

Board of Trustees
Village of Tarrytown
Regular Meeting No. 7
February 18, 2020
8:00 p.m.

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

ABSENT: Trustee Rinaldi

The meeting began with the Pledge to the Flag.

CHANGES AND/OR ADDITIONS TO THE AGENDA – The Mayor and Board of Trustees added a resolution to the agenda - Resolution Authorizing additional work by George Janes and Associates on the SAO Zoning Law, Score Card, and Village Code on Viewsheds

ADMINISTRATOR’S REPORT

Administrator Slingerland noted the following:

- Last week, Trustee Brown, Assistant Administrator Ringel and himself attended a meeting at the County Executive’s Office with regard to a housing needs report, which was very informative. They completed an analysis on a municipal housing snapshot based on 2019. After their review, they concluded that there is a need for over 11,000 new units of affordable housing throughout Westchester County. We plan to invite Norma Drummond, the Planning Commissioner of Westchester County to attend a Board Meeting this spring to present a report.
- The Village of Tarrytown has been the lead community for the application and the receipt of a grant from New York State DEC for use of a recycling app. The Village is working with Sustainable Westchester to have the app installed on our website. The data has already been populated and we plan to have it on the website within the next two weeks. Assistant Administrator Ringel noted to download the recycling app from the app store, type in Recycle Right Westchester. The features work with Android and iPhones, you type in your address and it will give you the full sanitation schedule; you can opt in or opt out in receiving alerts. There is another component called recyclopedia, where you type questions on how to recycle certain objects and you will get a response on how and where to recycle these items. Trustee McGovern asked if you can also schedule a bulk pickup through the app. Administrator Slingerland noted not at this time, but that is something we can look into as an addition to the app at a later time.

PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

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

Trustee Butler noted the following in the proposed ARB legislation:

- “2. Fences that are only in the rear yard or side yard setback, less than 48” and not fronting on a street (Finish of the fence must face the adjoining property.)” Trustee Butler questioned the word “must” because that is a mandate, where before, it was a courtesy.
- “9. Replacement in kind of structures or fences that obtained prior building permit with ARB approvals.” Trustee Butler asked if the word “in kind” refers to the same material, for example wood to vinyl. Mayor Fixell noted that you might want to add “kind and style.”

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the Local Law to amend ARB requirements to Monday,

March 2, 2020, the next regular meeting of the Board of Trustees so that the revised text may be re-published prior to adoption.

PUBLIC HEARING – LOCAL LANDMARK DESIGNATION

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

Steven Wrabel with McCullough, Goldberger & Staudt, LLP, noted that he represents the owner of 17 Washington Street LLC, which is the owner of 17 North Washington Street. This property is currently approved for a 3 story, former warehouse building, which the property owner is looking to renovate to accommodate 3 residential units. As part of that application, they are asking that the Board designate the front façade as a historic landmark, a certain element, such as the door would need to be replaced, if not in kind, certainly in similar style and design with the current architecture. Administrator Slingerland asked Mr. Wrabel if he had looked at the hearing notice and if it was acceptable to him. Mr. Wrabel noted that he has read it and it is acceptable to him and his client.

Trustee Butler noted the following:

- “The Board of Trustees designates the front brick façade of the structure at 17 N. Washington Street, including the “1907” emblem, the existing configuration of the window openings, the signage-type and/or mural painting on the brick and the metal decorate feature above the existing large wooden doors, as an historic landmark..... The Board of Trustees acknowledges that: (1) the doors, including the existing large wooden carriage house style doors; (2) the windows within the existing openings; and (3) the cornice, will need to be replaced, he feels it should read **“replaced or restored”** as part of the structure’s restoration and reuse”. He feels it should read “as part of the structure’s **“historical”** restoration and reuse.”
- “.....and for the renovation/restoration to incorporate the replacement of the large existing wooden doors with a fixed element (Trustee Butler feels that “fixed element” is open ended and not described enough.) ...”that would incorporate the current carriage house style. Nothing herein precludes the restoration of the signage and/or mural painting on the brick with new bricks. Trustee Butler suggests that the language read ...”**with new historical bricks and/or with bricks that match.**”

Village Attorney Zalantis noted that the doors will need to be replaced and they will try to preserve the look of those doors. The doors will be replace with a window with a carriage house feature and look to it. The doors are not being designated.

Mr. Wrabel noted that because of the building code and the change in use, we are not looking to have large warehouse doors that open to the street. So rather have doors that slide open or move, we are proposing something that is architecturally similar, but are in place, like possibly a window wall. Some form of element that reflects the visual of the doors, but will be fixed. This project didn’t focus on the doors, it was to save the entire structure. In order to put a residence on the first floor, there is a light and energy efficiency requirement and that will not allow us to keep the doors. They may propose to keep half of the door with a window to make it aesthetically pleasing to match the carriage house look.

Trustee Brown asked why they want the façade on this property to be designated a historical landmark. Mr. Wrabel noted that it comes down to use. In order to approve a 3-family structure within the GB district, without a use variance, it can be permitted by the Zoning Board if the structure is designed a historical landmark.

Trustee Brown noted that this application would still have to go to the Zoning Board, the Planning Board and the Architectural Review Board, at which time, the doors will be discussed.

Mr. Wrabel noted in summation, the changes to be included in the proposed language are as following:

- “matching brick”
- “some language modifying the façade exterior fixed element”
- “replace or restore”

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, March 2, 2020, the next regular meeting of the Board of Trustees.

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

There were no speakers.

RESOLUTION AUTHORIZING ADDITIONAL WORK BY GEORGE JANES AND ASSOCIATES ON THE SAO ZONING LAW, SCORE CARD, AND VILLAGE CODE ON VIEWSHEDS

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

WHEREAS, the Village of Tarrytown has been working on the draft of the Station Area Overlay (SAO) Zone with since early 2019, and

WHEREAS, the Board of Trustees scheduled and opened the public hearing on the SAO Law in late Fall of 2019, and has had several sessions of public hearing on the proposed draft; and

WHEREAS, during the public hearings, the Board of Trustees decided that changes to the draft proposed SAO Law are necessary, as well as changes to the proposed, accompanying Score Card, and separate changes need to be drafted up and proposed to establish protections for scenic viewsheds in various zones of the Village of Tarrytown.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize fees not to exceed seven thousand five hundred dollars (\$7,500) for direct time and expenses, with additional charges for on-call time and expenses, such as to attend meetings or participate in conference calls, as the case may be, without additional authorization from the Board of Trustees; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize and direct the Village Administrator to execute this extension agreement with George M. Janes & Associates, and to take the necessary and appropriate actions to perform this work, so that a re-draft may be submitted to the Board for ongoing consideration and public discussion at the April 6, 2020 Regular Meeting of the Board of Trustees.

ACKNOWLEDGEMENT OF RECEIPT OF THE 2019 TARRYTOWN VOLUNTEER FIRE DEPARTMENT SERVICE AWARD (PENSION) PROGRAM ANNUAL REPORT REGARDING QUALIFYING POINTS RECEIVED

Trustee Brown moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Hoyt who recused himself: Approved: 5-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby acknowledge receipt of the Tarrytown Volunteer Fire Department 2019 annual report of points achieved by respective members of the Fire Department for qualification for Village contribution to the Fire Department members service award program, which report shall be posted for public inspection and comment for 30 days prior to Board of Trustees’ consideration of approving submission of the report to the pension fund underwriter, subject to final sign-off by the Mayor.

2020 TARRYTOWN FIRE DEPARTMENT PARADE

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: 5-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby grant permission to the Tarrytown Fire Department to hold a parade on Saturday, August 8, 2020, beginning at 3 p.m. at the corner of Church Street and South Broadway and continuing north and then down Main Street to Pierson and Losee Parks; and

BE IT FURTHER RESOLVED that the Fire Department will line up at 2 p.m. on the following streets, Leroy Avenue, Independence Street and Park Avenue.

APPOINTMENT OF VILLAGE OF TARRYTOWN 150TH ANNIVERSARY COMMITTEE MEMBERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Dalia Valdes and Linda Fassa as additional members of the Tarrytown 150th Anniversary Committee for a term to expire in December of 2021.

AMENDMENT TO THE MASTER FEE SCHEDULE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the following annual fees as follows:

- Sidewalk Café - \$100 plus \$3.70/sq. ft.
- Sidewalk Vending - \$270.00
- Sidewalk Vending (Sandwich Boards Only) - \$110.00

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.

PCI ENGINEERS FOR CONSTRUCTION MANAGEMENT SERVICES – CREST AREA WATER MAIN PROJECT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute a contract with Professional Consulting Inc. (PCI) for professional engineering services required for the construction management of the Crest Area Water Main Improvements Project in the amount not to exceed \$35,500 for construction back-office and administrative/engineering services and an amount not to exceed \$38,500 for in-field inspection and supervision services for the Crest Area Water Main Improvements Project.

SCHEDULE BUDGET HEARING FOR FISCAL YEAR 2020 – 2021

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

WHEREAS, the Village Administrator will be submitting his tentative budget for fiscal year 2020 – 2021 to the Village Clerk for release to the public on Monday, March 16, 2020; 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 16, 2020 at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York for the presentation of the Tentative Budget for Fiscal Year 2020 – 2021 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 25, 2020 at 6:15 p.m. at which time it will review the Tentative Budget for Fiscal Year 2020 – 2021; 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 16, 2020 at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York. 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.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON FEBRUARY 3, 2020

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on February 3, 2020 as submitted by the Village Clerk

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 15 of Audited Vouchers in the total amount of \$649,342.73 to be paid in the following amounts:

General	\$ 370,169.39
Water	\$ 220,251.67
Sewer Fund	\$ 2,480.74
Capital	\$ 902.48
Library	\$ 48,706.12
Trust & Agency	\$ <u>6,832.33</u>
Total	\$ 649,342.73

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

Dr. Roger London, 185 Wilson Park Drive, noted that he met with the Board last month regarding the new path in Wilson Park and he requested the Board to consider re-routing the path. He noted that the Board did not hold a public hearing about the impacts, the routing, alternative routing of the path that was put in. He proposed that the Board back it up and have a public hearing. He is not asking for the Board to take the path out right now, but the Board should listen to the neighbors who are most impacted by the path. He would like the Board to consider to move the path toward the center of the park. Mayor Fixell noted that he believes the path ended up at this location to accommodate the slope. The path was laid out for quite a while on the most level route and without making it a very long path. Administrator Slingerland noted that the Village will be happy to put up some landscaping in the spring. Mayor Fixell noted that he doesn't believe the Board would be interested in re-routing the path, if for no other reason than the cost. The Board is amiable to plant bushes and native plantings that would provide screening. Mayor Fixell also believes once the edges of the path grows in and the grass grows in that it will not be nearly as visible as it is right now. Dr. London asked the Board to include the neighbors when discussing the landscaping and possibly re-routing of the path.

Andrea Taber, 5 Warner Lane, presented a picture of someone walking on the path near her house. She noted that the person is very visible from her house. She feels that it will impossible for the Village to screen the path from her house. She feels that this has become personal. Ken, her husband and herself are neighbors who make it a priority to constantly give back to their community. When someone from the community and/or neighbors asks for anything, they always say yes. They are the ambassadors who constantly encourage people to move to Tarrytown, telling everyone what a wonderful community it is. Their first instinct is always to help if they can and never ask for anything in return. Which is why, as caring and giving members of this community, they feel so betrayed by the Village that they love so much. Did anyone, when approving this project, consider for a single moment, the affect that this could have on them or their neighbors. Did anyone even consider that positioning the path towards their home and across the entire back property line, could potentially affect the use and enjoyment of their home or negatively affect their property value. Did anyone ever suggest that the neighbors near the path should be contacted to get their input on the project? The path has already negatively affected their lives. When she goes out of her house, people are looking directly at her. When she uses her grill to make dinner, people are staring at her. She is no longer comfortable being in her back yard. The new path is impacting their lives inside her home as well. Her dog is now constantly barking like he is protecting their house every time someone walks along the path. Her and her husband work from home a lot and it is difficult with a loud barking soundtrack in the background. The quality of their lives has already been severely impacted. This path doesn't have to be and it still doesn't. It is not too late to fix this. She believes this was an innocent mistake. She also believes that given the opportunity the vast majority of the Board would really like to fix it. Question is how this can be accomplished. As the Mayor pointed out that to move the path would be very expensive. Ms. Taber noted that she has a proposition to re-route the path to the middle of Wilson Park, where it was originally supposed to be and should have been located and where most people would prefer to walk. This proposal could easily be implemented without meaningfully increasing the slope of the trail and the same gravel already in place can be reused in the new location to save money. Ms. Taber and her neighbors who directly abut Wilson Park, those who are most adversely affected by the current path are willing to consider a donation to Tarrytown to cover the difference, if any, between what the Village

can legitimately afford to pay and what the actual cost of relocating the trail would be. The first step is for this Board to endorse exploration of this option. Once the Board approves, we will get a few price quotes for this work. She believes that the neighbors can make tax deductible donations to make up the difference, if any between what the Village can realistically pay and the actual cost. This is a win-win resolution. The Village and the Lakes Committee would still get their trail and the neighbors would regain their privacy that they had previously. All the trail users would be able to fully experience being in the park rather than walking along people's houses. As stated at the previous meeting, Ms. Taber and her neighbors do not consider Wilson Park for the sole enjoyment of the Wilson Park neighbors. Rather, they are grateful to live next to it and always want it to be used and enjoyed by all members of this community.

Ken Faber, 5 Warner Lane, noted that when the trees by his house were in dismal shape, he asked the Parks Foreman how much it would cost to have them removed and he wrote a check to the Lakes Committee to have the trees removed. It was the right thing to do for the neighbors and the park. He noted that they are willing to do it again. The path is in the wrong place. The path can be moved to the south, avoid the steep slope and the path won't be any longer than it is now. He is happy to walk this path with the Board of Trustees. He noted that he saw in the Board minutes that the contractor price for the path was around \$25,000, some of that was for gravel, the gravel can be reused and the Village can save money on plantings for screening, which can't possibly do the job. You would need 40 ft. shrubbery to really try to block the path from his house. He and his neighbors will be willing to donate the difference in the cost to the Village to re-route the path. The Village residents will have a park and a path to enjoy. Let us know how to solve it and he and his neighbors will solve it. Mayor Fixell noted that he would take this into consideration.

Dolf Beil, 108 Main Street, noted the following:

- He had come across an article on Traffic from LoHud 2/13/19, called "Unintended consequences." He noted that his calculation of theoretical maximum units that could be built in the SAO area would be 679 units. He asked the Board to consider the unintended consequences when you put legislation on the books which would allow developers within their rights to build up to 679 units in this area.
- It was noted at previous meetings that the financial component was left out of the scorecard because the Village could not discriminate not for profit organizations. He spoke to legal professionals and was told that SEQR requires that you consider economic factors during your decision making process. He feels that financial impact should be part of the scorecard.
- If he was putting this together from scratch, what would he do? He would sit down and figure what he is trying to achieve and then gather facts about what is going on in the train station area and then he would build to model on what he would want. He listed what he thinks are the relative Tarrytown Connected Goals, 1) Ensure fiscal health and sustainability, 2) Preserve and enhance historical resources and institutions, 3) Maintain a Village identity, 4) Connect and enhance open space and recreational resources and 5) Strengthen connections to the Hudson River.

Mr. Beil feels the Board should wipe the slate clean and rethink the totality of what the Board is doing. He suggests the Board should allow Self Storage, Lot 38 to build the self-storage, which they can build by right and take the tax revenue from

this property and consider eliminating the non-resident parking on the west side of the tracks. This will increase the recreational resources and it will relieve some strain on the H-Bridge. Then examine the infrastructure impact of the (3) other potential SAO parcels of developable land.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Butler, the meeting was adjourned at 9:20 p.m. by vote of six in favor, none opposed.

Carol A. Booth
Village Clerk