

Board of Trustees
Village of Tarrytown
Regular Meeting No. 6
Via Zoom Video Conference
February 1, 2021
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/33046> 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 no later than 12PM the day of the Board of Trustees Meeting.

REPORTS

Mayor Butler noted the following:

- There is a lot of snow outside and it is still snowing, he hopes everyone is staying home and staying safe.
- Today is the first day of Black History Month, the importance of this month is to remember both the importance of people of African descent and the important events of black history and the contributions of African Americans to the United States.
- The Village could not do the things we do without the many contributions from the Village volunteers and all their hard work. That’s what makes Tarrytown the great diverse place that it is and one of the top 10 Prettiest Villages in the United States. He presented the following two proclamations to long time volunteers Dr. Carole Griffiths and Sadie McKeown and read the following:

PROCLAMATIONS – Carole Griffiths

WHEREAS, Dr. Carole Griffiths has given 39 years of dedicated volunteer service to the Village of Tarrytown; and

WHEREAS, Carole has served as a member of the Tarrytown Environmental Advisory Council since 1981 and has been an enormous advocate and supporter of environmental protection issues in the Village, including protecting the Village’s precious Hudson River and Tarrytown Lakes; and

WHEREAS, Carole served as Chairperson of the Tarrytown Environmental Advisory Council from 1982 to 1986 and from 1988 to 1994 and from 1997 to 2014; and

WHEREAS, Carole further assisted the Village as a member of the Open Space Committee in 2001; and

WHEREAS, Carole was nominated to represent Tarrytown in 1988 on the Westchester County Environment Management Council; and

WHEREAS, Carole currently serves as Co-president of the Federated Conservationists of Westchester County; has been a member of the Federated Conservationists of Westchester County since 2009, has been a member of the Westchester County Global Warming Task Force, has been a member of the Advisory Board of the Southern Westchester Energy Action Consortium, and organized and chaired the LIU Brooklyn Sustainability Committee

since 2010.

NOW, THEREFORE BE IT RESOLVED, that I, Thomas D. Butler, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Dr. Carole Griffiths this certificate of public recognition, extending to her our deep appreciation for her distinguished volunteer service to the community.

Certificate of Appreciation - 2020 Volunteer Service Award – Sadie McKeown

WHEREAS, Sadie McKeown has given over 15 years of dedicated volunteer service to the Village of Tarrytown and has been an steadfast advocate and supporter of affordable housing; and

WHEREAS, Sadie has served as a member of the Waterfront Advisory Committee since 2005 and has previously was an advocate of the Hudson Harbor development and its effects on the Downtown area; and

WHEREAS, Sadie has served on the Tarrytown Moderate Income Housing Committee since 2006, which is now known as the Housing Affordability Task Force, over which Sadie presides as Chairperson; and

WHEREAS, Sadie is a member of the Comprehensive Plan Management Committee (CPMC) since 2018; and

WHEREAS, Sadie has become a member of the Tarrytown Municipal Housing Authority Board in 2020; and

WHEREAS, Sadie, a long-time resident and an expert in affordable housing programs and funding sources has assisted with affordable housing on each of these Boards and has been invaluable in supporting these efforts in Tarrytown.

NOW, THEREFORE BE IT RESOLVED, that I, Thomas D. Butler, by virtue of the authority vested in me as Mayor of the Village of Tarrytown, and on behalf of the entire Board of Trustees and all our citizens, do hereby tender to Sadie McKeown this certificate of public recognition, extending to her our deep appreciation for her distinguished volunteer service to the community during the 2020 calendar year.

REPORTS-Continued

Trustee McGovern noted the following update on Covid-19 information:

- If you had a vaccine appointment today or tomorrow, you will be receiving a phone call tomorrow to reschedule your vaccine appointment, probably later in the week.
- You still need an appointment to get a vaccine. If you go the state's website, there is a phone number that you can call and leave your name and phone number. They will call you back with alerts on more dates when they open up.
- The vaccine supply will be increasing by 16% by the end of the week. Johnson and Johnson looks like they are going to be putting out their new vaccine soon and there's also a new antibody vaccine from Regeneron.
- The Covid-19 vaccine is free. It does not cost anything. When seniors go to your appointment to get the vaccine, all you have to do is bring your driver's license or some form of identification that shows your birthdate.
- Effective February 14th, New York City's restaurants will be able to open at 25% capacity.
- Effective March 15th, wedding ceremonies will be allowed to take place with 150 people capacity, as long as they test for the vaccine before the event.

Mayor Butler noted that for people who are Veterans, please call the Veterans Administration or Veterans Hospital. You may be able to make a vaccine appointment. They actually called him and he was able to set up an appointment.

Trustee Hoyt noted that we are in the middle of a snow blizzard and there is now approximately 16 inches of snow out there. He thanked Police Chief Barbelet and the Police

Department, Lou Martirano and the DPW staff, Anthony Ross and the Parks staff, Fire Chief Meade and members of the Fire Department, Captain Jill Swanson and members of our EMS Division. They have been very busy today and have shown that they are true professionals answering all the calls in this very bad weather and helping the needs of our residents. They always do a fantastic job.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- The Police Reform and Reinvention Public Hearing #2 will be held on Tuesday, February 9, 2021 at 7 p.m. to continue to receive public comment on the draft Police Reform Report. There is also a special meeting of the Board of Trustees with the full Police Reform and Reinvention Committee on Wednesday, February 17th at 6 p.m. to discuss the outcome of all of the public discussions and meetings and determine the policy direction that the Board will want to take moving forward.
- He thanked Trustee Hoyt for his report. We will probably get approximately 20 inches in total by the time the storm ends. The Village upgraded our snow emergency today to a full state of emergency and has also been declared by the county and state. Village offices will be closed again tomorrow and staff will be working remotely. Residents who parked in Lot A and Lot D will be allowed to stay there for free, but we ask that the cars be removed by 6 p.m. on Thursday. Garbage is cancelled for Monday and Tuesday, metal and bulk pickup is also canceled this week. Wednesday recycling remains on schedule. Monday garbage will be picked up on Thursday, Tuesday garbage will be picked up on Friday. The Fitness Center is closed tomorrow. He reminded everyone not to put the snow in the street. Please put it on lawns or next to the sidewalk. We encourage everyone to be safe and pace yourselves while shoveling snow.

Trustee Brown noted that if anyone in the public did not have a chance to read the Police Reform Report, the report can be found on the Tarrytown's website.

Police Chief Barbelet reported on the following:

Two of Tarrytown's Police Officers received an award from the FBI. He read a letter from William Sweeney, the Assistant Director in Charge of the FBI.

"On behalf of the FBI's New York Field Office, I'm honored to announce that the following members of your department have been selected as recipients of the 2020 Federal Law Enforcement Foundation (FLEF) Investigators of the Year Award for their heroic actions during the Ardsley Motel shooting on June 3, 2019. Recipients: Sergeant Detective Joseph Barosa and Detective Michael McGee.

Each year, FLEF honors representatives from the law enforcement community on the federal, state, and local level, as well as the offices of the United States and District Attorneys, through the Investigators and Prosecutors of the Year Awards. This foundation plays a vital role in recognizing the many important achievements of those within the law enforcement community, while continuing to strengthen our important partnerships. This year's recipients are most deserving of this honor. We're grateful for their courageous response on that day, and for their continued service to the Tarrytown Police Department."

Police Chief Barbelet noted that the Ardsley incident they referred to was when the Town of Greenburgh's multi-jurisdictional SWAT team responded to a call. The FBI reached out to local authorities for help because this individual who was being held up in the Ardsley Hotel, was wanted for several serious charges including murder. As part of the SWAT team, Tarrytown responded with its members to the call. When this individual was contacted by the team of officers, he opened fire on them, actually striking a Sergeant from the Town of Greenburgh in the chest and having at least two other officers hit by ricochets, one of them was Detective Sergeant Barosa. Unfortunately, they returned fire, striking the defendant who succumbed to his injuries. However, a female, who was in the hotel, was taken out of the hotel, unharmed. These incidents are not a frequent occurrence here in Westchester. This is a prestigious award that those in the community should be proud, not only for our two officers, but for all of the officers who were there that night. As Police Chief, he was also present that night. There were officers there from Ardsley, Irvington, Dobbs Ferry, Yonkers and

Greenburgh, it was a group effort. This was a very dangerous situation. The officers acted heroically and the award is a prestigious one.

Mayor Butler thanked Police Chief Barbelet for the report and congratulated the two police officers.

Administrator Slingerland thanked the Police Chief and echoed the Mayor's sentiment. He also thanked and praised the DPW, the Police Department, the Fire Department, the Ambulance Corp and the Parks Department for working hard with the snow conditions and keeping our residents safe.

PUBLIC HEARING ON ZONING TEXT CHANGES TO AMEND A/D FLOATING/OVERLAY ZONE AND SITE PLAN FOR 99 WHITE PLAINS ROAD (adopted)

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

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

LOCAL LAW __ - 2021

A local law to amend Chapter 305 of the Code of the Village of Tarrytown entitled “Zoning”, to add additional requirements to Chapter 305

Section 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~Strikethrough and bold and underlined~~ to be deleted):

Section 2. Amending Existing Provision. Amending Chapter 305, Section 5 entitled “Word Usage, terms defined” to add the following new definition to subsection B:

SERVICE ENRICHED ASSISTED LIVING HOUSING (SEAL) – A housing facility containing a combination of an Assisted-Living Facility and Alzheimer’s/Dementia Care Housing as those terms are defined herein, together with related uses and services.

Section 3. Amending Existing Provision. Amending Chapter 305, Section 401.1 entitled “A/D Floating/Overlay Zone 5” as follows:

§ 305-40.1A/D and SEAL Floating/Overlay Zone.

[Added 11-18-2019 by L.L. No. 11-2019]

A. Introduction. By action of the Board of Trustees, a qualifying parcel of land may be rezoned to the A/D **and SEAL** Floating/Overlay Zone, either upon application of the parcel's owner or upon the initiative of the Board of Trustees. Upon approval, this district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the A/D **and SEAL** Floating/Overlay Zone shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlay district. Its development under the A/D **and SEAL** Floating/Overlay Zone is governed by the use, dimensional and other provisions of the following regulations.

B. Qualifying conditions.

(1) The lot must be currently zoned OB, LB or MU and have frontage on or be wholly or partially within 350 feet of State Route 119.

(2) The lot upon which it is located shall have both been in existence and of the same size, as shown on a plat duly filed in the Office of the Westchester County Clerk, **or on the Tax Map of the Town of Greenburgh**, as of January 1, 2017.

C. Permitted accessory uses.

(1) Parking lots and garage spaces.

(2) Personal service establishments such as restaurants, barbershops, beauty parlors, newsstands, and the like if within the principal structure and only for the use of staff and residents of the principal structure.

D. Additional requirements.

(1) Maximum practicable efforts shall be made to include sustainability measures such as a stormwater pollution prevention plan that includes implementation of green infrastructure practices, energy efficient construction, and similar measures that will achieve significant increases in efficiency and sustainability. Green infrastructure practices maintain or restore stormwater's natural flow pattern by allowing the water to slowly permeate into the ground and be used by plants. These practices include rain gardens, vegetated swales, green roofs and porous pavements, along with bioretention areas, vegetated swales, dry swales, and green roofs. **The sustainability requirements under this subsection may also be achieved by demonstrating that a facility would be considered sustainable by an industry standard as determined appropriate by the Planning Board, such as LEED.**

(2) A facility for Alzheimer's/dementia care housing shall have no more than 100 beds. **A facility for SEAL housing shall have no more than 25 units per acre, and no more than 115 beds.**

(3) Notwithstanding any other provisions of Village Code, a facility for Alzheimer's/dementia care **or SEAL** housing is not residential within the meaning of § 305-130, Affordable housing.

(4) The maximum coverage of all buildings shall be **18%**, and the maximum coverage of all buildings, structures and paved areas shall be 45% of the total site area.

(5) The minimum setback of all permitted buildings, structures and paved areas from the right-of-way of any public street shall be 35 feet, from any residential zoning district, shall be 175 feet, and from any nonresidential zoning district shall be zero feet.

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

(7) The height of any Alzheimer's/dementia care or SEAL housing facility shall comply with the maximum height requirement of the underlying district, except that the maximum height for any facility that adaptively re-uses an existing historic structure shall be 3 stories or as otherwise determined as appropriate by the Planning Board.

Section 4: Severability

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

Section 5: Effective Date

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

There were no speakers.

Trustee Hoyt moved, seconded by Trustee McGovern and unanimously carried, that the hearing Be closed.

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

WHEREAS, the Planning Board of the Village of Tarrytown declared itself lead agency on July 27, 2020;

WHEREAS, the Planning Board, as Lead Agency, issued a negative declaration under SEQRA on December 28, 2020;

WHEREAS, the Planning Board on December 29, 2020 recommended that the Board of Trustees grant the proposed rezoning to amend the Zoning Code to allow for Service Assisted Enhanced Assisted Living Housing (SEAL) in the A/D Floating/Overlay Zone in connection with Sunrise's proposed action for 85 Units of Assisted Living and Memory Care Housing at 99 White Plains Road;

WHEREAS, a notice of public hearing on the proposed text change amendment to the zoning code was published in the Journal News on January 23, 2021; and

WHEREAS, a public hearing was held on the proposed action on February 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the proposed amendment to the Zoning Code of the Village of Tarrytown for zoning text changes to the A/D Floating/Overlay Zone to allow for SEAL in the A/D Floating Overlay Zone; and

BE IT FURTHER RESOLVED, that the Village of Tarrytown does hereby adopt these changes as Local Law No. 2 of 2021.

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

CONTINUATION OF A PUBLIC HEARING – CHAPTER 305 ZONING – NEW ARTICLE FOR THE STATION AREA OVERLAY (SAO) ZONE

Note: The Board of Trustees has advised the public comment period for this public hearing will be limited to one hour. The hearing will open after the Board discusses some further changes that are under consideration.

Presentation by George Janes, Village Consultant for the proposed SAO Zoning discussed the following:

The Village has just developed a new comprehensive plan, of which there were several planning themes that came out of the plan. The station area overlay was designed to implement part of the comprehensive plan to overlay district that sits on top of existing zones. The boundaries have changed to keep the station area overlay on the portion of the Village east of the tracks. The proposed station area overlay is not traditional zoning. It's optional, it's an overlay. Applicants can come in and develop as of right under the existing zoning. SAO is definitely not as of right, with the exception of building height, it does not require a predetermined building form. Instead, development proposals are scored according to how they perform against predetermined criteria, which map back to the comprehensive plan. If the proposal does not receive a passing score in

the scorecard, it cannot move forward. If the proposal receives a zero in any category in the scorecard, it's an automatic fail. Expanding the visual impact assessment that was written into the SAO to the entire Village was something that was discussed. The SAO approval has many steps along the way with many points of failure. The proposal would go to the Board of Trustees, if they don't like the concept, the process stops. If the Board approves the concept, then it goes through a process with the Planning Board. Then eventually it goes through the SEQRA process for an environmental review. After the SEQRA review, there are still two other areas where it could fail. The station area overlay is a performance based zoning system. Where are performance based systems being used? The American Planning Association provided a list of performance-zoning systems that use a scorecard, similar to the SAO: Biloxi, MS, Brackenridge, CO, Cass County, NE, Duluth, MN, Emory County, UT, Mukwonago, WI, Troup County, GA, Auburn, WA, Crestview, FL, Tecumseh, OK and Norfolk, VA. It is not common in the northeast. It's definitely something that is relatively new in this part of the country.

The Board of Trustees had a discussion on the SAO.

Trustee Zollo and Mayor Butler noted that they would approve height in the SAO to 48 feet, 4 stories.

Trustee Brown noted that the height limitations in the SAO to 48 feet would be consistent with the building at 29 S. Depot Plaza. In prior Board's discussions, we determined to take out the view shed considerations due to the reduction in height. The SAO has been discussed and worked on for a long time and it is just another tool in the toolbox. If the Board had the SAO to discuss 29 S. Depot's building, it would have given us a better framework to work and detailed criteria to weight the project against and would have helped us navigate. She would like to see it pass.

Attorney Zalantis noted that there is another provision in the SAO that needs direction from the Board regarding how to deal with the height for structures that are in the floodplain.

Administrator Slingerland noted that we are talking in terms of the building height and its total elevation as it relates to base flood elevation or BFE. The Board will need to decide if we will measure it from the average grade, which is pretty standard throughout the rest of the Village, but that would mean if you're in a low floodplain area, those buildings might not be allowed to have the first floor used for housing. If you measure the total height from the base flood elevation, that's defined as the area that's not subject to the 100 year flooding, that would change the building height. He wanted to have this discussion with the Board because it would affect how many stories of actual living space would be allowed with a building. At Hudson Harbor, there was six feet of fill installed to raise the average grade. It is happening now at Edge on Hudson, where they are installing fill and then the average grade was determined after that fill had been installed to raise those properties above the base flood elevation. So we need to discuss if the Board would allow a four story building to be measured above the BFE. Potentially, a building with the first floor anything below the BFA, could allow parking to take place on the first floor, because that is a permissible use in an area that's subject to flooding. They recommend that you add BFH or base flood elevation plus three feet so that for future storms, there won't be flooding and damage to those areas in residence areas where people live.

Mayor Butler requested that we discuss the base flood elevation at the next work session and have the Village Engineer there for discussion.

Trustee Kim asked George Janes if he can get the following information for the next Board's work session. From the list of municipalities that are using the SAO zoning that you mentioned, 1) how long have they been in effect and 2) how has it worked out.

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

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Deputy Mayor McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes
Howard Smith, Main Street, thanked the Board of Trustees for their decision on reducing the height and willingness to look at having a more consistent height across the area, but also consistent with what has historically been with our existing zoning. He has studied the planning of the LWRP,

which started more than 30 years ago. Ideally, you would hope that there would be a logical conclusion reflected in the 2018 comprehensive plan and then leading to the SAO, but there seems to be some disconnects. A significant question has to do with development continuing with Village led zoning, which is the Village's historical approach, the Village establishes the codes and so forth or moving to developer led zoning. It seems like the SAO, without a lot of public engagement or public discussion, seems to significantly move away from Village led zoning to a kind of developer led zoning. It relies on SEQRA and a checklist in place of all of the historical kinds of protections that would have been built into a code. He doesn't understand why the WGBD wasn't an appropriate option to look at instead of having to go to a whole new kind of zoning in the form of the SAO. His concerns relying on SEQRA when we have seen at 29 S. Depot Plaza, which received a negative declaration even though it's proposed to be built on unregulated fill that has titled influence groundwater running just three feet below it. It doesn't leave the community with a lot of confidence that the SEQRA process will provide much in the way of protection. He also has concerns that there should be a requirement for a GEIS in connection with the SAO.

Trustee Brown noted that she believes the SAO was actually an attempt to give the Village more say on a project, regarding zoning.

Mike Love, Main Street, noted that nothing has been addressed about mobility and how people are going to move around town. He just heard of the second major fire at a paper recycling plant in New Jersey. He doesn't know how he feels about living next to a potential inferno. The property was not just a hardware storage yard, it was a lumber yard with treated wood and toxic chemicals. He suggests that the environmental survey be reviewed to find out what is in the land and also the fact that it is next to a recycling plant.

Katy Krider, N. Washington Street, noted that she has a lot of questions because she is not exactly sure what we are discussing. It supposedly changes the zoning, but she is not sure what those changes are. In the proposed legislation, she asked why the Village would take out the following language "the proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood endanger public safety or result in substantial impairment of a slope area." She feels that is our protection. As mentioned, the municipalities that use the SAO and scorecard are not located in the Northeast, we don't know if these places are by a major river, on steep hills, historic neighborhood. There are a lot of generalities and no specifics. It feels like a developer led zoning instead of a town led zoning. She feels that the decision on the SAO should wait until COVID is over and we have a chance to really look at this and understand it before it gets approved.

Peter Bartolacci, Miller Avenue, noted that he believes the SAO is a euphemism for developer led zoning. Right now an applicant needs to get a zoning amendment, which means we dictate exactly what they can build. With this form based zoning, we are giving them parameters, like height. To hear that you are eliminating the view shed component from the SAO concerns him. He thinks the Board should look at scrapping the entire SAO. We are spending all this time and money and endless debate on few pieces of land that will be impacted by this. It doesn't make sense. We cited 11 municipalities in the country that are using this form based zoning. That is insanity. You want proven methods of doing things. He suggests that we don't go down this road, especially for somewhere as important as the station area.

Trustee Kim noted a correction that it is not form based code, it is performance base code. He makes that distinction because they are two different things.

Administrator Slingerland made a clarification. The Board has asked that the view shed code be separated so that it can be considered and adopted separately and it would apply to more than just the SAO zone. It would actually provide a broader protection than if it was only applied in its station area overlay zone. The Board shares the concerns about protecting the view shed both within that waterfront area but in other areas of the Village as well.

Mark Fry, Ossining resident, noted that he has some serious reservations about the entire approach to the SAO. Clients come to him and ask what they can build on a certain property and he goes right to the zoning code and it provides a traditional zoning which is a valuable guidance. He'll be able to look up setbacks, front and rear and height. The uses are very carefully coordinated. He thinks that traditional zoning has served the Village of Tarrytown very well for a long time. Certainly the WGBD zoning that we used for Hudson Harbor, they added an awful lot of complex provisions in there. It benefitted the Village by being very specific about exactly what kind of tradeoffs were allowed in terms of additional public amenities that might allow under very controlled circumstances. There was very clear standards. He is concerned that we seem to be doing things backwards. They talk about land use goals east of the tracks, the mix of land uses in

the station area will help create a dynamic, transit oriented neighborhood that anchors the area around Metro North railway station. His view on transit oriented design is a developer's technique to get extremely high density. He thinks it will be a terrible mistake to pass this SAO zone.

Dolf Beil, White Plains resident, owner on Main Street, noted to be the first community in New York State to adopt the SAO zoning makes no sense at all. The view shed list in the SAO that it will not impact public views, scenic views of the Hudson River and the Palisades; we know that's not the case. The LWRP clearly should have been approved in place of this. SEQRA protection, we have seen that is just meaningless. He refuses to believe that views will not be impacted by 29 S. Depot, which has a significant impact coming from Franklin Courts. You have Covid-19, Edge on Hudson, and 29 S. Depot Plaza is under consideration. His conclusion is not now. The LWRP is listed in the comprehensive plan as a goal, it needs to be adopted. Franklin Courts is allowed 20 more units with M3 zoning, with the S. Depot Plaza density, they are allowed to build 426 more. They have hired a consultant to help with their section 8 HUD conversion. He encourages you to take a look at the EJPConsultingGroup.com website and see what might be developed there.

Colin Vanderhorn, LeGrande Avenue, thanked the Board for hearing the primary concern from everybody which was addressing the height. He asked the Board if they will be allowing fill in the SAO? If you are not allowing developers to fill, why don't we just use the existing text for measuring height in the Village, which is average grid plane?

Sadie McKeown, Archer Place and member of the Tarrytown Municipal Housing Authority. She wanted to clear up what the process is and what might happen there. The Housing Authority is going through a very specific and deliberate process that HUD defines as it's a HUD property to redevelop the site. The reason that we need to redevelop it is because it was built in the 60's. HUD rendered the Courts, obsolete. For the Housing Authority to maintain its funding, it has to go through a redevelopment. We will be putting out RFQ's. They will make presentations to the Housing Authority Board along with its consultant, who are experts in this and have done this nationally and they will lead the Board through a process to select a developer who will redevelop the Courts and renovate the interior of the Tower. The Courts will have to be torn down and redeveloped. The Housing Authority Board is very concerned about the density as are the residents, there will not be a large increase in the density down there. The idea that there will be a massive amount of new units down there is just false.

Trustee Zollo 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 continue the public hearing on the draft proposed Station Area Overlay (SAO) Zone law to the Tuesday, February 16, 2021, Regular Meeting of the Board of Trustees at 7:00 p.m. for ongoing consideration and public discussion to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause.

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

CONTINUATION OF A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND THE VILLAGE CODE RELATING TO PROTESTS, DEMONSTRATIONS AND RALLIES AND RELATED PERMIT APPLICATIONS

Note: Since the draft local law is under review and is being amended, the new draft of the law is not available for this board meeting. Therefore, the Board will not hear public comment on this hearing tonight and instead continue the hearing to the regular Board of Trustees meeting on March 1, 2021.

Trustee Zollo 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 continue the public hearing to Monday, March 1, 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 Applications.

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

CONTINUATION OF A PUBLIC HEARING ON A PROPOSED ZONING TEXT
AMENDMENT TO ADD PROVISIONS FOR TRANSIT ORIENTED DEVELOPMENT
MIXED USES IN THE “ID” ZONING DISTRICT

Note: After the presentation, the Board of Trustees has advised the public comment period for this public hearing will be limited to one hour.

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

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

Linda Whitehead, Attorney with McGullough, Goldberger & Staudt, LLP, representing the applicant, noted that they have heard the comments from the Board and her clients are willing to reduce the proposed building to four stories. They would like to propose the height as defined by the code to be 50 feet. She knows that there was talk of 48 feet, but to make it work, they would need 50 feet.

Art Collins, Collins Enterprises, Southwestern, Connecticut, applicant with Paul Ferraro, noted that they have put together a couple of sketches that actually show what the building might look like. But it will be refined more specifically when we get into the site plan process. Presumably, the 50 foot to the midpoint of the roof would be as we presented a couple of weeks ago would conceal all the mechanics on the roof like condensers. He thinks they can actually come up with a terrific plan for the building that'll accommodate the four stories rather than five. He heard the conversation about base flood elevations. Their base right now at the existing site of all of Depot Plaza is an X-No Flood Zone. Because Westchester County has not actually adopted the FEMA recommendations to have the new base flood elevation established. He believes the new flood elevation is nine, and then nine plus freeboard, which is now three feet, would mean that the first floor elevation, if it was residential, would need to be 12. So that's seven feet above what is current. They are all over this. He thinks it makes sense to think about this once we get into the site plan approval. When Westchester County adopts the flood regulation and flood maps, it's going to dictate financing and project configurations, especially as it relates to the first floor. As we have stated before, storage is an allowed use in this zone.

Linda Whitehead noted that she wants everybody to understand that FEMA has put out new amended flood maps, but they are not yet in effect in Westchester because they have not been adopted. They have looked at whether they could put residential on the first floor and they can't because of that issue, they would have to raise the building. She has seen this issue come up with other municipalities, where a number of property owners have ended requesting height variances, because they had to raise their first floor elevations up above the base flood with freeboard. And other municipalities have done what was being proposed here, which is say that when you're in a flood zone that your first floor height gets measured from the base flood plus the freeboard. The plan that we're looking at basically takes the same plan that you have seen in the last few meetings with the gabled roofs, the varied roofline and just brings it down by one story.

Mayor Butler wanted to confirm Art's comment that based on the mechanicals and everything else that is required is going to all be inside the roofline and that the maximum height that you're asking is 50 feet.

Art Collins noted that we are proposing that the 50 foot would be essentially the midpoint of the roof. It is defined as part of the building code and there would be some things like the elevator shafts and the bulkheads that would exceed that.

Trustee Hoyt asked how far they would exceed that.

Art Collins noted that probably be no more than 10 feet. Bu it would be a very small area of the roof.

Linda Whitehead noted that the Village's code currently allows them to exceed the height 10 feet, but over a very limited area.

Trustee Rinaldi asked why he wants the building height to be at 50 feet.

Art Collins noted that to have the building have a more traditional look with some mansard roofs and gables. It serves two purposes, it gives a building a little bit more character and makes it appear shorter and not as high because the eaves of the roof are down at the top of the third floor and not at the top of the fourth floor. It gives them some character and it conceals a lot of the mechanicals that behind it.

Dolf Beil, White Plains resident and owner on Main Street, You have already gone over the height, the zoning is 40 feet. The consensus seems to be 48 with mechanicals. But the maximum roof height is 55 ft. Do you know that? He asked what the Village gets from going from 40 ft. to 55 ft. He has asked several times, he would like to get the results from the December 11 balloon tests. He believes that 39 Depot Plaza will be proposing a building, so you are not getting 88 new units, you will be getting 88 units plus 115. He was glad to hear Sadie say that they are not going to pack 426 units at Franklin Courts. He would like to know what the number is, they can build 20 by right. He showed slides of what the area would look like if 39 S. Depot Plaza is developed.

Peter Bartolacci, Miller Avenue, asked if the building went from five stories to 4 stories, has the number of units decreased or are we still talking about 88 units. People are also concerned about density and the precedent being set. The 39 S. Depot Plaza location is another 115 units and Franklin Courts will also build more units than there are right now. We need to be thinking about things on a cumulative basis. His big concern has always been traffic and the amount of cars going through his neighborhood. People don't want more congestion, more traffic, more speeders and more danger.

Sadie McKeown, Archer Place, thanked the Mayor and the Board of Trustees on her award that was announced tonight. She does what she does because people like you do what you do. She thanked the Board for their service. The developer at the Franklin Courts and Franklin Towers site will be selected and will go through the process just like any development of getting it approved, there'll be public comment the same. It doesn't go outside of any process to get approved. There will be an increase in density, possibly, but nobody knows that yet. There's clearly a need for affordable housing. Regarding 29 S. Depot Plaza, she is really impressed that the developer has taken the feedback and reduced the density and the size of the building. He heard the public and he responded to the public. It's never easy for a developer to do that when it means changing the economics of a deal. She supports that and thanked him for respecting and listening to the public feedback.

Barbara Goodman Barnett, Main Street, noted that she was pleased to hear the Board's comments about the proposed project at 29 S. Depot Plaza at the last meeting. It was enlightening to hear their individual thoughts. It seemed that the majority of the members were not convinced of the height and density of the proposed building and that there needs to be more examination. As she stated before, she is concerned about prematurely making decisions until we have a clearer vision of the future of Tarrytown post COVID. The President of Metro North stated that it will be years, if ever, before ridership gets back to pre COVID levels. These are just some of the considerations that need to be addressed before moving ahead with 29 South Depot Plaza as well as the SAO plan.

Mike Love, Main Street, noted that the building height at 29 S. Depot was reduced and asked if the number of units were reduced from 88 units. There will be more coming from 39 S. Depot Plaza. Have they increased the number of affordable units? How is this affordable housing at \$2,000 plus a month for a studio? Metro North is the only one getting gifts from the developer, they are redoing their parking lots, walkways and access to the platform and Tarrytown gets nothing. The parking and traffic issues in town still have not been addressed.

Colin Vanderhorn, LeGrande Avenue, noted that he had mentioned how they will be measuring grade. He looked up in the code and the Village measures height to the highest point of flat roofs, the decline of Mansard roofs and the mean height between eaves and ridge for gable roofs. He wanted to make sure that the developer isn't counting these, pasted on architectural gables as true gables. Because if you drop the eave to the third floor, all of a sudden, the average is the fourth

floor and you end up with another 60 foot high building. So the Board of Trustees really want to see an absolute limit on the 48 foot height, they need to be extremely careful on how the developers is counting the height. Make sure you understand definitions that are already in the Village Code and how the developer is going to be using them.

Mark Fry, Ossining resident, noted that it seems that a lot of things are being done in a completely backwards order. During the Comp Plan process, there were a lot of concepts that were not properly presented to the public. The whole concept of very high density in this TOD in particular. He feels that that step got skipped. He would have expected first to get a consensus among the people of the Village as to whether we want to add any population anywhere and then zoning could have been mildly changed. A model of the WGBD zoning in order to create a new clearer zoning for that area. After that, there would be the view shed analysis that was included in the WGBD. After all that was done, then we would be reaching out for specific proposals. Because the SAO got hung up, we are going to first pass this particular project and then maybe later pass the SAO and then sometime after that, pass the viewshed protections. But that's after the building's already built. The idea if you want to rezone that area as residential, that's one thing, but the idea of mixing an industrial use 10 feet away from residential use is anathema. He has seen the crushing operation, which is much busier now than ever before. The big question here is what the cumulative effects is going to be, not only for this building, but for everything that's proposed. Back in 2014 and 2016, the station area study recommended a generic EIS to look at all of the impacts of all of the proposed projects. We need a comprehensive look here.

Suzanne Bartolacci, Miller Avenue, asked who Mayor Butler was referring to when saying there are too many non-persons here.

David Barnett, Main Street, noted that he moved here over ten years ago because of the open space, the river, the charm and the town's diverse population. For the last year, he has been expressing his concerns along with many others regarding the SAO and the proposal for 29 South Depot Plaza. His reservations deal with added density, the enormous scale, the height, the viewsheds, the effects of climate change and the new normal in regards to the current pandemic. But for some strange reason, this is all interpreted by a few people as an opposition to affordable housing. His response is "what?" He finds that opposition contrived, insulting and just plain lazy. If you want to see a smart and thoughtful example of how to approach new development in Tarrytown with over 100 units of affordable housing, he recommends you to take a look at the new YMCA redesign by Wilder Baltar Partners. It successfully handles the historic look of Tarrytown with a modern approach that seems totally appropriate on Main Street and Windle Park. It also accommodates more parking for the Village. There's reason to celebrate our affordable housing efforts. Westchester County Board Chairman stated recently in a press release that he was happy to report that Westchester has substantially met its obligations under a 2009 federal court settlement to build and promote more fair and affordable housing across a range of income levels throughout the county. This doesn't mean we have to stop the process, it just means that we are on the right path for the future of Tarrytown and all of Westchester County.

Katy Krider, N. Washington Street, noted that she was listening to Art Collins and she sort of added it up and it sounds like we're going to end up with a 60 foot building at the top peaks and then maybe going down to 50 feet. She asked the Board to stick to 48 feet. And it is not clear also based on the earlier conversation, 48 feet from where from what. She asked the Board to pay close attention to how tall this building is actually going to be because it is unclear. She would also like to know the number of housing units at 29 S. Depot Plaza since it is now 4 stories instead of 5 stories. She agrees that this process seems to have gone backwards. She thinks this is a perfect example of developer led zoning and she thanks the Board for getting the height down. She is still concerned about density and traffic. She agrees that COVID is going to change everything and we shouldn't be too hasty. These housing units are not affordable at all.

Trustee McGovern asked if Art Collins or Linda Whitehead could answer the question as to how many housing unit will there be now with 4 stories instead of 5 stories.

Art Collins noted that there will now be 66 units with the 4 stories.

Trustee Kim asked Art Collins, by reducing the density from 88 units to 66 units, how will that affect the rents of your units.

Art Collins noted that it really doesn't affect the rents. We are trying to create a community where we would have people live there for a long term. He feels that the rents that they quoted and the service they will be providing and the fact that people will be renting by choice, which is a fairly sizable market in the New York Metro Area, so it wouldn't really affect the rents that much. We still will have 7 units that would be affordable instead of nine.

Trustee Brown asked Art Collins to speak to mixing the residential with the industrial down there.

Art Collins noted that when they were speaking to the Planning Board last year, we put together a number of landscape plans that showed speed bumps, traffic controlling features to slow the trucks down. He is not concerned about the trucks nor is he concerned about the trains. They have done a number of transit oriented locations around Westchester and Connecticut. They have charted the number of trucks that actually go in and out of that area daily. Since they control the right of way, we can hopefully control some of the access and the frequency of those trucks. Generally speaking, it is an urban location. We will take precautions and make sure that we have sound barriers etc. He thinks they can design built in controls that will assist our residents.

Linda Whitehead noted that these buildings are not ten feet apart. Each of these buildings have a ten foot setback, but those are bump outs on the side. The actual buildings are about 80 feet apart. The south end of their building adjacent to the recycling facility is only the self-storage entrance. There's no residential activity at that end of the building closest to the paper recycling use.

APPROVE THE AMENDMENT TO THE HEIGHT IN THE PROPOSED LAW TO THE ZONING CODE FOR TRANSIT ORIENTED DEVELOPMENT IN THE "ID" DISTRICT

Trustee Zollo moved, seconded by Trustee Kim, all voting "aye" that the following resolution be approved, with the exception of Trustees Brown and Rinaldi who voted no. Approved: 5-2

Trustee Brown voted no, she doesn't feel ready to vote because she would like to discuss the two feet with the developer a little bit more because she doesn't want to stop this development over two feet.

Trustee Rinaldi voted no because he cares about the architecture of the building and so far he doesn't like what they addressed.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the amendment to the height in the Zoning Text Amendment to limit the height restriction of a building to no more than 48 feet on the 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.

Roll Call –Mayor Butler, Yes, Trustee Brown, No, Trustee Hoyt, Yes, Deputy Mayor McGovern, Yes, Trustee Rinaldi, No, Trustee Zollo, Yes

CONTINUATION OF THE PUBLIC HEARING – ZONING AMENDMENT FOR TOD IN THE "I.D." ZONING DISTRICT

Trustee Rinaldi 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 continue the public hearing on the amended proposed law to Tuesday, February 16, 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 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.

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

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

Administrator Slingerland read an email from John Stiloski who could not attend the meeting:

“Some of you can be upset with this letter of concern and I will live with that. But I feel the need to express myself concerning officers’ safety. Remember when you lay your heads down at night politically correct is gone and your conscience takes over. I sit and see the administration struggle with Police reform and feel the need to change something that is not broken. We all know behind the cameras and public spotlight that the issues and concerns seen in the spotlighted events are not taking place here. Our Police tower way above what we have seen. Yet everyone feels something has to be done. I sit and watch videos of Trustees at the police reform workshops wanting to dress our officers down and softly arm them? What's softly armed? Are cops supposed to be soft? Do you want a softly armed Police officer responding to our schools for an active shooter? Do we want them responding to a home invasion softly armed? This remark is absurd and sad. Understand this Trustee is sworn in to protect and serve this Community. That means protecting me and others and the employees (Police). Hearing this comment the trustee has Failed the residents and Businesses of Tarrytown. I see people who are on the Reform Board make False statements and claims but are told sorry. Is credibility not very important? If one of our officers lied would he be told sorry? Police need to perform as they are trained. Crime has not changed "criminals are criminals" There has been no criminal reform. All this so called change is empowering evil. If the Leaders (Trustees) change Policy and procedures and the officer fails to act as trained (A COP) who is at BLAME? Officers are here to protect and serve and so are the Trustees, I have been involved in seeing thousands of arrest and have served as an aux Police officer and are very familiar with how officers act and how people act. You have people who need help that are so thankful and then you have people that don't care about your life, the officer's life or anything else around them. I now see a serious disturbing officer safety concern. Cops are now taken back. Worried if they act as trained they will lose their jobs for doing their job. Being a good cop is quick thinking and fast acting. Having to worry before acting as trained is going to get a Police officer seriously injured. Not addressing certain crimes and issues will change our quality of life for sure. Do you think doing any job in fear is going to get the job done? We need to fully support our law enforcement and let them know we need them to continue to perform the jobs you hired them for. Take the fear of the administration being Politically correct and not standing for what's right. Our Police chiefs and upper brass need to be the Leaders of the force. You need to remove the sick thoughts of softly armed and dressed down from our minds. The cops would have never been a cop if they were soft. Soft is good for nothing here. (DON'T MISCONSTRUED FOR PASSIONATE AND KIND which they are AND TRY TO BASH MY LETTER TRUSTEE BROWN) I have been in Tarrytown day and night for 54 years, our town and people here are equal and all have names. I have never felt so down with the tail wagging the dog. We have a bunch of people who have become voices of reason who have no clue about the history here. They came to Tarrytown broken, angry, upset and never happy who have become the few. Some Police reform committee members didn't even meet the requirements to be selected for the positions they held. Does anyone ever wonder why we don't have any born and raised people of color or Latin Americans? Because race, creed, gender were never an issue. They were my teammates, classmates, neighbors they are my friends. They are my friends who appreciate our police and quality of life in Tarrytown and know there are no issues with our Police. Do you think they want to be involved in this mess? Maybe we should send a rep. of the Village across the street and across to Asbury terrace to speak with some residents who are truly the voices of would be concern. I also see my mic gets turned off and my voice is silent to Trustee Karen Brown's response to my Public comment at the last Board meeting. You can say that my signs seemed threatening? But yet you can stand at a BLM protest and Hear "F ck the Police" and curse and support burning down buildings and call out your Police and calling them out for doing their job. Protecting Tarrytown. This is ok but my sign language is scary. I came up with the idea from a BLM article May 30-20. Here is what you called disturbing? The other thing is my right to like military and equipment and big trucks which scare you. Look BLM was able to have free range here and was given the red carpet. We should be given the same. Also remember being here my whole life people that you think are standing with you on the one side only are very close to us and we know. Trustee Brown too bad you missed the Patriots Park Rally because then you could have heard all the people who came forward to share their stories of our Police and real

dealings with them from real village people from here. It's so obvious looking at your Village Website statements regarding "Back the Blue" and Sad."

Trustee Rinaldi noted that he is the Trustee he is referring to for raising the issue of "softly" armed. The Police Reform and Reinvention Committee was formed by a direction from the governor's office. During one of those work sessions, he asked the Police Chief the possibility of having community officers softly armed, meaning without guns and perhaps with other things like mace, etc. It wasn't meant to be an official term.

RE-APPOINTMENT OF MEMBER OF THE ETHICS BOARD

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown pursuant to the Village Code does hereby re-appoint Trustee Paul J. Rinaldi as member of the Ethics Board for a term to expire in December of 2022.

APPOINTMENT OF MEMBER OF THE ETHICS BOARD

Trustee McGovern 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 Mark Davies as member of the Ethics Board for a term to expire in December of 2024.

APPOINTMENT OF MEMBER OF THE ETHICS BOARD

Trustee Zollo 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 appoint Andrea Taber as member of the Ethics Board for a term to expire in December of 2023.

LICENSE AGREEMENT EXTENSION WITH THE WASHINGTON IRVING BOAT CLUB

Trustee Kim 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 authorize and direct the Village Administrator to execute an extension license agreement between the Village of Tarrytown and the Washington Irving Boat Club for a term to expire on June 30, 2021.

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

AGREEMENT FOR ARCHITECTURAL SERVICES TO DEVELOP BID-READY PLANS FOR REPAIRS TO THE RIVERSIDE HOSE FIREHOUSE

Trustee Kim, 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 does hereby authorize and direct the Village Administrator to execute an agreement with Cronin Engineering of Cortlandt Manor, New York, for architectural services to prepare plans for work to address the items outlined in the report entitled "Limited Structural Assessment of the Kitchen Addition at the Riverside Hose Company" for the total cost of \$8,750 per their proposal.

VEHICLE AND TRAFFIC LAW AMENDMENT – OFF-STREET METERED PARKING LOTS – RENAMING DOWNTOWN PARKING LOTS BY LOT NUMBERS

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

WHEREAS, currently the downtown off-street metered parking lots are identified in the Village Code by lot names, i.e. Neperan Rd Lot. The commuter off-street lots are identified by letters, i.e. Lot A; and

WHEREAS, the Parking Task Force is requesting that the parking process be simplified, by changing the downtown metered parking lot locations to add numbers in addition to the location names.

NOW BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Vehicle and Traffic Law amendment to format change to simplify identification of Off-Street Metered Parking Lots as follows: All new material is set forth in **bold** letters and deletions are set forth as ~~strike-out~~.

§ 291-91 Schedule XXVI: Off-Street Metered Parking Lots.

The areas described below shall constitute off-street metered parking lots. A full description of such lots is available in the office of the Village Clerk, where it may be examined during regular office hours.

Name of Lot	Lot Location
Lot 1	4th Broadway
Lot 2	5th Avenue
Lot 3	Washington Street (East Side)
Lot 4	Washington Street (West Side)
Lot 5	5th Avenue
Lot A	Plaza
Lot B	Depot Plaza
Lot C	Street (North)
Lot D	Main Street
Lot F	Street (South)
Lot G	Park South and Green Street along Losee fence line
	Elizabeth Street

VEHICLE AND TRAFFIC LAW AMENDMENT – RESIDENT PARKING PERMITS

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

WHEREAS, the Parking Task Force has recommended the creation of a downtown resident parking permit for the business district lots. This recommendation would help accommodate those residing within the business district who do not have dedicated off-street parking but available to all residents of Tarrytown and these permits would be priced the same as a “business permit.”

NOW BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Vehicle and Traffic Law amendment to Chapter 291-46. Resident parking permits to add a new section of the Village code named, Downtown resident parking, as follows: All new material is set forth in **bold** letters.

§ 291-46.2 Downtown resident parking permits.

Upon submitting to the Village Treasurer a properly completed, signed application and upon payment of a fee as set by resolution of the Board of Trustees, the Village Treasurer shall issue to any owner of a passenger or suburban vehicle who is a resident of the Village of Tarrytown a downtown resident parking permit consisting of a numbered permit. Such permit shall be valid for a period of no more than one year and shall expire, in any event, on May 31 of each year. Regardless of the number of license plates listed on the permit, the permit shall only be valid on one vehicle at a time. Downtown resident parking permits are valid in the following municipal parking lots, subject to specific restrictions where applicable:

- A. Lot 1 (31 South Broadway)
- B. Lot 2 (Neperan Road)
- C. Lot 3 (South Washington Street, East Side)
- D. Lot 4 (South Washington Street, West Side)
- E. Lot 5 (McKeel Avenue)

AMENDMENT TO THE MASTER FEE SCHEDULE

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 add the following new fee:

- Downtown Resident Parking Permit Fee - \$320.00 (annual)

BE IT FURTHER RESOLVED that these fees shall be updated and published by the appropriate departments and Village staff, as part of the Village's Master Fee Schedule.

VEHICLE AND TRAFFIC LAW AMENDMENT – BUSINESS PARKING PERMITS

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

WHEREAS, the Village Code currently does not allow business permits to be utilized in the South Washington Street Lot. The Parking Task Force is requesting that the South Washington Street lot be added to the list of locations where business permits may be utilized.

WHEREAS, the Parking Task Force believes that allowing business permit parking in the lot will help free up premium on-street parking spaces along Main Street that may have been otherwise occupied by business owners or employees.

NOW BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Vehicle and Traffic Law amendment to include the South Washington Street Lot to be added to the list of locations where business permits may be utilized and include Parking Lot names: All new material is set forth in **bold** letters and material to be deleted is set forth as ~~strike out~~.

291-48. Business permit. [Amended 9-19-2011 by L.L. No. 8-2011; 12-3-2012]

Upon submitting to the Village Treasurer a properly completed signed application and payment of a fee as set by resolution of the Board of Trustees, the Village Treasurer shall consider said application as valid and complete for the issuance of a business permit, subject to applicable parking limitations. Such permit shall only be issued to the owner of a passenger or suburban vehicle who is not a resident of the Village of Tarrytown, but who is a merchant, store employee, office worker, business or professional person or other person gainfully employed within the Village of Tarrytown. One permit may be issued for up to four vehicles per parking permit, but in no case may the permit be used on more than one vehicle at a time and shall not be considered a valid permit for the parking of more than one vehicle at a time. Such permit shall be valid for a period of not more than one year and shall expire, in any event, on May 31 of each year. Business permits are valid in the following municipal parking lots, subject to specific restrictions where applicable:

- A. ~~McKeel Avenue Parking Lot.~~
- B. ~~South Broadway Parking Lot.~~
- C. ~~West Elizabeth Street Parking Lot (metered parking spaces).~~
[Amended 3-21-2016]
- D. ~~Cortlandt Street (metered parking spaces 4050 through 4061).~~
[Added 12-3-2018]
- E. ~~Neperan Road Parking Lot (formerly known as the "Citibank Parking Lot") (Village parking spaces).~~ [Added 9-3-2019]

- A. Lot 1 (31 South Broadway)
- B. Lot 2 (Neperan Road)
- C. Lot 3 (South Washington Street, East Side)
- D. Lot 4 (South Washington Street, West Side)
- E. Lot 5 (McKeel Avenue)
- F. Cortlandt Street (metered parking spaces 4050 through 4061).

VEHICLE AND TRAFFIC LAW AMENDMENT – MAXIMUM PARKING TIME LIMIT; EXCEPTIONS

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

WHEREAS, a review of the Village Code has revealed that not all of the current 15 minute metered spaces are indicated specifically in the code, but instead are covered by spaces so designated by yellow colored parking meters; and

WHEREAS, it is the recommendation of the police department that specific locations of 15 minute meters should be removed from the Code.

NOW BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Vehicle and Traffic Law amendment to remove the list of the 15 minute metered spaces from the Village Code as follows: All material to be deleted is set forth as ~~strike out~~.

§291-41 Maximum parking time limit; exceptions

(4) The maximum time limit at the following meter spaces so designated by signs and or markings on Main Street, North Broadway and South Broadway shall be 15 minutes:

- a) Spaces so designated by yellow colored parking meters
- b) ~~One space on North Broadway, west side, 50 feet south of Central Avenue~~
- c) ~~One space on South Broadway, west side, 50 feet south of Main Street~~
- d) ~~One space on Main Street, south side, 10 feet east of John Street~~
- e) ~~One space on Main Street, north side, 50 feet west of North Washington Street~~

DECLARATION OF SURPLUS – DEPARTMENT OF PUBLIC WORKS

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 declare the following Department of Public Works vehicle as surplus. In lieu of having the vehicle taken away, the Village will retain the vehicle for the purpose of recovering any usable parts and will dispose of the remnant part of the vehicle for salvage value. This vehicle is therefore deemed as salvage equipment and removed from insurance coverage.

- 2009 Chevrolet Dump Truck, VIN: 8369, (truck was destroyed due to fire)

SCHEDULE A SPECIAL MEETING OF THE BOARD OF TRUSTEES AND THE POLICE REFORM COMMITTEES REGARDING POLICE REFORM AND REINVENTION

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 schedule a Special Meeting with the Police Reform and Reinvention Committees to discuss and review the Police Reform and Reinvention report to determine recommendations on Wednesday, February 17, 2021 from 6 p.m. – 8 p.m. to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause.

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

SCHEDULE A PUBLIC HEARING – APPLY ZONING CHANGES TO 99 WHITE PLAINS ROAD

Trustee McGovern 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 schedule a Public Hearing for the regular meeting of Tuesday, February 16, 2021, at 7:00 p.m., 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 apply the A/D and SEAL Floating/Overlay Zone to 99 White Plains Road (Section 1.140, Block 89, Lot 2) for 85 Units of Assisted Living and Memory Care Housing.

SCHEDULE A PUBLIC HEARING – BUDGET HEARING FOR FISCAL YEAR 2021 – 2022

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

WHEREAS, the Village Administrator will be submitting his tentative budget for fiscal year 2021 – 2022 to the Village Clerk for release to the public on Monday, March 15, 2021; and

WHEREAS, in accordance with law certain timetables must be followed in order to fully consider said budget; and

WHEREAS, it is the desire of the Board of Trustees of the Village of Tarrytown to proceed in this process;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown will hold a Budget Hearing at the regular meeting of the Board of Trustees on Monday, March 15, 2021 at 7:00 p.m. 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 the presentation of the Tentative Budget for Fiscal Year 2021 – 2022 to be submitted by the Village Administrator to the Board of Trustees; and

BE IT FURTHER RESOLVED, that the Board of Trustees will hold a work session on March 31, 2021 at 6:00 p.m. at which time it will review the Tentative Budget for Fiscal Year 2021 – 2022; and

BE IT FURTHER RESOLVED that a Public Hearing to consider the adoption of the budget for the Village of Tarrytown shall be conducted by this Board at its regular meeting scheduled for Monday, March 15, 2021 at 7:00 p.m., via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause. At said Public Hearing the citizens shall also be heard with respect to whether or not additional funds shall be allocated that may exceed the New York State 2% Property Tax Cap; and

BE IT FURTHER RESOLVED that the Village Clerk be and hereby is authorized and directed to advertise and publish all appropriate public notices as required by law.

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

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES REGULAR MEETING OF JANUARY 19, 2021

Trustee McGovern 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 the minutes of the regular meeting of the Board of Trustees held on Tuesday, January 19, 2021 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern 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 approve Abstract No. 14 of Audited Vouchers in the total amount of \$695,259.49 to be paid in the following amounts:

General	\$ 422,881.55
Water	\$ 40,127.45
Sewer Fund	\$ 1,300.20
Capital	\$ 196,624.23
Library	\$ 26,593.88
Trust & Agency	\$ <u>7,732.18</u>
Total	\$ 695,259.49

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

Dolf Beil, White Plains resident, owner of 108 Main Street, noted that he discovered that one of the goals in the comprehensive plan is to approve the LWRP and he would like to request that you start the process of doing that.

Jack Jolly, Main Street, noted that he happened to call the state COVID line today and after a half an hour, they offered him the Javits Center. He called Phelps Memorial Hospital, they didn't answer. The COVID vaccinations are hard to get around here. He asked if the Village can help with this.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned at approximately 9:58 p.m. by vote of seven in favor, none opposed.

Carol A. Booth
Village Clerk

FILED 2/26/2021
VILLAGE CLERKS OFFICE

Carol Booth

Concerns w SAO

D. Berl

2/1

Inconsistency w TOD

- **Facades shall not exceed 150 feet in length.**
5 Stories and 60' vs. 4 Stories & 55' (Being Negotiated)

Viewshed

Development in the SAO will not impact public scenic views of the Hudson River and Palisades.

LWRP Approval Needed per Comp Plan
Examine Views with Leaves Off Trees

SEQR Protection

Historic Property – Requires Pos Dec
Hudson Tidal Water 3' Below Surface
Viewshed Not Significantly Affected

Franklin Court's Impact

Potentially HUGE !!
Unknown
Loosely Controllable (Cell Tower)

Concurrent Factors

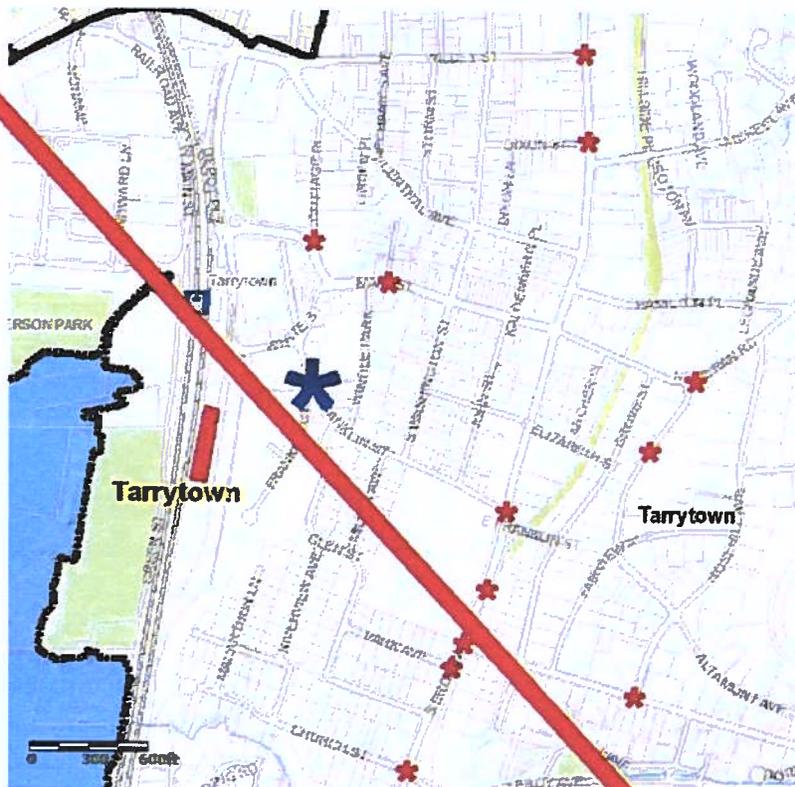
COVID-19
Edge on Hudson
TOD

Documentation

Complete Proposal Needed
SAO Scorecard Not Available

Conclusion: Not Now!

Proposed Viewpoints



No Viewpoints Can “See” Most SAO Sites

Only 2 Can “See” Village Hall Site

LWRP Calls for West Franklin X Franklin Court

29 SDP Applicant Calls W.F. X F.C. “Significant”

Balloon Test Clearly Shows Impact

Site “Blindness” Identified 1+ Year Ago

No Need for Viewpoints to See Construction!

Really ?

Comp Plan – LWRP

Goal: 18.a.i Adopt the LWRP

Tarrytown is a true “River Town” with its history, its community identity, and its pride inexorably tied with Hudson River. Ensuring that views of the River are maintained is an important element of the LWRP.

Notable views can be obtained at the following locations:

- the intersection of Franklin Street and Franklin Court
- the intersection of Main Street and Cottage Place

Views west from the downtown area.

- Franklin Street at Franklin Court
- Main Street west of Windle Park

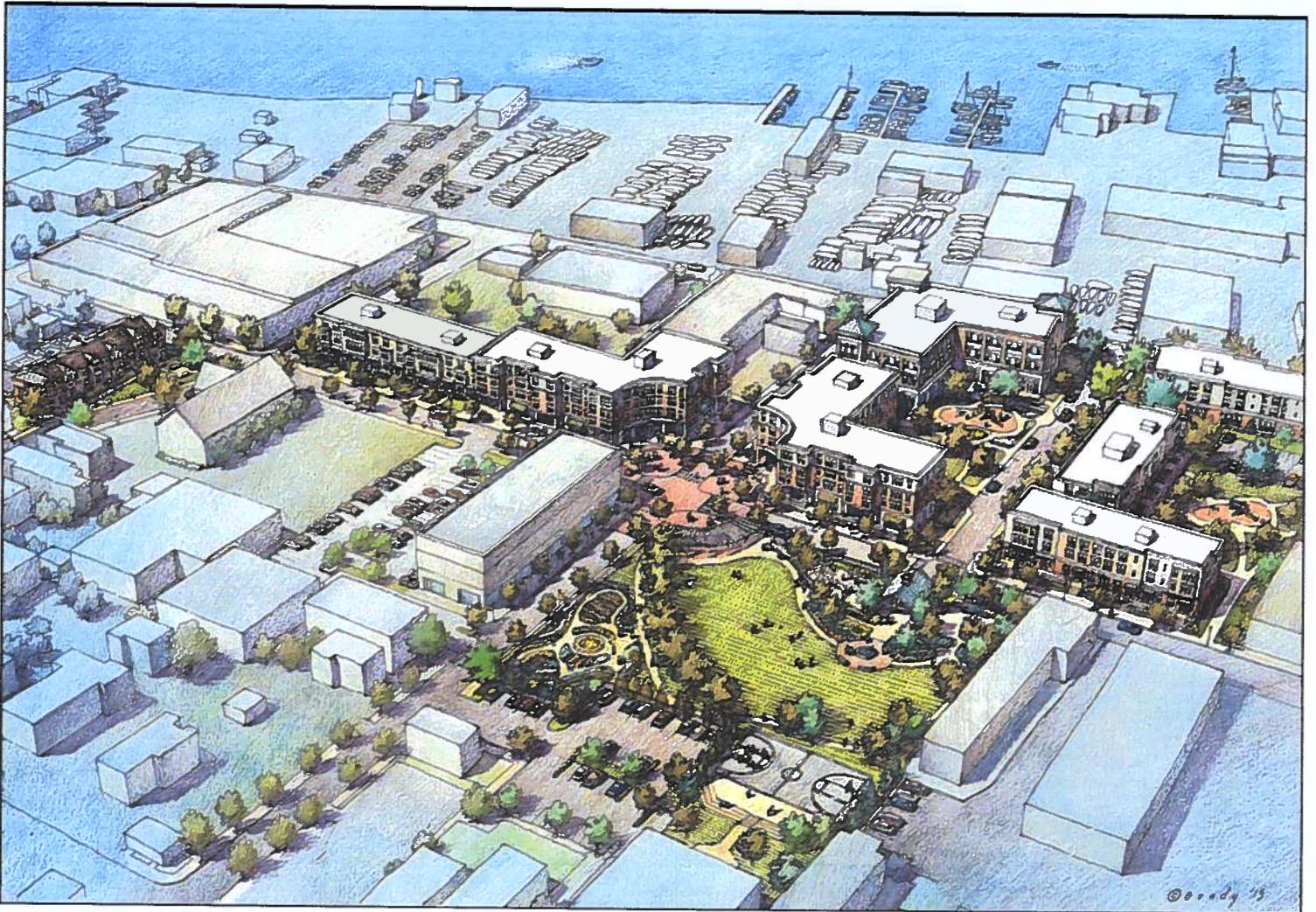
Franklin Court

M3 Zoning: Allows **20** More

29 SDP Density: Allows **426** More

TMHA Hired Consultant to help with Section 8 – HUD Conversion

Example of What Has Been Done Elsewhere:



Check Out www.ejpconsultinggroup.com

SAO New Units *



<u>Site</u>	<u>Acres</u>	<u>Units</u>
Walgreen's	3.8	283
Village Hall	2.2	163
29 S. Depot Plz.	1.2	88
Am. Paper #39	1.5	115
Controlable		650
Franklin Court	6.7	496
Current		-70
Not Controlable		426
	=====	=====
TOTAL	15.4	1,075

* @ 29 S. Depot Density

TOD Concerns

2/1

D. Beil

Height

Current Zoning = 40'

1/19/21 Consensus Seems 48' w mechanicals

MAX ROOF HEIGHT
55.00 

Negotiation - 29 SDP

What Does Village Get for Exceeding Current Height?

View

4th Request for Report on 12/11 Balloon Test

Misrepresentation

Height in Exhibit 6

Tidal Water at 3'

Lot #39

Recognition of 115 More Units

Negotiating Position for Franklin Court

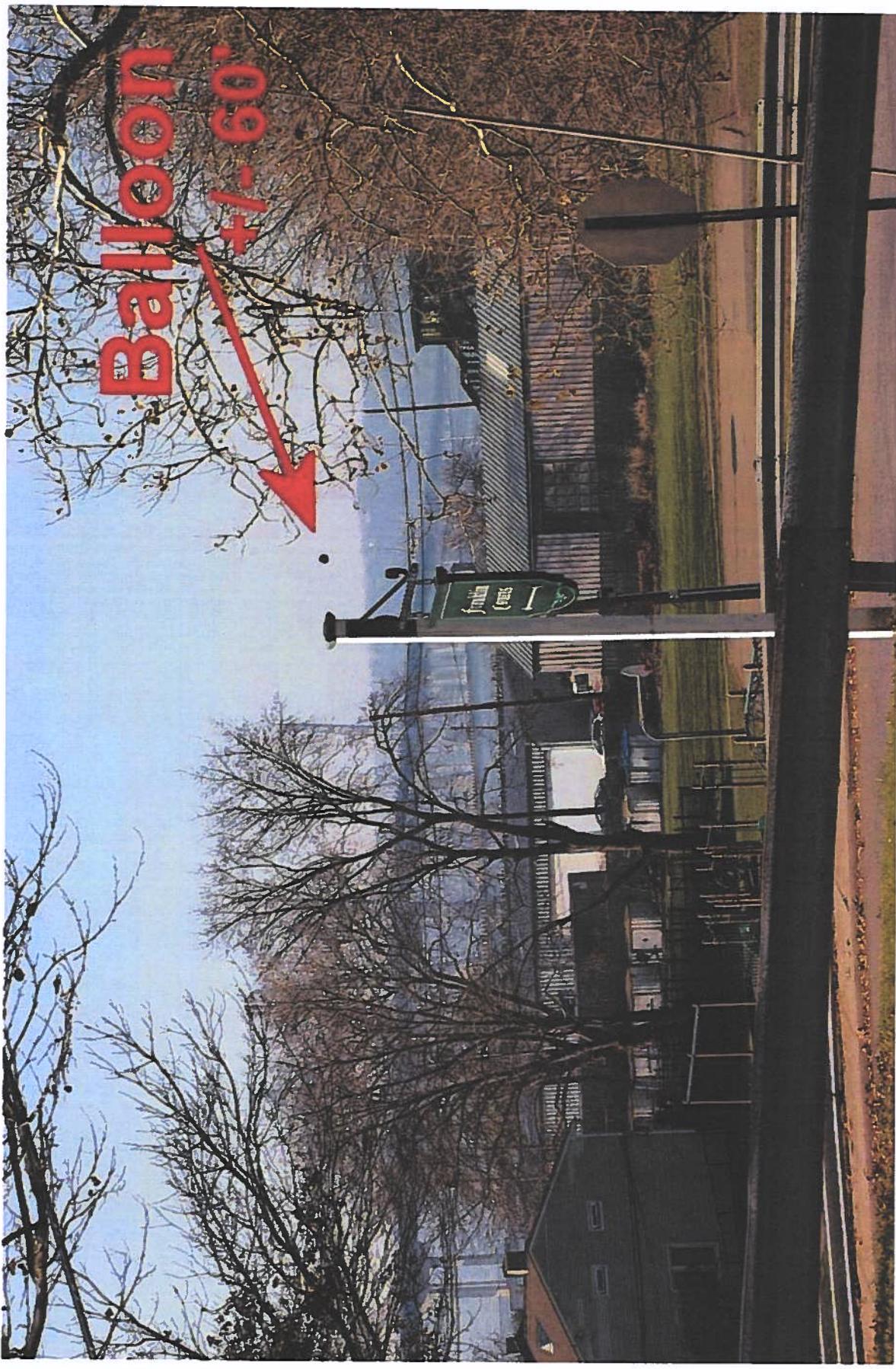
20 "By Right"

426 by "Neighbor"

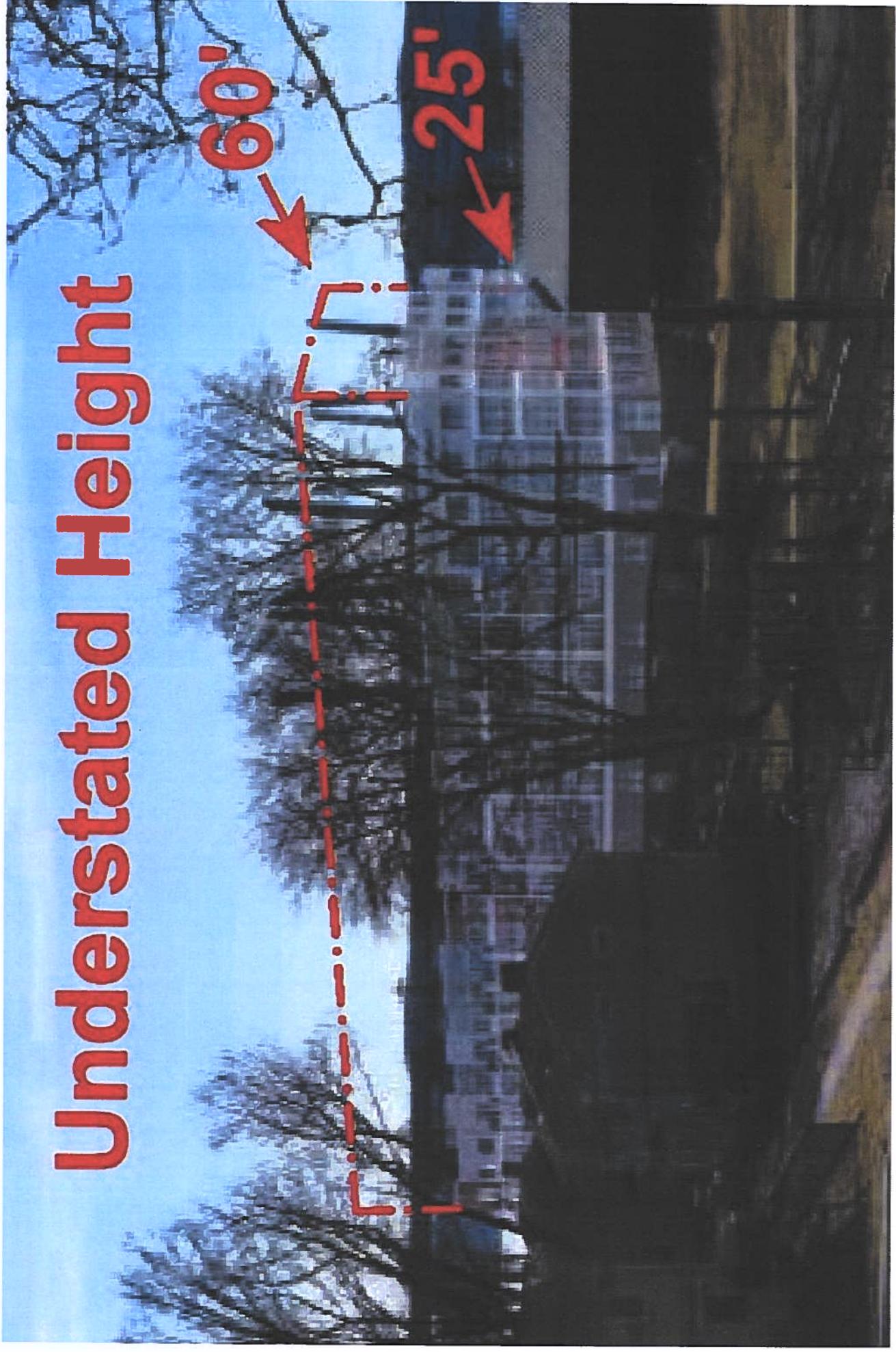
Action: **Re-Refer to Planning Board**

What Were Balloon Test Results?

12/11/20



Understated Height



FEAF Mis-Statements

a. What is the average depth to bedrock on the project site? _____ 5+ feet

d. What is the average depth to the water table on the project site? Average: _____ 5+ feet

j. Is the project site in the 100-year Floodplain? To be clarified with updated mapping Yes No

The applicant is proposing to use the foundation for the existing one-story metal warehouse building to construct the proposed mixed-use building.

Barrier Contracting, LLC
PO 385
Tarrytown NY 10591
Phone: 914-760-2090 Fax: 888-482-2416



May 10, 2020

Spill Closure Report

SITE OWNER:
Tarrytown Self-Storage II, LLC
34 Norm Avenue
Bedford Hills, NY 10505

PROJECT LOCATION:
28-29 Depot Plaza
Tarrytown, NY 10591
NYSDEC Spill No's. 1812072, 1812073

PROJECT: Closure of NYSDEC Spill No's. 1812072, 1812073

SITE DESCRIPTION:

The Site is located in a mixed residential /commercial area. The site is improved with two "Butler" building warehouses in a commercial area adjacent to Metro North train tracks and Tarrytown Train Station in the Village of Tarrytown, NY in the county of Westchester. The property is relatively flat and at street grade. The general topography of the area slopes to the west. Groundwater was found at 3± ft below ground surface (bgs) and flowing towards the Hudson River, located 400± ft to the west. The groundwater at the site is tidal, with fluctuations of several feet. Local subsurface soils and water are likely to have been impacted historically from railroad operations, urban filling and up-gradient sources.

Unstable Soil Per Art Collins to BOT 1/21/20:

“Due to the unstable organic riverfront soils that are underneath, we have to build deep foundations to support the housing above and we'll be driving piles 50 to 70 feet deep. “ (1:05:39)

Action: Re-Refer to Planning Board

Lot #39 From Bridge

