the property line. Said sign shall be affixed to a suitable frame which will assure visibility from the street at all times.
- C. At the commencement of the public hearing, the applicant is required to file an affidavit which states that the aforementioned public notice requirements have been complied with.
- a. The affidavit shall provide the name of the applicant and the location of the property and must state the following:
  - b. That he/she has read and is fully familiar with the requirements of § 305-111 of the Tarrytown Zoning Code and that in accordance therewith he/she has caused written notice to be sent by certified mail, return receipt requested, to all interested parties as directed in the Code and has caused a sign which complies with requirements of the applicable section of the aforesaid Zoning Code to be prominently displayed *on the subject property* in the required manner, giving notice to the public of the pending application, the date, time and place of the public hearing.[Emphasis added]
  - c. That the sign has been continually displayed on the property for a period of 10 days immediately preceding the public hearing date.
  - d. That he/she makes this affidavit knowing that it shall be relied upon by the appropriate officials as proof of compliance with the requirements of the Zoning Code of the Village of Tarrytown.
2. The applicable Board shall not proceed with the applicant's hearing unless the aforementioned affidavit has been filed.

**The Notice of Public Hearing issued August 16, 2019 is fatally defective for the following reasons:**

- 1. The Notice of Public Hearing describes the proposed project as a sixty-nine (69) unit, four-story building, when in fact it the Applicant's submissions show it is an eighty-eight (88) unit, five story building.**

The Notice of Public Hearing dated August 16, 2019 describes the project as a **sixty-nine (69) unit, four-story building**.

All of the materials submitted to the Planning Board by the Applicant since February 24, 2020 describe the project as an **eighty-eight (88) unit, five story building**.

That is a substantial material defect. A new Notice of Public Hearing, which accurately describes the subject of the rezoning request must be drafted before any hearing may be held.

Dramatic changes have been made to the proposed project which will dramatically affect both the environmental impacts and the proposed mitigations of those impacts.

These changes include, but are not limited to, adding an entire story of residential construction, adding nineteen additional residential units, changing the mix of unit sizes, dramatically increasing the proposed monthly rental costs, and completely changing the previously proposed architecture to fit the generic factory-assembled-modular-construction that is now proposed.

These are major changes and the resulting additional visual impacts and traffic impacts and fiscal impacts, to name just a few, require that the Applicants draft a new FEAF and draft a new Notice of Public Hearing in order to comply with the SEQRA process and local law.

- 2. The Notice of Public Hearing Sign was not displayed on the subject property as required by Code**

As the attached photographs clearly show, the public notice sign for a public hearing related to 29 South Depot Plaza was posted on a fence at Franklin Towers which is located at 50 White Street. Franklin Towers is owned by the Tarrytown Municipal Housing Authority, and not by the Applicant.

This is not the subject property, and in fact the sign was placed on White Street instead of Depot Plaza.

As per Section 305-111, C. b. above, the Applicant must provide an Affidavit stating that

.."[Applicant] has caused a sign which complies with requirements of the applicable section of the aforesaid Zoning Code to be prominently displayed on the subject property in the required manner, giving notice to the public of the pending application, the date, time and place of the public hearing.*[Emphasis added]*

This clear requirement of Village Code was not met. The sign should have been placed on the subject property facing the public street.

I have attached an Orthophoto Map produced for the Planning Board by its consultants. The Chazen Companies produced the map on June 11<sup>th</sup>, 2020 and submitted it to the Planning Board as part of the Chazen Limited Technical Review Report which is available on the Village of Tarrytown website. The map is presented as Figure 1 on Page 22 of the report.

The map clearly shows the boundaries of Parcel 1.70-29-38 in bright red outline.

It is clear from the Orthophoto Map and the three photographs of the sign attached that the sign is placed on Parcel 1.70-29-34, which is owned by the Tarrytown Municipal Housing Authority.

This alone is a fatal defect under Village Code Section 305-111.

**3. Notice of Public Hearing names wrong Applicant:**

The Notice of Public Hearing sent on August 16, 2019 describes the applicant as "Lexington 202 Group LLC."

From February 2020 through the present, the applicant's attorney has consistently described the applicant as "Lexington 202 Group, LLC and Collins Enterprises, LLC. (the "Applicants")"

The Notice of Public Hearing completely omits the Collins entity. This is a material defect

**Based upon the foregoing, the Planning Board must rule that the Applicant failed to properly notice the Public Hearing held on November, 23, 2020 and must rescind its Negative Declaration and must rescind its recommendation and referral to the Board of Trustees.**

In addition to the important legal ramifications of the Applicants failure to properly notice a public hearing, we hope that you will seriously consider the following:

**4. Failure to effectively inform the neighbors of the proposed project:**

The closest neighbors of the proposed project are the eighty families that reside at Franklin Towers and the seventy families who reside at Franklin Towers. These 150 families comprising nearly six hundred village residents should have been informed by mailing of the Notice of Public Hearing to each of these households. I have had friends at Franklin Courts since 1986, and in recent visits I was appalled to learn that not a single resident of Franklin Courts or Franklin Towers was aware of this project.

It appears that whoever received the Notices of Public Hearing mailed on August 14, 2019 failed to properly inform the residents of Franklin Courts and Franklin Towers. That must be rectified with a new Notice of Public Hearing mailed to all residents.

As stated in the first line of Section 305-111, above,

*“All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail to all owners within 100 feet of the property **and to any other such persons as the applicable Board may deem necessary, all at the expense of the applicant.**”[emphasis added]*

Regardless of the fact that informing the “owner” of the complex may be seen as legally sufficient, we believe that in any future notices the Planning Board should exercise its legal right to instruct the applicant to send notices by certified mail, return receipt requested to each of the 150 households that live directly adjacent to the proposed project on publicly-owned land.

In addition to the failure to properly notice the public hearing, I found a series of errors and important omissions in the materials submitted by the Applicant. Kindly refer to my letter dated November 23, 2020 addressed to the Planning Board with the subject line: “Completeness Review of Applicants Submissions” for a comprehensive description of the most important omissions.

#### **5. Failure to accurately portray the visual impacts of the proposed project.**

We hope that you will also very seriously consider the visual impacts of this proposal.

After visiting the site and the surrounding area daily in the last month and viewing the site from every conceivable vantage point, I can assure you the visual impact of this proposed massive, five-story-tall, three-hundred-foot-long building will be severely negative.

Our preliminary view impact analysis shows that the residents of the Franklin Courts and Franklin Towers Neighborhood will be severely impacted by the proposed construction if the Board of Trustees should approve this unfortunate proposal.

You should all be aware that the current existing one-story building on Lot 38 is 19 feet and 10 inches tall (hereafter 20-foot-tall) measured from the existing grade to the peak of very shallow-pitched roof. I know because I measured it myself yesterday with a steel surveyor’s measuring tape.

So please know that the existing building on Lot 38 is 20-feet-tall and it is not 35-feet-tall as has been repeatedly reported in error by the applicant and several of his consultants in at least eight of their submissions. This error has also been frequently repeated in the Planning Board Minutes of this proceeding.

It is the building on Lot 39 which is 35-feet-tall, not the building on Lot 38, which is 20-feet-tall. All of the building sections drawings produced by Collins Enterprises’ Architect Do Chung must be corrected.

Due to the low height of the existing steel building, which was built in 1967, most of the Franklin Courts residents now have beautiful views of the Mario Cuomo Bridge, especially from the two public playgrounds which bookend those fourteen housing clusters.

If this proposed building which is to be sixty-feet-tall is built, it will be three times as tall as the existing twenty-foot-tall building, and it will completely block the view of the very attractive new Mario Cuomo Bridge for many of the nearly three hundred residents of Franklin Courts.

Our recent visits to several Franklin Towers apartments and our extensive siteline analysis from every conceivable viewing point have showed us that every apartment on the south side of Franklin Towers above the second floor has an attractive bridge and river view.

If you approve this purely discretionary rezoning request and the proposed project is actually built, it will block the river view of every resident on the south side of Franklin Tower who lives between the third and the seventh floor.

**This is a potentially devastating public impact which MUST be disclosed by the applicant in their public presentations and throughout the public hearing process. Photo-simulations must be provided by the Applicant and shown in public. The blocking of hundreds of PUBLIC views should be weighed very heavily in your deliberations.**

We hope that you will agree that the Negative Declaration should be rescinded, and that the Planning Board should instead issue a Positive Declaration, which will require that this proposal receives further study at the Planning Board to evaluate several important newly discovered impacts which have not yet been adequately addressed. .

If after additional hearings at the Planning Board this purely discretionary re-zoning request by this developer is recommended by the Planning Board each of you to the Village Board of Trustees, and the Board of Trustees approves this proposed purely discretionary re-zoning, it will have a devastating effect on Tarrytown's most economically vulnerable neighborhood.

Ultimately, each of you will be personally responsible for taking away the river views of people who, even though they are of modest financial means, have a legal right to have their view shed protected. Why? Because they live on public property owned by a municipal housing authority.

Is that what you intend?

In closing, let me re-state:

- The law is clear.
- Applicant's failure to comply with the law is clear.
- Consequences of a failure in the public input process could be both devastating and permanent.
- We respectfully request that you encourage the Planning Board to acknowledge the Applicant's errors, instruct the Applicant to prepare a new FEAF and to fully comply with Section 305-111, including mailing new Notices of Public Hearing to each of the 150 families who live at Franklin Courts and Franklin Towers .

While we trust that you will as always make the proper and legal decision, I am regretfully required by my clients to inform you that they are prepared to seek immediate judicial review should the need arise, along with a temporary restraining order preventing any further action on this application until this threshold issue is resolved. Please feel free to call me with any questions.

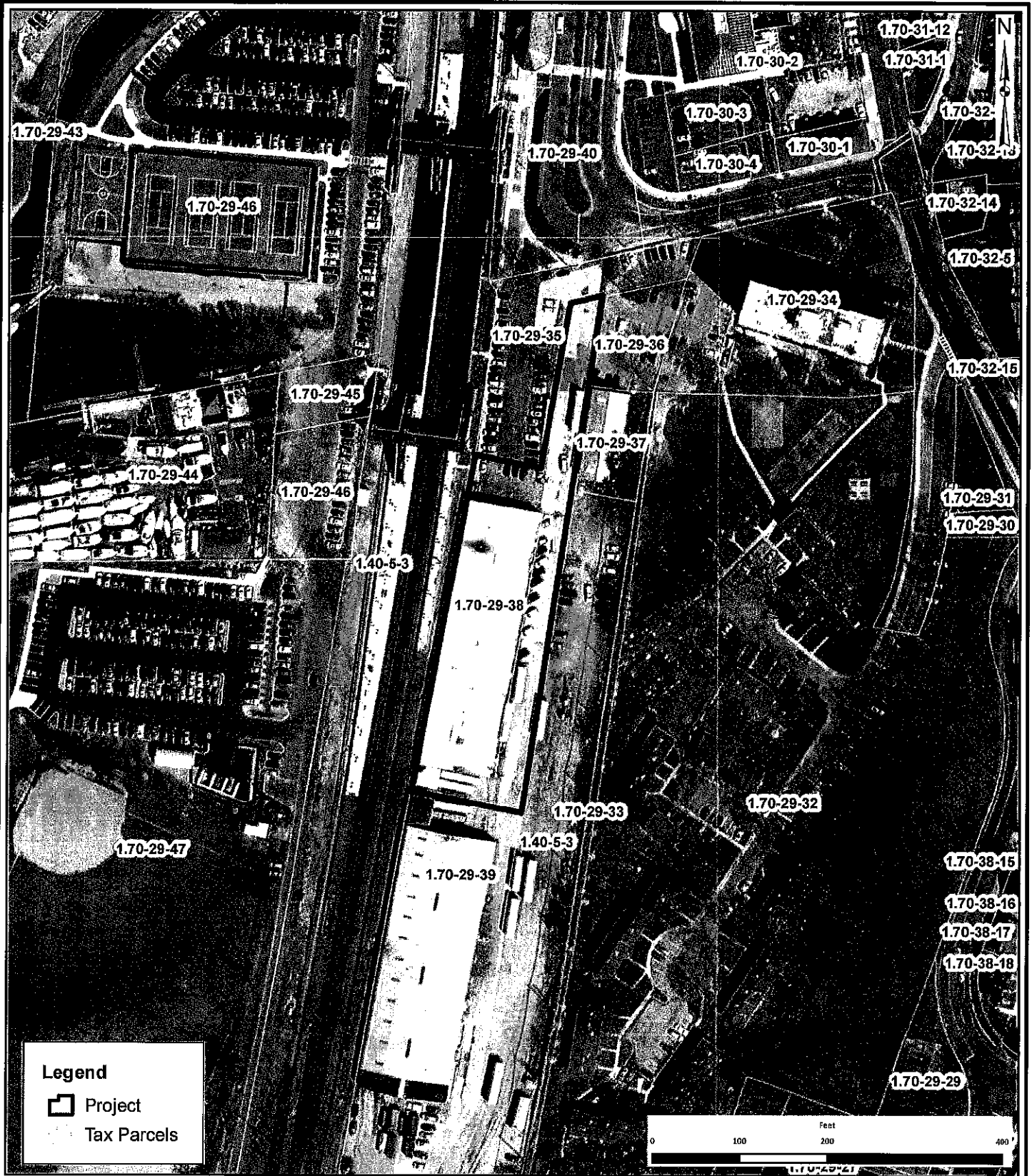
With thanks and best regards,

[Signed]

Mark J. Fry

[markfry@verizon.net](mailto:markfry@verizon.net)

914-772-8628



**THE**  
**Chazen**  
**COMPANIES**

ENGINEERS  
LAND SURVEYORS  
PLANNERS  
ENVIRONMENTAL & SAFETY PROFESSIONALS  
LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
21 Fox Street, Poughkeepsie, NY 12601  
Phone: (845) 454-3980

**Capital District Office:**  
547 River Street, Troy, NY 12180  
Phone: (518) 273-0055

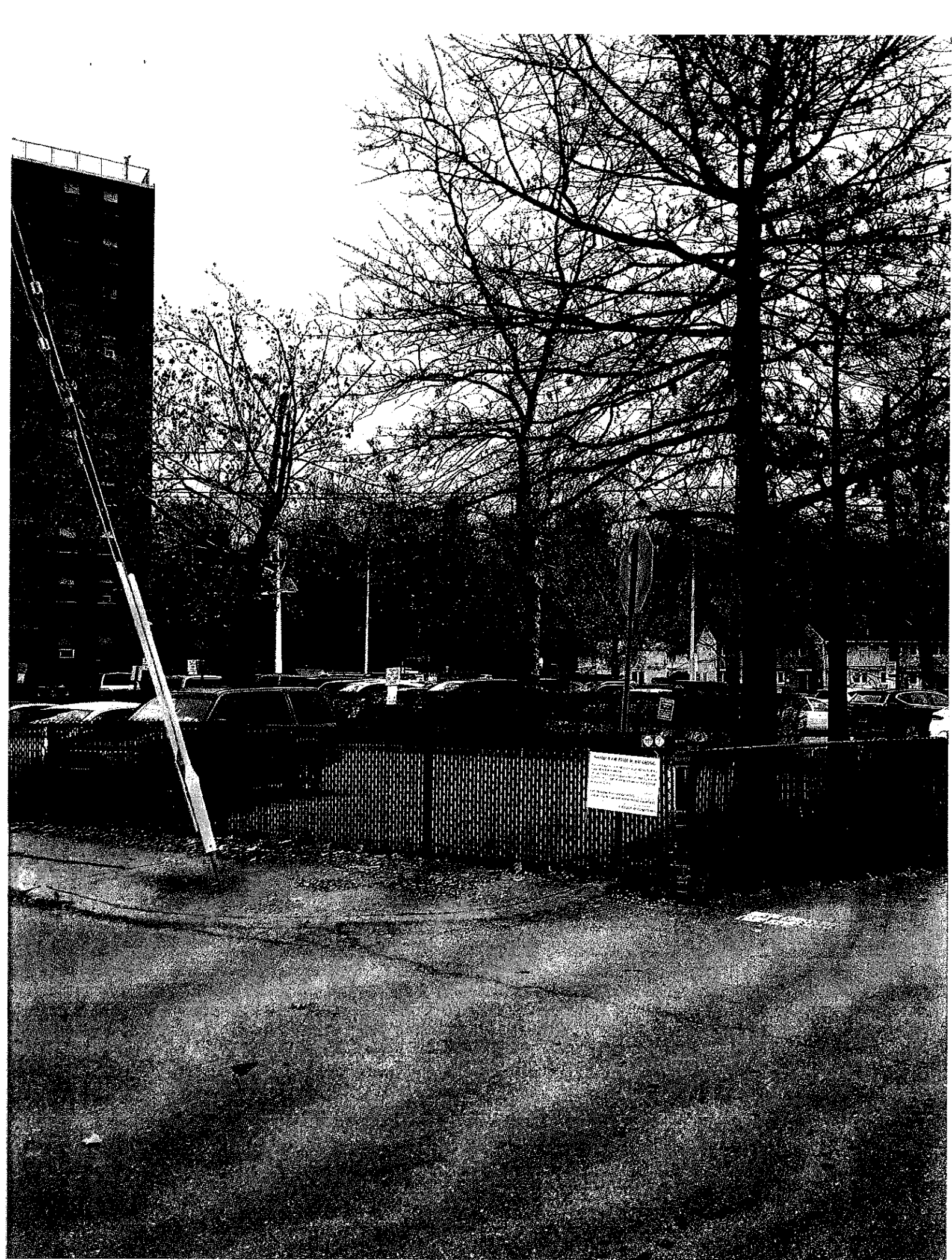
**North Country Office:**  
375 Bay Road, Queensbury, NY 12804  
Phone: (518) 812-0513

**29 South Depot Plaza**

**Orthophoto Map**

Village of Tarrytown - Westchester County, NY

Drawn:	JC
Date:	06/06/2020
Scale:	1 inch = 150 feet
Project:	72007.00
Figure:	1







**NOTICE OF PUBLIC HEARING**  
PLEASE TAKE NOTICE THAT A PUBLIC HEARING WILL  
TAKE PLACE BEFORE THE \_\_\_\_\_ BOARD  
OF THE VILLAGE OF TARRY TOWN ON THE 22 DAY OF  
\_\_\_\_\_ 20\_\_\_\_. THE PUBLIC HEARING WILL TAKE  
PLACE AT 6 P.M. \_\_\_\_\_ 26384  
THE HEARING IS TO ADDRESS THE \_\_\_\_\_  
APPLICATION FOR THE FOLLOWING PROPERTY:  
\_\_\_\_\_ VILLAGE OF TARRY TOWN

# NOTICE OF PUBLIC HEARING

VIA 200M VIDEO CONFERENCE

PLEASE TAKE NOTICE THAT A PUBLIC HEARING WILL  
TAKE PLACE BEFORE THE PLANNING BOARD  
OF THE VILLAGE OF TARRYTOWN ON THE 23 DAY OF  
November, 2021. THE PUBLIC HEARING WILL TAKE  
PLACE AT 6 P.M. For Instructions to join meeting visit:

https://www.tarrytownny.com/home/wards/26364

THE HEARING IS TO ADDRESS THE PLANNING, TEXT  
APPLICATION FOR THE FOLLOWING PROPERTY:  
23 C. DEPT. PLAZA

VILLAGE OF TARRYTOWN

Main Street Consulting  
36 South Highland Avenue  
Ossining, New York 10562

November 23, 2020

Chairman Stanley Friedlander and  
Members of the Planning Board  
Village of Tarrytown  
One Depot Plaza  
Tarrytown, New York 10591

Re: **NOTICE of Failure to Properly Notice a Public Hearing**  
Regarding a Proposed Project at 29 South Depot Plaza in Tarrytown, New York

Dear Chairman Friedlander and Members of the Planning Board,

Main Street Consulting has been engaged by an unincorporated association of concerned Tarrytown residents in conjunction with the growing grassroots movement to protect the historic character of the village. I am writing on behalf of those residents.

Main Street Consulting, of which I am the sole owner, has been asked to complete a professional review of the all submissions by the applicant under SEQRA and under the Village of Tarrytown Zoning Code to determine:

**“Has the continuing Public Hearing on the latest version of the many applications at this property been properly noticed as required by local law?”**

In summary, I have carefully reviewed the several means of notice provided by applicant and concluded that they are fatally defective, and that therefore the Public Hearing scheduled for November 23, 2020 must, by law, be adjourned until proper notice, as defined in the code, reprinted in its entirety below, has been given.

As a professional planning consultant I have represented many clients before the Village of Tarrytown Planning Board in the past twenty years. In every case I have been personally responsible for compliance with Section 305-111 of the Village of Tarrytown Zoning Code.

I have taken that responsibility very seriously, because I am well aware that failure to properly notice a public hearing is a defect which may NOT be waived by the Planning Board.

For your convenience I have reproduced Section 305-111 below in its entirety:

Village of Tarrytown Code, Chapter 305. Zoning  
Article XIV. Administration and Enforcement  
§ 305-111. Notice of Public Hearing.

A. All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail to all owners within 100 feet of the property and to any other such persons as the applicable Board may deem necessary, all at the expense of the applicant. Property owners entitled to notice shall be those listed as owners on the record in the Village of Tarrytown Tax Assessor's office as of the date of mailing.

The written notice shall contain information equal to the notice published in the newspaper, and proof of mailing receipts must be furnished prior to the public hearing. [Amended 3-7-2016 by L.L. No. 2-2016]

B. Any person making an application is further required to erect a sign facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held. Such signs shall be obtained from the Building Inspector. Signs are to be displayed for a period of not less than 10 days immediately preceding the hearing date or any adjourned hearing date. The sign shall not be set back more than 10 feet from any property or street line and shall not be less than two feet or more than six feet above the grade at the property line. Said sign shall be affixed to a suitable frame which will assure visibility from the street at all times.

C. At the commencement of the public hearing, the applicant is required to file an affidavit which states that the aforementioned public notice requirements have been complied with.

- a. The affidavit shall provide the name of the applicant and the location of the property and must state the following:
  - b. That he/she has read and is fully familiar with the requirements of § 305-111 of the Tarrytown Zoning Code and that in accordance therewith he/she has caused written notice to be sent by certified mail, return receipt requested, to all interested parties as directed in the Code and has caused a sign which complies with requirements of the applicable section of the aforesaid Zoning Code to be prominently displayed *on the subject property* in the required manner, giving notice to the public of the pending application, the date, time and place of the public hearing.[Emphasis added]
  - c. That the sign has been continually displayed on the property for a period of 10 days immediately preceding the public hearing date.
  - d. That he/she makes this affidavit knowing that it shall be relied upon by the appropriate officials as proof of compliance with the requirements of the Zoning Code of the Village of Tarrytown.
2. The applicable Board shall not proceed with the applicant's hearing unless the aforementioned affidavit has been filed.

**Kindly consider the following:**

**1. Sign is posted on the wrong property:**

As the attached photographs clearly show, the public notice sign is posted on a fence owned by the Tarrytown Municipal Housing Authority at the Franklin Towers facility at 50 White Street. This is the wrong property, and it is not even on Depot Plaza.

The signs should have been placed on the property which is the subject of the public hearing at the boundary with the privately-owned access road that provides public access to this property and eight other properties at South Depot Plaza. The subject property, with a street address of 29 South Depot Plaza, is also known Tax Parcel Number 1.70-29-38.

Kindly see the attached Orthophoto Map produced for the Planning Board by its consultants The Chazen Companies on June 11<sup>th</sup>, 2020. The map, which is dated June 5, 2020, is part of the first Chazen Limited Technical Review Report which is available on the Village of Tarrytown website. The map is presented as Figure 1 on Page 22 of the report. The author of the map clearly showed the boundaries of Parcel 1.70-29-38 in bright red outline.

It is clear from the Chazen map and photographs attached that the sign is placed on Parcel 1.70-29-34, which is owned by the Tarrytown Municipal Housing Authority. This alone is a fatal defect under Village Code Section 305-111.

## **2. Wrong Applicant:**

The applicant's attorney has consistently described the current applicant in several letters and in all recent appearances at the Planning Board as "Lexington 202 Group, LLC and Collins Enterprises, LLC. (the "Applicants")" "The Affidavit of Public Notice filed on August 16, 2019 was filed for a very different, earlier version of the proposed project. It shows the applicant as Lexington 202 Group LLC, and omits the Collins entity. A new Notice of Public Hearing which accurately describes the "Applicants" must be drafted.

## **3. Wrong Project Description:**

The current Notice of Public Hearing describes the project as a sixty-nine (69) unit, four-story project. A new Notice of Public Hearing, which accurately describes the latest proposal for an eighty-eight (88) unit, five story project must be drafted. Dozens of changes have been made to the project which will dramatically affect the impacts and mitigations. While it is well-settled law that minor changes to a project require no new public notice, major changes of the sort that require new notice have been made to this proposed project. The changes include, but are not limited to, adding an entire story of residential construction, adding nineteen additional residential units, changing the unit mix, dramatically increasing the proposed monthly rental costs, changing the architecture to fit a generic factory-assembled-modular-construction. These are major changes and the resulting additional visual impacts and traffic impacts and fiscal impacts, to name just a few, require that the Applicants draft a new FEAF and draft a new Notice of Public Hearing in order to comply with the SEQRA process and local law.

## **4. Failure to effectively inform the neighbors of the proposed project:**

The closest neighbors of the proposed project are the eighty families that reside at Franklin Towers and the seventy families who reside at Franklin Towers. Those six hundred residents should have been informed by mailing of the Notice of Public Hearing to each of these households. I have had friends at Franklin Courts for many years, and in multiple recent visits to Franklin Courts I was appalled to learn that not a single resident of the approximately 280 people who live at Franklin Courts is aware of this project ! It appears that whoever received the Notices of Public Hearing mailed on August 14<sup>th</sup> 2019 failed to properly distribute them. That must be rectified.

As stated in the first line of Section 305-111 above,

*"All applicants, at least 10 days prior to the public hearing, shall send written notice by certified mail to all owners within 100 feet of the property **and to any other such persons as the applicable Board may deem necessary, all at the expense of the applicant.**"[emphasis added]*

We respectfully request that the Planning Board exercise its legal right to order the applicant to send notices by certified mail, return receipt requested to each of the 150 households that live directly adjacent to the project on public land. For the Artis Senior Living project we sent well over two hundred notices to our neighbors in residential complexes without being ordered to do so

**5. Why does Public Notice matter? Isn't this just a technical trick to slow down a project?:**

No, it is not.

In over thirty years of experience in using my professional skills pro bono on behalf of the public, I have found that very broad and sustained public input can make a tremendous difference in the final outcome for village residents and visitors for decades to come. That is certainly true for the Hudson Harbor project in Tarrytown. A public cry for more waterfront parkland turned a proposed forty foot strip of land along the water required by code into a waterfront park that ranges from eighty to one hundred twenty feet in depth. That piece of public land is enjoyed by thousands of walkers on the River Walk every month. Ironically, it is also featured in the marketing brochures of the very developer who years ago fought very hard against it.

Public input helps the Planning Board Chairman and members to negotiate more forcefully and successfully for the benefit of the people of Tarrytown. In the proposed project on Depot Plaza, the biggest potential losers are the residents of Franklin Courts and Franklin Towers. Also affected will be the thousands of Tarrytown citizens who use and enjoy Lossee Park, Carmine Giaquinto Field, and Basher Field, along with every visitor to Tarrytown who arrives at our National-Historic-Register-Listed New York Central Train Station at Depot Plaza. The visual impact of this proposed project from our National Landmark Train Station and our waterfront parks and ballfields and our River Walk and from the Great Hudson River itself has never been properly presented by the applicant nor has it been properly evaluated by your board.

Based upon several weeks of work, I can assure you the visual impact of this proposed massive, five-story-tall, three-hundred-foot-long building will be severely negative. We are now working on a professionally-produced view impact analysis that shows that the residents of the Franklin Courts and Franklin Towers Neighborhood will be severely impacted by the proposed construction if you and the Board of Trustees should approve this unfortunate proposal.

You should all be aware that the current existing one-story building on Lot 38 is **19 feet and 10 inches tall** measured from the existing grade to the peak of very shallow-pitched roof. I know because I measured it myself yesterday with a steel surveyor's measuring tape. So please know that the existing building on Lot 38 is 20-feet-tall and it is not 35-feet-tall as repeatedly reported in error by the applicant and several of his consultants in at least eight of their submissions. This error has also been repeated in the Planning Board Minutes of this proceeding.

It is the building on Lot 39 which is 35-feet-tall, not the building on Lot 38, which is 20-feet-tall. All of the many Building Sections produced by Collins Enterprises' Architect Do Chung must be corrected.

Due to the low height of the existing steel building, which was built in 1967, most of the Franklin Courts residents now have beautiful views of the Mario Cuomo Bridge, especially from the two public playgrounds which bookend those fourteen housing clusters. If this proposed building which is to be sixty-feet-tall is built, it will be three times as tall as the existing twenty-foot-tall building, and it will completely block the view of the very attractive new Mario Cuomo Bridge for nearly two hundred of the nearly three hundred residents of Franklin Courts.

Our recent visits to several Franklin Towers apartments and our extensive siteline analysis from every conceivable viewing point have showed us that every apartment on the south side of Franklin Towers above the second floor has an attractive bridge and river view. If this proposed project is approved by the five of you and is actually built, it will block the river view of every resident on the south side who lives between the third and the sixth floor.

**This is a potentially devastating public impact which MUST be disclosed by the applicant in their public presentations and throughout the public hearing process. It must be thoroughly addressed by the public and you must decide if any mitigations are possible.**

If this purely discretionary re-zoning request by this developer is recommended by each of you to the Village Board of Trustees, and the Board of Trustees approves this proposed purely discretionary re-zoning, it will have a devastating effect on Tarrytowns most economically vulnerable neighborhood and each of you will be personally responsible for taking away the river views of people who, even though they are of modest financial means, have a legal right to have their view shed protected. Why? Because they live on public property owned by a municipal housing authority. Is that what you intend?

In closing, let me re-state:

- The law is clear.
- Applicant's failure to comply with the law is clear.
- Consequences of a failure in the public input process could be both devastating and permanent.
- We respectfully request that you adjourn the public hearing scheduled for November, 23<sup>rd</sup>, inform all parties, and instruct the Applicant to prepare a new FEAF and to fully comply with Section 305-111, including mailing new Notices of Public Hearing to each of the 150 families who live at Franklin Courts and Franklin Towers .

While we trust that you will as always make the proper and legal decision, I am regretfully required by my clients to inform you that they are prepared to seek immediate judicial review should the need arise, along with a temporary restraining order preventing any further action on this application until this threshold issue is resolved. Please feel free to call me with any questions.

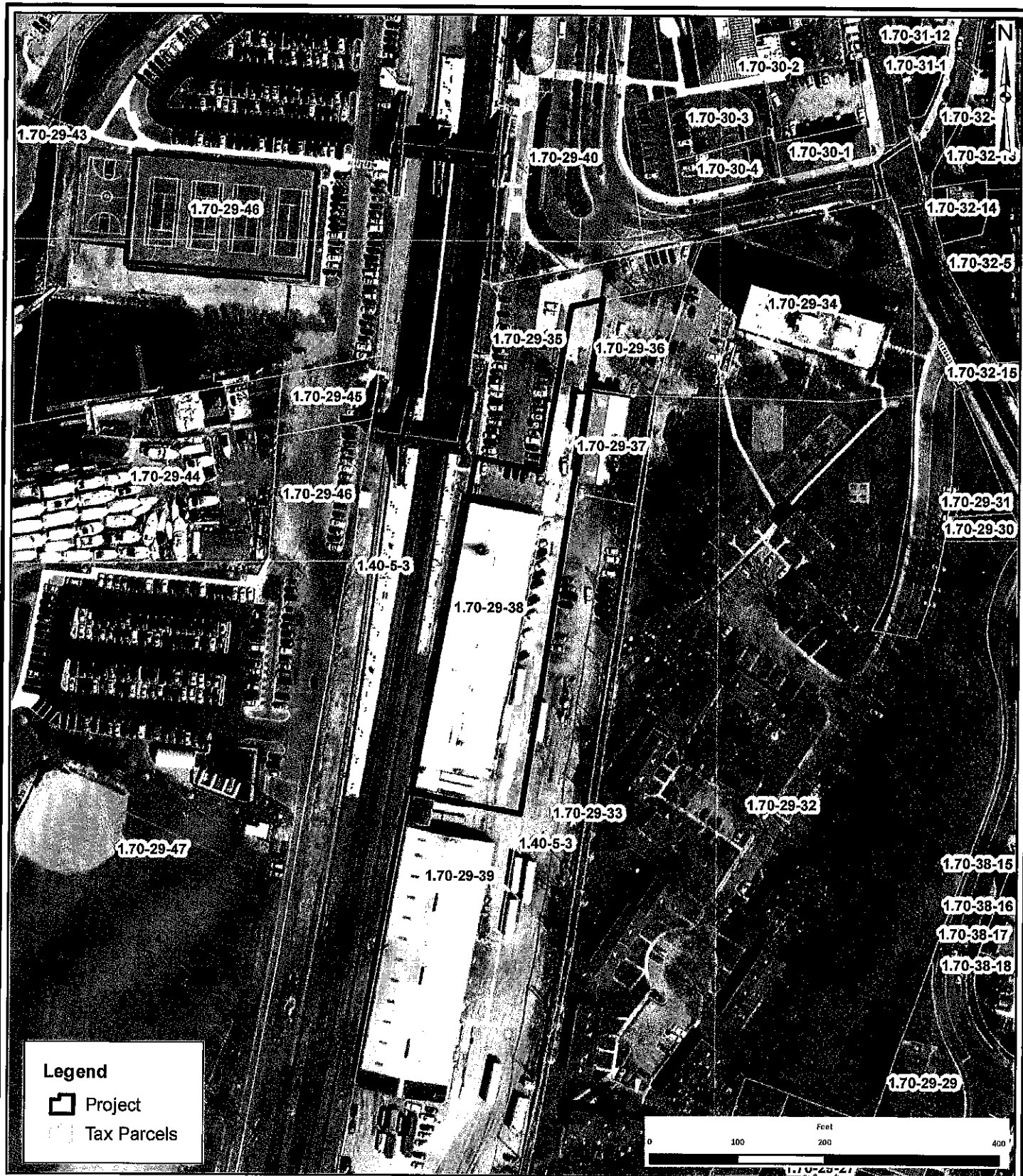
With thanks and best regards,

[Signed]

Mark J. Fry

[markfry@verizon.net](mailto:markfry@verizon.net)

914-772-8628



**THE**  
**Chazen**  
**COMPANIES**

ENGINEERS  
LAND SURVEYORS  
PLANNERS  
ENVIRONMENTAL & SAFETY PROFESSIONALS  
LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
21 Fox Street, Poughkeepsie, NY 12601  
Phone: (845) 454-3980

**Capital District Office:**  
547 River Street, Troy, NY 12180  
Phone: (518) 273-0055

**North Country Office:**  
375 Bay Road, Queensbury, NY 12804  
Phone: (518) 812-0513

**29 South Depot Plaza**

**Orthophoto Map**

Village of Tarrytown - Westchester County, NY

Drawn:	JC
Date:	06/05/2020
Scale:	1 Inch = 150 feet
Project:	72007.00
Figure:	1







**NOTICE OF PUBLIC HEARING**  
*THE TARRYTOWN CONFERENCE*  
PLEASE TAKE NOTICE THAT A PUBLIC HEARING WILL  
TAKE PLACE BEFORE THE *LOCAL PLANNING* BOARD  
OF THE VILLAGE OF TARRYTOWN ON THE *22* DAY OF  
*DECEMBER* 20*21*. THE PUBLIC HEARING WILL TAKE  
PLACE AT *6 P.M.*  
*holding the hearing on the 22nd day of December 2021*  
THE HEARING IS TO ADDRESS THE *Application for a Special Use Permit*  
APPLICATION FOR THE FOLLOWING PROPERTY:  
*Lot 1, Tarrytown Conference Center, Tarrytown, NY 10590*  
VILLAGE OF TARRYTOWN

# NOTICE OF PUBLIC HEARING

VIA ZOOM VIDEO CONFERENCE

PLEASE TAKE NOTICE THAT A PUBLIC HEARING WILL  
TAKE PLACE BEFORE THE PLANNING BOARD  
OF THE VILLAGE OF TARRYTOWN ON THE 22 DAY OF  
November, 2020. THE PUBLIC HEARING WILL TAKE  
PLACE AT 6 P.M. For Instructions to join meeting visit:

https://www.tarrytownny.com/home/26364

THE HEARING IS TO ADDRESS THE PLANNING, TEXT  
APPLICATION FOR THE FOLLOWING PROPERTY: ADJACENT SITE PLAN  
22 S. TENT PLACE

VILLAGE OF TARRYTOWN

Main Street Consulting  
36 South Highland Avenue  
Ossining, New York 10562

November 23, 2020

Chairman Stanley Friedlander and  
Members of the Planning Board  
Village of Tarrytown  
One Depot Plaza  
Tarrytown, New York 10591

Re: **Completeness Review of Applicants' Submissions** for a  
Proposed Project at 29 South Depot Plaza, Tarrytown, New York

Dear Chairman Friedlander and Members of the Planning Board,

Main Street Consulting has been engaged (for a very modest stipend) by an unincorporated association of concerned Tarrytown residents in conjunction with the growing grassroots movement to protect the historic character of the village. I am writing to you on behalf of those residents.

I have been asked to complete a professional review of all of the submissions to date from the applicant under SEQRA and under the Village of Tarrytown Zoning Code. We have thoroughly reviewed 83 documents totaling hundreds of pages, which have been submitted by the Applicant to the Planning Board on this application. Our review was limited to those which were submitted between October 3, 2019 and September 11, 2020. They are all available on the Village of Tarrytown Website as of October 8, 2020, thanks to the hard and skillful work of Planning Board Secretary Liz Meszaros.

I have also reviewed the minutes of every Planning Board meeting relating to this project between July 26, 2017 and October 24, 2020. We will be happy to provide you with a copy of a compendium produced by a friend who took the time to extract just the sections relating to 29 South Depot Plaza.

**We have been asked to complete our review to answer three questions:**

1. **Is the application complete?**
2. **Is the application substantially correct?**
3. **"May the Planning Board legally issue a so-called Negative Declaration?"** (In contrast to what the term implies, the term "Negative Declaration" means that the Planning Board, as "Lead Agency" has carefully studied all potential environmental impacts and has concluded that: "This project will result in no significant adverse on the environment, and therefore, an environmental impact statement need not be prepared. Therefore this negative declaration is issued")

**After a very thorough review of all of the documents, I have concluded that:**

- The application is **not complete**.
- Some of the applicant's submissions **contain many substantive errors**.
- The Planning Board **may in my professional view not legally issue a so-called "Negative Declaration"** because it has not yet completed its legally required "hard look" at ALL of the important potential negative impacts, including those listed below.
- The Planning Board should in my view instead issue a so-called "Positive Declaration" which **requires** the preparation of an environmental impact statement.

Due to the fact that the Board has not yet required the applicant to prepare a "Draft Environmental Impact Statement" which begins with "Scoping Sessions" to decide what subjects must be covered, there are **several glaring omissions** in the materials submitted to date.

1. No information has been provided by the Applicant to the Lead Agency regarding the possible **severe contamination of the site itself**. In a recent discussion with a very well known attorney who specializes in the New York State Department of Environmental Conservation Brownfield Cleanup Program, I was informed that this site, like all sites on the New York Central Railroad between New York City and Albany, is most likely a "severely contaminated" brownfield site and "an excellent candidate for the New York State DEC Brownfield Cleanup Program" which rewards voluntary participants, who are not the original polluter of the site, with NYS Tax Credits which are equal to three times the actual cost of the site remediation.
2. No information has been provided by the Applicant to the Lead Agency regarding the results of certain monitoring well tests which were reportedly performed at the site on or about October 24, 2020 in conjunction with, or concurrent with, the removal of several abandoned underground heating oil tanks. No results of those tests had been provided to Village Engineer Dan Pennella, P.E., as of the last time we spoke.
3. I was informed by the attorney who specializes in the Brownfield Cleanup Program that she had worked with co-applicant Arthur Collins of Collins Enterprises LLC when he successfully participated in the Brownfield Cleanup Program at his projects on Alexander Street in Yonkers but that he "didn't want to bother with the BCP program at the 29 South Depot Plaza Site in Tarrytown" The applicants should be asked if that is true.
4. After two and one half years of the applicant insisting, in letters and other submissions prepared by project attorney Linda Whitehead, that the Applicant wanted to re-use the existing concrete slab, Collins Enterprises LLC new project architect Do H Chung and Partners provided a new Building Section, Drawing A-005 on April 4<sup>th</sup> of 2020, which is attached hereto and is also available on the Village of Tarrytown website.

That drawing shows that the existing slab will cut in 44 places to allow the installation of approximately eleven rows of four columns to support the upper four floors. The columns will rest on poured concrete pad footings, presumably supported by tapered concrete friction piles driven to refusal. Based upon the scale drawing it appears that each heavily reinforced poured concrete pad will be roughly six to eight feet square. Assuming an average of 64 square feet per pad, times 44 pads, that looks like about 2,800 square feet of the existing slab on grade will need to be removed.

Kindly note that the same drawing misrepresents both the pitch of the roof and the height to the peak of the existing building on lot 38. The building on Lot 38 is twenty feet tall at the peak of a very shallow pitch roof. It is not 35 feet tall as is shown. We presume that the dotted line was intended to represent the projected profile of the 35 foot roof of the building on contiguous lot 39.

5. Village Engineer Dan Pennella might want to ask the applicant how he intends to remove 2,800 square feet of an eight-inch-thick heavily reinforced slab and excavate to a depth of six feet in severely contaminated soil without creating an environmental disaster just one hundred and twenty feet from a residential complex which houses 150 families, many with small children who play outside at the two public playgrounds located less than two hundred feet from this site..
6. I believe that the Planning Board as Lead Agency should consider the information above and ask the Applicant five questions:
  - a. What environmental engineering site investigations, if any, have you performed?
  - b. May we please see the results of your soil and water testing? Who has the samples and where are the test reports?
  - c. Did you do geotechnical investigations on site? May we please have a copy of the geotechnical report?
  - d. How do you intend to proceed with this project in terms of brownfield site remediation? Do you intend to participate in the NYSDEC Brownfield Cleanup Program?
  - e. How do you intend to protect the health of the residents at Franklin Courts and Franklin Towers during site remediation and during the demolition of the existing slab and the perimeter grade beam? How will you handle the excavation and safe removal of roughly 2,000 cubic yards of contaminated fill to allow you to pour the footings roughly six feet below existing grade?
7. As to procedural requirements under SEQRA, Section 617.4 Type 1 Actions, any Unlisted action that is substantially contiguous to any historic structure listed on the National Register of Historic Places, such as the Tarrytown Train Station of the New York Central Railroad Hudson Division may require or allow the Lead Agency to issue a Positive Declaration which in turn requires the preparation of a Draft Environmental Impact Statement.

This site's proximity to the Hudson River, which is a National Scenic Resource, may provide additional support for this determination. In addition, the site is substantially contiguous with important dedicated parkland including Lossee Park, Carmine Giaquinto Field, Basher Field and Pierson Park. The visual impact of a five-story-three-hundred-foot long building just three hundred feet from the water will severely diminish the joy of anyone walking on the River Walk or simply visiting the parks to relax.

Users of the kayak ramp, sailors on the river, our increasing fleet of bicycle tourists and local residents just out walking their dogs will all wonder "Who allowed that monstrosity to be built" Is that the legacy that the members of the Planning Board and the Board of Trustees want to leave their fellow residents? I am sure that is not your intent.

8. We believe that the Planning Board should consult with its professional Planning Consultant Bob Galvin and ask him to evaluate the NEW information which I have submitted in this short memorandum, along with other NEW information that our group, and many other members of the public have submitted and will submit, and ask him to provide his best advice to the board about the wisdom of taking a "harder look" and requiring the preparation of an environmental impact statement to properly evaluate the issues we have raised. Most projects of this magnitude in Tarrytown have consistently been required to produce a DEIS. Why not this one?
9. We have attached a copy of an Interoffice Memorandum dated February 7, 2020 from Village Engineer Dan Pennella to Village Administrator Richard Slingerland. In the memo, Mr. Pennella' states:

"The new plans propose a 5 story building with one level for retail-self storage and 4 levels with 88 residential units. It should be noted that the number of units proposed have increased from 69 to 88. With regard to parking spaces, please note on Sheet A-001, **they are proposing to utilize the parking lot that the village leases from NYCRR.** There are 39 parking stalls proposed with a 22 foot wide aisle width, which is substandard. At this meeting, I expressed that **there might be legal concerns obtaining this parking area that the village currently leases from NYCRR, and if there are any benefits to the Village.**"

We agree with Mr. Pennella. We find the idea that the Board of Trustees is apparently planning or proceeding to transfer the long-term lease of a parking lot for local residents to serve and benefit a privately-owned residential development both appalling and unacceptable. If that were to actually happen, we would anticipate that litigation to reverse that decision would follow.

We thank you all for your long and dedicated and very skillful service to the residents of Tarrytown. Without your dedication, we would not have been voted one of the "Ten Prettiest Villages In America". Without your many years of hard work, supported by that of the Village's professional staff, we simply would not have many of the great open spaces throughout the Village. We would not have our spectacular waterfront, our Tarrytown Lakes Trails, and many of the other community amenities that make Tarrytown a terrific place to live and raise a family.

But we beg you not to get caught up in the latest planning techniques that the development community has come up with. In countless conversations over the last six months, every Tarrytown I have spoken with has told me:

- "We do not want "Transit Oriented Design!
- "We do not want more "density" and more people !
- "We do not want "The New Urbanism" to give us a feeling of hustle and bustle and "excitement at the street level". If we wanted that, we'd move to Brooklyn!"
- "We came to Tarrytown to live in a quiet little village. We came here to escape density and excitement, not to seek it !

- “We don’t want Tarrytown to look and feel like Hastings, or to look and feel like any of the other river towns that have sold out to developers
- “We don’t want more traffic”
- “We don’t want to be part of “regional transportation and housing solutions”
- “ We don’t want Tarrytown to change”
- “We love our village just the way it is”
- “Please help us keep our lovely little village just the way it is”

On behalf of all of us, we thank you for considering our views most seriously.

With best regards,

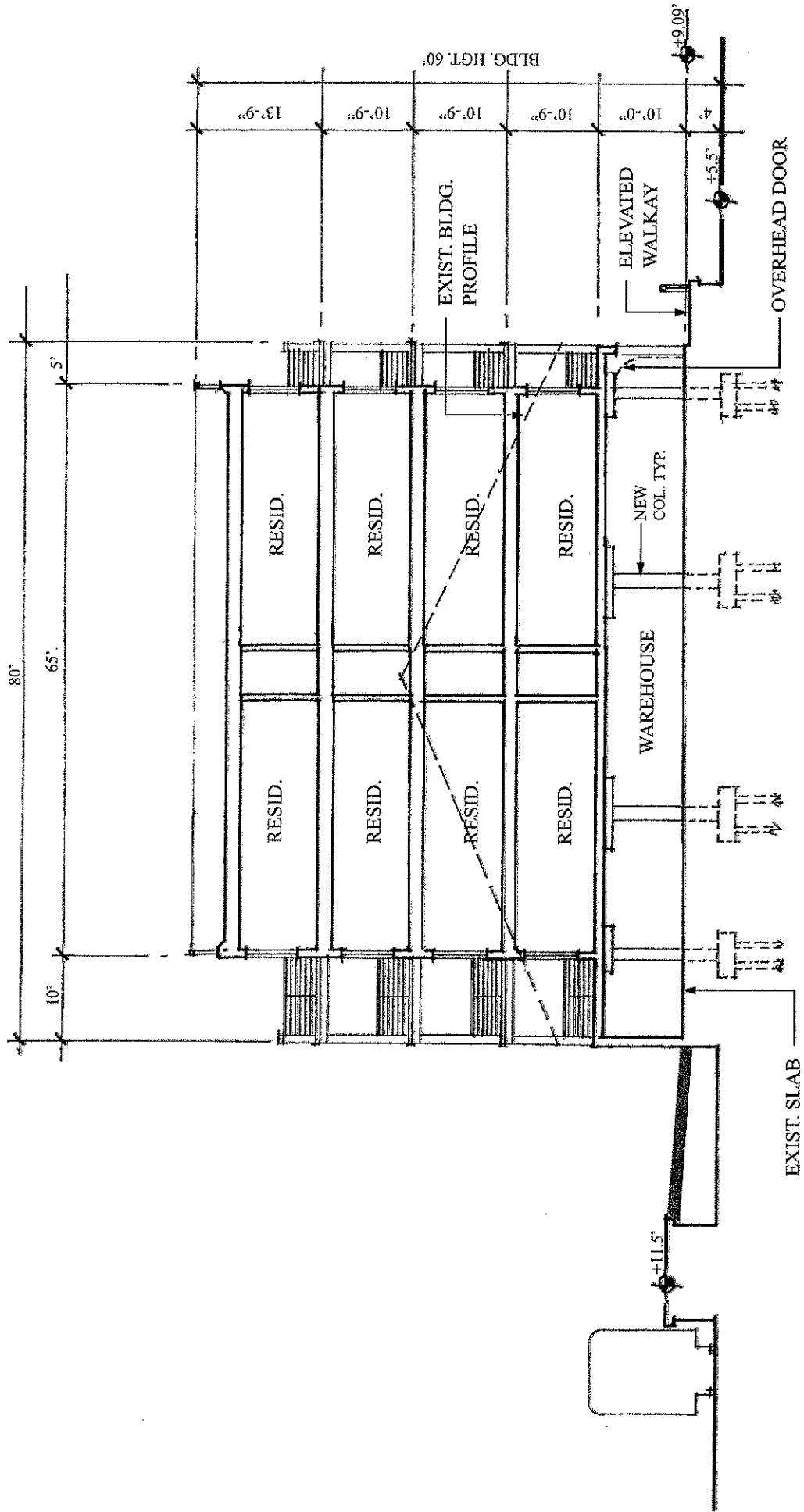
[Signed]

Mark J. Fry

[markfry@verizon.net](mailto:markfry@verizon.net)

914-772-8628





DEPOT PLAZA  
TARRYTOWN, NY.

COLLINS ENTERPRISES LLC  
DO H. CHUNG & PARTNERS

BLDG. SECTION  
S: 3/32" = 1'  
DATE: 3-16-20

A - 005



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**VILLAGE OF TARRYTOWN INTEROFFICE MEMORANDUM**  
BUILDING • ENGINEERING • PLANNING • ZONING • ARB

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**TO:** Richard C. Slingerland, Village Administrator  
**FROM:** Donato R. Pennella, P.E., Village Engineer/Building Inspector  
**RE:** 29 South Depot Plaza T.O.D Overlay  
5 Story Building - 88 Residential Units over Self Storage  
**DATE:** February 7, 2020

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Attached are new schematic plans for 29 South Depot Plaza project currently before the Planning Board for review and recommendation to the Board of Trustees to permit a TOD overlay zone in the ID district.

These plans were presented to me and Bob Galvin, the village planner, by the property owners representatives, Collins Enterprises, LLC, at a meeting yesterday, Thursday, February 6, 2020.

The new plans propose a 5 story building with one level for retail-self storage and 4 levels with 88 residential units. It should be noted that the number of units proposed have increased from 69 to 88. With regard to parking spaces, please note on Sheet A-001, they are proposing to utilize the parking lot that the village leases from NYCRR. There are 39 parking stalls proposed with a 22 foot wide aisle width, which is substandard.

At this meeting, I expressed that there might be legal concerns obtaining this parking area that the village currently leases from NYCRR, and if there are any benefits to the Village.

The Planning Board staff meeting is this Thursday, February 13, 2020 and it would be helpful to have the Board of Trustee's input going forward before this staff meeting.

cc: Josh Ringel, Assistant Village Administrator  
Liz Meszaros, Secretary to Planning and Zoning  
Katherine Zalantis, Attorney for the Planning Board  
Robert Galvin, Village Planner